S. HRG. 110–757

IRAQ AFTER THE SURGE

HEARINGS

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE

ONE HUNDRED TENTH CONGRESS

SECOND SESSION

APRIL 2, 3, 8, AND 10, 2008

Printed for the use of the Committee on Foreign Relations

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IRAQ AFTER THE SURGE: MILITARY PROSPECTS

WEDNESDAY, APRIL 2, 2008 (A.M.)

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met, pursuant to notice, at 9:34 a.m., in room SD–419, Dirksen Senate Office Building, Hon. Joseph R. Biden, Jr. (chairman of the committee) presiding.

Present: Senators Biden, Kerry, Feingold, Nelson, Menendez, Cardin, Webb, Lugar, Hagel, Coleman, Corker, Voinovich, Murkowski, Isakson, and Barrasso.

OPENING STATEMENT OF HON. JOSEPH R. BIDEN, JR., U.S. SENATOR FROM DELAWARE

The CHAIRMAN. The hearing will come to order.

Chairman Lugar and I welcome this panel. What a distinguished panel to start off our hearings. We're going to have about a week's worth of hearings in preparation for, and following on, the anticipated testimony of General Petraeus and Ambassador Crocker, and we really appreciate folks of your stature being willing to come back, time and again, to this committee to give us the benefit of your judgment. And we truly appreciate it.

Nearly 15 months ago, in January 2007, President Bush announced that he was going to engage in a tactical decision to surge 30,000 additional American forces into Iraq. The following September, when Ambassador Crocker and General Petraeus testified before the Congress, they told us that the surge would start to wind down this spring, at which point they would give the President and the Congress their recommendations for what should come next. And that's the context of the 2 weeks of hearings that we start today in the Senate Foreign Relations Committee and for—and the context for several basic questions that we're going to be asking.

The first of those questions, at least from my perspective, is—has the surge accomplished its stated goal? Not merely—"what has the surge accomplished?"—but "has it accomplished its stated goal?" And the next question, obviously, is, Where do we go from here with the surge? Do we continue it? Do we pause? Do we drawdown to presurge levels? But, much more importantly, where do we go from here? What has it accomplished? And what does it—does it lead us closer to the stated objective of the President of having a stable—I'm paraphrasing—a stable Iraq, not a threat to its neighbors, and not endangered by its neighbors, and not a haven for ter-

ror? Does it get us closer to that goal? And if not, why? What do we have to do? And if it does, how much do we have to continue it?

And we also heard, yesterday, from the intelligence community, in a closed session—Senator Lugar and I have sort of, I guess, informally instituted the notion that we—in these serious hearings—and they're all serious, but these matters relating to Afghanistan, Pakistan, Iraq, points of real conflict, potential conflict, we—the whole committee participates, in a closed hearing, with the intelligence community, to give us a context, the most current context that the intelligence community thinks we're operating in. And that's what we began with yesterday, in a closed session; we heard about the security, political, and economic situation in Iraq, and the trend lines in the months ahead, and the new—it just so happened that, even though the hearings were scheduled, the National Intelligence Estimate for Iraq came out yesterday, and we had an opportunity to thoroughly discuss that with the community.

And this morning we're going to hear from experts on the military aspects of the surge and what our military mission and posture should be when it ends, or if it should end. At other hearings, we're going to question experts on the political situation in Iraq. Now, I don't mean to so compartmentalize this. I know each of the—each of our witnesses has the capacity to speak to the political dynamics, as well, and they're welcome to do that. But, we have somewhat artificially divided it today between the military and political aspects of the consequences of the surge.

And then we're going to do what I think is sort of an obligation for us to do, and that is try to imagine a reasonable best-case scenario for what Iraq might look like in the year 2012. I mean, what is the objective here? What are we hoping to accomplish? And what can we do to help us get there? And—and, I guess, parenthetically—is it worth it? We'll look at the long-term security assurances the administration has started to negotiate with Baghdad, as well, in these 2 weeks of hearings, to determine whether or not they require congressional approval or they require a rise of the level of a treaty, or are they merely Status of Forces Agreements? It's unclear, at this moment. And we're going to be going into depth on that.

And then we're going to bring back Ambassador Crocker and General Petraeus to learn their recommendations for a post-surge strategy.

Violence in Iraq has declined significantly from its peak in 2006 and 2007. Many of us in this committee have recently been to Iraq. Our staff has been there extensively and written recent reports, coming back. There's no question, violence is down. And it's no small measure because of the—our military and the job they did, as they always do with incredible valor and with dispatch. But, these gains are somewhat relative. Violence is back to where it was around 2005. I'm always forced, whenever I say anything about violence being down, my wife looking at me and saying, "Yeah, but how many—how many are still being killed?" And so, Iraq remains a very dangerous place, and very far from normal.

And there are other factors that have contributed, besides the valor of our military and the planning of General Petraeus, I believe, contributed to a reduction in violence.

First, the Sunni Awakening Movement, which preceded the surge, and which the administration helped sustain—and I agree with them; it's not a criticism—by paying monthly stipends to tens of thousands of former insurgents, that has had a major impact on the reduction in the violence.

Second, Sadr's decision to declare—until last week, and now again—declare and extend a cease-fire with the Mahdi—his Mahdi Militia. That cease-fire is looking somewhat tenuous, but, nonetheless, it has played a major role in the reduction in the violence.

And third, and tragically, the massive sectarian cleansing that has left huge parts of Baghdad segregated along sectarian lines, and reduced the opportunities for further displacement and killing, over 4 million people—a couple of million inside the country, a couple of million outside the country.

And these are three major factors, I believe—and I'd like the panel to let me know whether they think I'm wrong about that—that I believe have contributed significantly, beyond—beyond the valor of our military, to the reduction of violence. But, they're all tenuous. All of these underscore the fragility of the so-called gains that we've achieved, and it highlights that, while the surge may have been a tactical success, it has not yet achieved a strategic purpose, which was to bide time for political accommodation among the Iraqi warring factions. Thus far, that strategy appears to have come up short. Iraqis have passed several laws in recent weeks, but it remains far from clear whether the government will implement those laws in a way that promotes reconciliation, instead of undermining it.

Meanwhile, from my perspective at least in my business, there's no trust within the Iraqi Government in Baghdad, there's no trust of the government by the Iraqi people, and there's no capacity—there's very little; I shouldn't say "no"—there's very little capacity on the part of the government to deliver basic security and services.

Assuming the political stalemate continues, the critical military questions remain the same as they were when President Bush announced his surge, 15 months ago. What should be the mission of our Armed Forces? Why are they there? What is the purpose? Should we continue an open-ended commitment with somewhere near 150,000 troops, hoping the Iraqis will eventually resolve their competing visions for the country? Should we continue to interpose ourselves between Sunni and Shia, and seek to create a rough balance of forces, or should we back one side or the other? Should we continue to intervene in the intra-Shia struggle for power? I remember, I think—I don't want to get him in trouble, but I think I remember talking with General McCaffrey, some time ago, and us both talking about how—the inevitability of a Shia-on-Shia war.

I mean, they're—you know, I went down, a year ago, into Basra, with a British two-star, and we sat there, one of my colleagues said, "Tell me about the insurgency," and the British two-star said, "There is no insurgency down here, Senator," and then he laid out what was going on, which is pretty straightforward. He said—I

think he used the phrase, "The various Shia militia," both well organized, like the Badr Brigade, and hard-scrapple groups that are—that were coming up—he said, "They're like vultures, like mafia dons. They're circling the corner, waiting for us to leave, to see who's going to be in control." Yet, no one wanted to hear us talk about the fact that this intramural war—civil war—fight was inevitable.

And so, what should be our posture? Did it make sense for us and the British to go in and essentially pick sides in this one? Their government is in competition with other Shia parties from—in an upcoming election. Did we do the right thing? Or should we move to a more limited mission, one that focuses on counterterrorism, training, and overwatch, as the British have done in southern Iraq? Or should we withdraw, as the calls are coming a little more clearly—should we withdraw completely, according to a set timetable? What are the military and strategic implications of each of these missions? What mission can we realistically sustain, and for how long, given the stress of our Armed Forces? At least three of you have extensive experience dealing with the opportunity costs this war is presenting to us. The stress and strain. The Pentagon testified yesterday before the Armed Services Committee, talking about how beleaguered our military is, and how we can't sustain this very much longer. And so, there are some questions I hope this highly respected panel will be willing to address.

In the interest of time, I'm going to keep the introductions much briefer than each of your public service warrants.

General McCaffrey is a former SOUTHCOM commander. He's president of BR McCaffrey Associates, one of the most decorated military people in the—alive and engaged today, an adjunct professor of international affairs at the United States Military Academy, and, as a measure of his courage and undaunting valor, he actually took on the job of being a drug czar, which is, maybe, almost as difficult as doing anything else. That's where he and I first go to know each other pretty well, and it's a delight to have him here.

LG William Odom, who has served as director of the National Security Agency from 1985 to 1988. He is currently a senior adviser at the Center for Strategic and International Studies, and a voice that is always, always listened to and widely, widely respected.

And Ms. Flournoy, who served in the 1990s as the Principal Deputy Assistant Secretary of Defense for Strategy and Threat Reduction. She is currently the president of the Center for New American Security.

And GEN Robert Scales, he's a former commander of the U.S. Army War College, and he's the president and cofounder of the Colgen defense consulting firm.

And, again, we welcome all of you and look forward to your testimony. But, before I yield to the witnesses, in that order, I'd like to yield to my colleague Chairman Lugar.

OPENING STATEMENT OF HON. RICHARD G. LUGAR, U.S. SENATOR FROM INDIANA

Senator LUGAR. Well, thank you very much, Mr. Chairman. I join you in welcoming our distinguished panel to the Foreign Relations

Committee this morning. We appreciate, especially, the study that our four witnesses have devoted to Iraq and their willingness to share their thoughts with us today. The Foreign Relations Committee seeks sober assessments of the complex circumstances and policy options that we face with respect to United States involvement in Iraq. We are hopeful that our hearings this week, in advance of the appearance next Tuesday of General Petraeus and Ambassador Crocker will illuminate the progress that has been made in Iraq, as well as the barriers to achieving our objectives.

Clearly, conditions on the ground in many areas of Iraq improved during the 6 months since our last hearings. We are grateful for the decline in fatalities among Iraqi citizens and U.S. personnel, and the expansion of security in many regions and neighborhoods.

The violence of the past week is a troubling reminder of the fragility of the security situation in Iraq and the unpredictability of the political rivalries that have made definitive solutions so difficult. Despite security progress, the fundamental questions related to our operations in Iraq remain the same. Namely, will the Iraqi people subordinate sectarian, tribal, and political agendas by sharing power with their rivals? Can a reasonably unified society be achieved despite the extreme fears and resentments incubated during repressive reign of Saddam Hussein and intensified during the last 5 years of bloodletting? Even if most Iraqis do want to live in a unified Iraq, how does this theoretical bloc acquire the political power and courage needed to stare down militia leaders, sectarian strongmen, and criminal gangs, who frequently have employed violence for their own tribal and personal ends? And can the Iraqis solidify a working government that can provide basic government services and be seen as an honest broker?

We have bemoaned the failure of the Baghdad Government to achieve many political benchmarks. The failure of Iraqis to organize themselves for effective governance continues to complicate our mission and impose incredible burdens on our personnel. But, it is not clear that compromises on political and economic power-sharing would result in answers to the fundamental questions just stated. Benchmarks measure only the official actions of Iraqi leaders and the current status of Iraq's political and economic rebuilding effort. They do not measure the degree to which Iraqis intend to pursue factional, tribal, or sectarian agendas over the long term, irrespective of decisions in Baghdad, and they do not measure the impact of regional players, such as Iran, who may work to support or subvert stability in Iraq. They also do not measure the degree to which progress is dependent on current American military operations, which cannot be sustained indefinitely.

The violence during the past week has raised further questions about the Maliki government. Some commentators asserted that operations by Iraqi Security Forces in Basra are a positive demonstration of the government's will and capability to establish order with reduced assistance from the United States. Others claim that in attacking militias loyal to Muqtada al-Sadr, the government of Prime Minister Maliki was operating on a self-interested Shiite faction, trying to weaken a rival prior to provincial elections.

Regardless of one's interpretations, the resulting combat poses risks with the voluntary cease-fire agreements that have been cru-

cial to the reduction in violence during the last several months. This improvement in stability did not result from a top-down process of compromise driven by the government; rather, it came from a bottom-up approach that took advantage of Sunni disillusionment with al-Qaeda forces, the Sadr faction's desire for a cease-fire, and America's willingness to work with and pay local militias to keep order. We need to assess whether these voluntary cease-fires can be solidified or institutionalized over the long term, and whether they can be leveraged in some way to improve governance within Iraq.

For example, can the bottom-up approach contribute to the enforcement of an equitable split in oil revenue? Can it be used to police oil smuggling? Can it provide the type of security that will draw investment to the oil sector? Can it sustain a public bureaucracy capable of managing the civic projects necessary to rebuild the Iraqi economy and to create jobs? If the utility of the bottoms-up approach is limited to temporary gains in security, or if the Baghdad Government cannot be counted upon to be a competent governing entity, then United States strategy must be revised.

As we work on the short-term problems in Iraq, we also have to come to grips with our longer term dilemma there. We face limits imposed by the strains on our volunteer Armed Forces, the economic costs of the war, competing foreign policy priorities, and political divisions in our own country. The status of our military and its ability to continue to recruit and retain talented personnel is especially important as we contemplate options in Iraq.

The outcome in Iraq is extremely important, but U.S. efforts there occur in a broader strategic, economic, and political context. The debate over how much progress we have made in the last year may be less illuminating than determining whether the administration is finally defining a clear political-military strategy, planning for follow-on contingencies, and engaging in robust regional diplomacy.

I thank the chairman for calling this series of hearings, and look forward to our discussions with this distinguished panel this morning, and an equally distinguished group this afternoon.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator.

Why don't we begin in the order I introduced you, beginning with General McCaffrey, and moving to his right, in that order.

And we will—when we get to questions, gentlemen. Is 7 minutes OK? We'll do 7-minute rounds.

So, General, welcome back. It's a pleasure to have you here. I'm anxious to hear what you have to say. I've read your testimony, but—please.

STATEMENT OF GEN BARRY McCAFFREY, USA (RET.), PRESIDENT, BR McCAFFREY ASSOCIATES LLC, ADJUNCT PROFESSOR OF INTERNATIONAL AFFAIRS, U.S. MILITARY ACADEMY, ARLINGTON, VA

General McCAFFREY. Well, let me thank you, Senator Biden and Senator Lugar and the committee members, for the chance to be here and to join Michelle Flournoy and Bill Odom and Bob Scales, all of whom I've known and worked with over the years.

Let me, if I may, offer—they're already, I think, in the committee hands——

The CHAIRMAN. Yes.

General MCCAFFREY [continuing]. This presentation, which——

The CHAIRMAN. It's been handed out.

General MCCAFFREY [continuing]. Sort of a summary of our Joint Forces Command Working Conference I keynoted a couple of weeks ago, and that's a shorthand way of following the arguments I have been making. I've submitted a sort of an outline of the comments that I would make this morning, if I went through nine assertions on where I think we are.

And let me also, sort of, strike a note of, if I can, complement the two of your opening statements. That says it all. Those are coherent, comprehensive. It asks the right questions. You sort of wonder, "How did we end up in this mess?" given your pretty acute understanding of the situation on the ground.

Let me, if I can, just talk generally.

First of all, there's no question there's some good news here. The best news is, we've got Secretary Bob Gates in the Pentagon, so the tone of the national security debate has gone from irrational and arrogant to one of cooperation. I think Dr. Rice is now empowered to begin using the tools of diplomacy. The people we've got on the ground in Iraq, this Ambassador, Ryan Crocker, is an absolute consummate professional. He's changed the nature of the way we coach-work with the Iraqi factions. Dave Petraeus, the general we put on the ground, I think's a national treasure. I've watched this guy since he was 25. He's probably the most talented person we've had in uniform in the last 40 years, and his tactics have changed the nature of this struggle dramatically. I say "tactics" advisedly. The whole notion of getting out of the base camps into the downtown urban areas, colocating Iraqi police and army, clearly was courageous. It incurred significant casualties. It helped change the nature of the struggle.

And then, finally, I think, we ought to take account—we've got a fellow there, LTG Jim Dubick, and a pretty good team, now, trying to stand up these Iraqi Security Forces. So, they've gone from the police being uniformed criminal organizations to—we put all nine national brigades back through retraining, new uniforms, fired eight of the nine brigade commanders; they're starting to get equipment. The Iraqi Army is appearing now in significant numbers. We're just now beginning to build a maintenance system, the medical system, medical evacuation, command and control. We should have done that, clearly, 4 years ago. But, I think that's moving in the right direction.

Now, contrast that, though—it seems to me—and I just came out, in December—that the Maliki government, in a general sense, is completely dysfunction. There isn't a province in Iraq, from the ones that are in Kurdish north, that are economically and politically doing OK, to the incoherent situation in Basra, where a central government holds sway, where electricity, oil production, security, health care—there's no place in Iraq where that government dominates, at provincial level. And it's not likely to do so. So, Mr. Maliki is one of the few people in Iraq who doesn't have his own militia, and he's not much of a power figure. Hard to know where

that's going. He needs provincial elections, a hydrocarbon law. He's got to get consensus from among competing Shia groups. He's got to deal with corruption. That government is incompetent; but, even worse, it's corrupt at a level that it's hard to imagine. And then, finally, he's got to reach out to the Sunnis.

The other thing that's going on is that the Iranians are playing an extremely dangerous role, particularly at this phase, where we still have enormous combat power in Iraq. They are actively arming, equipping, providing belligerent political purpose, providing money, providing out-of-country training to Shia factions. There was some argument, in the past years, they've provided some support to the Sunni insurgency. If they encourage, which I don't believe they are, a general uprising among the Shia, in the next 3 months, we'll be able to deal with it, militarily; it would be a disaster, politically. But, if—as the months go by, as we withdraw from Iraq—and withdraw, we will; we'll get down to 15 brigades by July; I assume we'll drop to a lower number by the time the administration leaves office—we'll actually get in a militarily threatening situation, where these people, the Shia, sit astride our lines of communication back to the gulf. We'll actually be in a risk situation.

Now, it's added to by—by the way, the other thing, I think it's widely not talked about inside the Beltway—the other good news we've got is U.S. Armed Forces in country. I mean, I say—I have to remind people, 34,000 killed and wounded—a tiny Army and Marine Corps and Special Operations—some of these kids are on their fourth, or more, combat tour. I just went to a brigade of the 101st—brigade commander and 400 of his troops were on their fourth year-long deployment. So, we've run this thing to the wall, and they're still out there.

I did a seminar of 39 battalion commanders in Baghdad, and what struck me, listening to them, for a couple or 3 hours, was that—not that they were such great soldiers, which they are, but that they were the de facto, low-level Government of Iraq. They're trying to do health care and jump-start industry and create women's rights groups and doing call-in radio shows for the mayor to respond to. It was just unbelievable, what these people are doing.

That Army is starting to unravel. And GEN Dick Cody, God bless him, came over here and laid it on the line yesterday. We have a huge retention problem. Mid-career NCOs, our high-IQ, competent, experienced captains, are leaving us. We've got a significant recruiting problem. I'd say, you know, just a general order of magnitude, 10 percent of these kids coming into the Army today shouldn't be in uniform—non-high-school graduates, Cat-4B, felony arrests, drug use, psychotic medication. We've got a problem. And the problem is multiple deployments to Iraq, where their dad and mom are saying, "Don't you go in, even for the college money. They'll hold you hostage, given stop-loss, for the next 8 years." The Army's starting to unravel.

U.S. air and naval power is not resourced appropriately. Our Air Force is starting to come apart. The Navy's the smallest since pre-World War II. You know, down the line, 15 years from now, when we're trying to do deterrence on the legitimate emergence of the People's Republic of China into the Western Pacific, we'd better

have F–22 and modernized naval forces, and a new airlift fleet, or we won't be able to sustain deterrence.

And then, finally, as you look at the Army globally, we're now hugely reliant on contractors. I don't know what the numbers really are—120,000 in Iraq, maybe 600 killed, 4,000 wounded. They do our long-haul logistics, our long-haul communications, they maintain all the high-technology equipment. We need to go back and readdress the manpower of the U.S. Army and Marine Corps to decide, Do we really want to be so reliant on these patriotic, hardworking, effective contractors, who, at the same time, aren't uniformed, and, when things really go critical, will not, and cannot, stay with us?

The CHAIRMAN. General, when you say—if I'm—excuse me for interrupting—when you say "contractors," you're referring, as well, to personnel who are toting weapons, not just contractors building buildings. You're talking about——

General MCCAFFREY. A lot of these contractors are flying armed helicopters, they're carrying automatic weapons, they have hundreds of armored vehicles. But, in addition, it's Turkish truck-drivers——

The CHAIRMAN. No; I got it. I just wanted, for the record, to make——

General MCCAFFREY. Right.

The CHAIRMAN [continuing]. Sure we knew what that phrase encompassed. I——

General MCCAFFREY. Some of them are egregiously wrong. Some of them, by the way, it's appropriate. I think it's good to have contractors maintaining communications gear and computers in a brigade TOC. That's OK. It's hard to imagine why the U.S. Marine Corps doesn't provide external security for a U.S. ambassador in a combat zone, as opposed to a private contractor. So——

The CHAIRMAN. No; I just wanted to make sure—I knew—I just wanted to make sure, for the record, everyone understood that.

General MCCAFFREY. Right.

Well, you hear a lot of debate about the contractor community. I put in my remarks: Without the contractors, the war grinds to an immediate halt, because we simply can't sustain it without these civilian businesses that are supporting us.

Final note, if you will, is one, really, a point toward the future. Personal viewpoint—and I say this as a soldier—there's no political will to sustain the current national security strategy in the United States. Period. It's over. So, we're going to come out of Iraq in the next 2, 3 years, largely. We're going to hope that our internal strategies, the two of you have already articulated, allows a government to form, that we have provincial elections, where there's some legitimacy at lower level, that the Iraqi Security Forces can maintain order, not us. But, out of Iraq, we will come.

And the jury's out on what's going to happen next, in my view. I don't—I am modestly optimistic. These people are courageous, they're smart, they don't want to be Lebanon or Pol Pot's Cambodia. But, certainly the events of the last week just underscore the chaotic nature inside the three major factions, never mind the current civil war between Shia and Sunni, and the next war that will take place, which will be the struggle between Iraqi Arabs and the

Kurdish north. It'll be fought over ground and oil. And that's coming. The question is, Can we buffer that? Can we reduce that outcome?

And, as you mentioned, all of this, of course, is compounded by 4 million refugees and a brain drain. The dentists, the engineers, they're leaving, they're going to Syria, Iran, France. A sensible person gets out of there right now, if they can.

On that note, let me, again, thank you for the chance to lay down some of these ideas, and I'll look forward to responding, sir.

[The prepared statement of General McCaffrey follows:]

PREPARED STATEMENT OF GEN BARRY MCCAFFREY, USA (RET.), PRESIDENT, BR MCCAFFREY ASSOCIATES LLC, ADJUNCT PROFESSOR OF INTERNATIONAL AFFAIRS, U.S. MILITARY ACADEMY, ARLINGTON, VA

I. Thanks to Committee: Chairman Biden and Ranking Member Senator Lugar.

II. Honored To Join: Hon. Michele Flournoy, LTG Bill Odom, MG Bob Scales.

III. Was honored to submit earlier to the committee the briefing slides I used as opening keynote speaker on 19 March 2008 at USJFCOM Joint Operating Environment Workshop here in Washington, DC. These slides summarize my views on the general status of U.S. National Security Policy in the global environment. You may find them helpful as a shorthand summary of my views on the employment of military power in the coming years to defend America.

IV. Purpose of Hearing: "Iraq after the Surge: Military Prospects." Let me offer nine general conclusions.

1. The tactical situation in Iraq is for now enormously improved; casualties to U.S. and Iraqi Security Forces are down dramatically; economic life has improved; 80,000+ CLC members have defused the Sunni insurgency; JSOC has defeated an urban AQI insurgency.

2. We now have brilliant new national security leadership in place: Secretary Bob Gates; GEN Dave Petraeus; Ambassador Ryan Crocker; Temp CENTCOM Commander LTG Marty Dempsey.

3. The Iraqi Security Forces are improving in leadership quality, numbers, and equipment.

—400,000 total and growing.
—National Police—fired 8 of 9 brigade commanders—police retrained.

Note: Still no maintenance system, no medical system, no helicopter lift force, no significant armor nor artillery, no attack aviation. Officer leadership very thin on the ground.

4. The Maliki Government is dysfunctional. He must:

—Get Provincial Elections.
—Get a hydrocarbon law.
—Organize consensus among competitive Shia groups (many are criminal elements).
—Deal with corruption.
—Reach out to Sunnis.

5. The Iranians are playing a very dangerous role. They are supporting Iraqi Shia factions with: Money, advisers, training in Iran, EFPs, mortars, rockets, automatic weapons, and belligerence.

—We must open up a multilevel dialog with the Iranians.

6. We have never had in our country's history a more battle-hardened U.S. military force; courage (34,000 killed and wounded), leadership, initiative, intelligence, fires discipline, civic action. Our battalion and company commanders are de facto the low level Government of Iraq.

7. The U.S. Army is starting to unravel.

—Equipment broken.
—National Guard is under resourced.
—Terrible retention problems.
—Severe recruiting problems.

—Army too small.

8. U.S. Air and Naval Power seriously underresourced.
   —Sailors and Airmen diverted to ground war.
   —Air Force equipment crashing as a system [need 350 F22A aircraft—600 C17 (dump C5)].
   —$608 billion war—diverting resources.

9. Excessive reliance on contractors because ground combat forces too small.
   —Need more U.S. Army Military Police.
   —Need more U.S. Army medical capacity.
   —Need more U.S. Army Combat and Construction engineers.
   —Need greatly enhanced Special Forces, Psy Ops, and Civil Affairs.
   —Need U.S. Marine Corps to provide all diplomatic security above RSO capabilities.

   Note: Without U.S. contractors and their LN employees, the U.S. global military effort would grind to a halt.

   —Total contractor casualties may be 600 killed and 4,000 wounded—many abducted.
   —Contractors run much of our global logistics, long-haul communications, high-technology maintenance, etc.

V. Summary:
   —As U.S. Forces drawdown in coming 36 months—the jury is out whether Iraq will degenerate into all out civil war with six regional neighbors drawn into the struggle.
   —There is no U.S. political will to continue casualties of 100 to 1,000 U.S. military killed and wounded per month.
   —Our allies have abandoned us for lack of their own national political support.
   —The war as it now is configured—is not militarily nor politically sustainable.
   —The Iraqis are fleeing—4 million refugees—huge brain drain.

The CHAIRMAN. Thank you very much.

General Odom.

STATEMENT OF LTG WILLIAM E. ODOM, USA (RET.), SENIOR ADVISER, CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES, FORMER DIRECTOR, NATIONAL SECURITY AGENCY, WASHINGTON, DC

General ODOM. Good morning, Mr. Chairman and members of the committee. It's an honor to be back here again.

Last year, I rejected the claim that the surge was a new strategy. Rather, I said it was a new tactic in pursuit of the same old strategic aim: Political stability in Iraq. And I foresaw no serious prospects of success. I see no reason to change my judgment today. The surge is prolonging instability, not creating the conditions for unity, as the President claims.

Last year, as General McCaffrey noted, General Petraeus wisely promised that—declined to promise that a military solution is possible to this political problem. Now, he said he could lower the level of violence, for a limited time, to allow the Iraqi leaders to strike a deal. Violence has been temporarily reduced, but today there is credible evidence—little or no evidence that the political situation is improving; in fact, it's the contrary, it's more fragmented. And currently we see the surge of violence in Basra and also in Baghdad. In fact, it remains sporadic, as others have said, throughout other parts of Iraq over the past year, notwithstanding this drop in Baghdad earlier and Anbar province.

More disturbing is Prime Minister Maliki's initiation of a military action, down in Basra, which has dragged the United States forces in against something they didn't approve, to try to do in his

competitors, his Shiite competitors. This is a political setback. This is not a political solution. Such is the result of the surge.

No less disturbing has been this violence in Mosul and the tensions, as just mentioned, around Kirkuk over the oil. A showdown there, I think, is—surely awaits us. The idea, I think, that some kind of federal solution can cut this Gordian Knot is sort of out of touch with the realities, as they are there today.

Also disturbing is Turkey's incursion to destroy PKK terrorist groups inside Kurdistan. That confronted the U.S. Government with a choice either to support its NATO ally or make good on its commitment to secure the Kurdish leaders. It chose the former, and that makes it clear to the Kurds that the United States will sacrifice their interests to its larger interest in Turkey.

Turning to the apparent success in Anbar and a few other Sunni areas, this is not the positive situation it has been reported to be. Clearly, violence has declined, as local Sunni leaders have begun to cooperate with U.S. forces, but the surge tactic cannot be given full credit. The decline started earlier, with Sunni initiatives. What are their motives? First, anger at the al-Qaeda operatives, and, second, their financial plight. Their break with al-Qaeda should give us little comfort. The Sunnis welcomed al-Qaeda precisely because they would help kill Americans.

The concern we hear the President and his aids express, about a residual base left for al-Qaeda if we withdraw, is utter nonsense. The Sunnis will soon destroy al-Qaeda if we leave. The Kurds do not allow them in their region, and the Shiites, like the Iranians, detest al-Qaeda. To understand why, one only need take note of the al-Qaeda diplomacy campaign over the past couple of years on Internet blogs. They implore the United States to bomb and destroy this apostate Shiite regime.

Now, as an aside, just let me comment that it gives me pause to learn that our Vice President, President, and some Members of the Senate are aligned with al-Qaeda on spreading the war to Iraq. Let me emphasize that our new Sunni friends insist on being paid for their loyalty. I've heard of one example, where the rough estimate for the costs in a one—100 square kilometers—that's a 10-by-10-kilometer area—is $250,000 today to pay these fellows. Now, you might want to find out, when the administration's witnesses come next week, what these total costs add up to and what they're forecasted for in the years ahead. Remember, we do not own these people, we rent them. And they can break the lease at any moment. At the same time, this deal protects them from—to some degree—from the government's troops and its police, hardly a sign of reconciliation.

Now let us consider the implications of the proliferating deals with Sunni strongmen. They are far from unified under any single leader. Some remain with al-Qaeda. Many who break and join our forces, are beholden to no one else. Thus, the decline in violence reflects a dispersion of power to dozens of local strongmen who distrust the government and occasionally fight among themselves. Thus, the basic military situation is worse because of the proliferation of armed groups under local military chiefs who follow a proliferating number of political leaders.

This can hardly be called military stability, much less progress toward political consolidation. And to call it fragility that needs more time to become success is to ignore its implications.

At the same time, Prime Minister Maliki's actions last week indicate an even wider political and military fragmentation. We are witnessing what could more accurately be described as the road to Balkanization; that is, political fragmentation in Iraq. We're being asked by the President to believe that this shift of so much power and finance to so many local chiefs is the road to political centralization. He describes this process as state-building from the bottom up.

Now, I challenge you to press the administration's witnesses to explain this absurdity. Ask them to name a single historical case where power has been aggregated from local strongmen to a central government, except through bloody violence in a civil war, leading to the emergence of a single winner, almost—without exception, a dictator. The history of feudal Europe's transformation to absolute monarchy is this story. It's the story of the American colonization of the West and our Civil War. It took England 800 years to subdue the clan rule on the Scottish-English border. And this is the source of violence in Bosnia and Kosovo today.

How can our leaders celebrate this diffusion of power as effective state-building? More accurately described, it has placed the United States on—astride several civil wars, not just one, and it allows all sides to consolidate, rearm, refill their financial coffers, at U.S. expense.

To sum up, we face a deteriorating situation, with an overextended Army, so aptly described by General McCaffrey. When the administration's witnesses will come before you, I hope you make them clarify how long the Army and Marines can withstand this Band-Aid strategy.

The only sensible strategy is to withdraw, but with—in good order. Only that step can break the political paralysis that is gripping United States strategy in the region today.

I want to emphasize this. You can't devise a new strategy—we cannot change the present unhappy course we're on without first withdrawing. That unfreezes the paralysis and begins to give us choices we don't even see now. Until we get out, we won't even know what they are.

The next step, when we get out, is to choose a new aim: Regional stability, not some meaningless victory in Iraq. And progress toward that goal requires revising our strategy toward Iran. If the President merely renounced his threat of regime change by force, that could prompt Iran to lessen its support for Taliban groups in Afghanistan. Iranians hate Taliban, and they support them only because they will kill Americans there as retaliation in the event we attack Iran.

Iran's policy toward Iraq would also have to change radically as we withdraw. It cannot want instability. Iraq's Shiites are Arabs, and they know Persians look down on them. Cooperation has its limits, and people have tended to exaggerate the future influence of Iran in Iraq. It has real, important limits. Even the factions in the—that are working in—among the Shiites today are divided on that issue. No quick retaliation—reconciliation between the United

States and Iran is likely, but steps to make Iran feel more secure could conceivably improve the speed with which we develop some kind of cooperation with them, particularly more speed than a policy calculated to increase their insecurity. The President's policy of insecurity in Iraq has reinforced the Iranian determination to acquire nuclear weapons, the very thing he purports to be trying to prevent.

Now, withdrawal from Iraq does not mean, in my view, withdrawal from the region. It must include realignment of where we are deployed in the area, and reassertion of both our forces and our diplomacy that give us a better chance to improve our situation and reach the goal of regional stability.

I'm prepared to comment more on that in the questions, but I'm going to end here, because I think that answers the question I came up to answer, whether the so-called surge strategy is working.

Thank you very much for this opportunity.

[The prepared statement of General Odom follows:]

PREPARED STATEMENT OF LTG WILLIAM E. ODOM, USA (RET.), SENIOR ADVISOR, CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES, WASHINGTON, DC

Good morning, Mr. Chairman and members of the committee. It is an honor to appear before you again. The last occasion was in January 2007, when the topic was the troop surge. Today you are asking if it has worked.

Last year I rejected the claim that it was a new strategy. Rather, I said, it is a new tactic used to achieve the same old strategic aim: Political stability. And I foresaw no serious prospects for success.

I see no reason to change my judgment now. The surge is prolonging instability, not creating the conditions for unity as the President claims.

Last year, General Petraeus wisely declined to promise a military solution to this political problem, saying that he could lower the level of violence, allowing a limited time for the Iraqi leaders to strike a political deal. Violence has been temporarily reduced but today there is credible evidence that the political situation is far more fragmented. And currently we see violence surge in Baghdad and Basra. In fact, it has also remained sporadic and significant in several other parts of Iraq over the past year, notwithstanding the notable drop in Baghdad and Anbar province.

More disturbing, Prime Minister Maliki has initiated military action and then dragged in U.S. forces to help his own troops destroy his Shiite competitors. This is a political setback, not a political solution. Such is the result of the surge tactic.

No less disturbing has been the steady violence in the Mosul area, and the tensions in Kirkuk between Kurds, Arabs, and Turkomen. A showdown over control of the oil fields there surely awaits us. And the idea that some kind of a federal solution can cut this Gordian knot strikes me as a wild fantasy, wholly out of touch with Kurdish realities.

Also disturbing is Turkey's military incursion to destroy Kurdish PKK groups in the border region. That confronted the U.S. Government with a choice: Either to support its NATO ally, or to make good on its commitment to Kurdish leaders to insure their security. It chose the former, and that makes it clear to the Kurds that the United States will sacrifice their security to its larger interests in Turkey.

Turning to the apparent success in Anbar province and a few other Sunni areas, this is not the positive situation it is purported to be. Certainly violence has declined as local Sunni shieks have begun to cooperate with U.S. forces. But the surge tactic cannot be given full credit. The decline started earlier on Sunni initiative. What are their motives? First, anger at al-Qaeda operatives and second, their financial plight.

Their break with al-Qaeda should give us little comfort. The Sunnis welcomed anyone who would help them kill Americans, including al-Qaeda. The concern we hear the President and his aides express about a residual base left for al-Qaeda if we withdraw is utter nonsense. The Sunnis will soon destroy al-Qaeda if we leave Iraq.

The Kurds do not allow them in their region, and the Shiites, like the Iranians, detest al-Qaeda. To understand why, one need only take note of the al-Qaeda public

diplomacy campaign over the past year or so on Internet blogs. They implore the United States to bomb and invade Iran and destroy this apostate Shiite regime.

As an aside, it gives me pause to learn that our Vice President and some Members of the Senate are aligned with al-Qaeda on spreading the war to Iran.

Let me emphasize that our new Sunni friends insist on being paid for their loyalty. I have heard, for example, a rough estimate that the cost in one area of about 100 square kilometers is $250,000 per day. And periodically they threaten to defect unless their fees are increased. You might want to find out the total costs for these deals forecasted for the next several years, because they are not small and they do not promise to end. Remember, we do not own these people. We merely rent them. And they can break the lease at any moment. At the same time, this deal protects them to some degree from the government's troops and police, hardly a sign of political reconciliation.

Now let us consider the implications of the proliferating deals with the Sunni strongmen. They are far from unified among themselves. Some remain with al-Qaeda. Many who break and join our forces are beholden to no one. Thus the decline in violence reflects a dispersion of power to dozens of local strong men who distrust the government and occasionally fight among themselves. Thus the basic military situation is far worse because of the proliferation of armed groups under local military chiefs who follow a proliferating number of political bosses.

This can hardly be called greater military stability, much less progress toward political consolidation, and to call it fragility that needs more time to become success is to ignore its implications. At the same time, Prime Minister Maliki's military actions in Basra and Baghdad, indicate even wider political and military fragmentation. What we are witnessing is more accurately described as the road to the Balkanization of Iraq, that is, political fragmentation. We are being asked by the President to believe that this shift of so much power and finance to so many local chieftains is the road to political centralization. He describes the process as building the state from the bottom up.

I challenge you to press the administration's witnesses this week to explain this absurdity. Ask them to name a single historical case where power has been aggregated successfully from local strongmen to a central government except through bloody violence leading to a single winner, most often a dictator. That is the history of feudal Europe's transformation to the age of absolute monarchy. It is the story of the American colonization of the West and our Civil War. It took England 800 years to subdue clan rule on what is now the English-Scottish border. And it is the source of violence in Bosnia and Kosovo.

How can our leaders celebrate this diffusion of power as effective state-building? More accurately described, it has placed the United States astride several civil wars. And it allows all sides to consolidate, rearm, and refill their financial coffers at the U.S. expense.

To sum up, we face a deteriorating political situation with an overextended army. When the administration's witnesses appear before you, you should make them clarify how long the Army and Marines can sustain this Band-Aid strategy.

The only sensible strategy is to withdraw rapidly but in good order. Only that step can break the paralysis now gripping U.S. strategy in the region. The next step is to choose a new aim, regional stability, not a meaningless victory in Iraq. And progress toward that goal requires revising our policy toward Iran. If the President merely renounced his threat of regime change by force, that could prompt Iran to lessen its support to Taliban groups in Afghanistan. Iran detests the Taliban and supports them only because they will kill more Americans in Afghanistan as retaliation in event of a U.S. attack on Iran. Iran's policy toward Iraq would also have to change radically as we withdraw. It cannot want instability there. Iraqi Shiites are Arabs, and they know that Persians look down on them. Cooperation between them has its limits.

No quick reconciliation between the United States and Iran is likely, but U.S. steps to make Iran feel more secure make it far more conceivable than a policy calculated to increase its insecurity. The President's policy has reinforced Iran's determination to acquire nuclear weapons, the very thing he purports to be trying to prevent.

Withdrawal from Iraq does not mean withdrawal from the region. It must include a realignment and reassertion of U.S. forces and diplomacy that give us a better chance to achieve our aim.

A number of reasons are given for not withdrawing soon and completely. I have refuted them repeatedly before but they have more lives than a cat. Let me try again to explain why they don't make sense.

First, it is insisted that we must leave behind military training element with no combat forces to secure them. This makes no sense at all. The idea that U.S. mili-

tary trainers left alone in Iraq can be safe and effective is flatly rejected by several NCOs and junior officers I have heard describe their personal experiences. Moreover, training foreign forces before they have a consolidated political authority to command their loyalty is a windmill tilt. Finally, Iraq is not short on military skills.

Second, it is insisted that chaos will follow our withdrawal. We heard that argument as the "domino theory" in Vietnam. Even so, the path to political stability will be bloody regardless of whether we withdraw or not. The idea that the United States has a moral responsibility to prevent this ignores that reality. We are certainly to blame for it, but we do not have the physical means to prevent it. American leaders who insist that it is in our power to do so are misleading both the public and themselves if they believe it.

The real moral question is whether to risk the lives of more Americans. Unlike preventing chaos, we have the physical means to stop sending more troops where many will be killed or wounded. That is the moral responsibility to our country which no American leaders seem willing to assume.

Third, naysayers insist that our withdrawal will create regional instability. This confuses cause with effect. Our forces in Iraq and our threat to change Iran's regime are making the region unstable. Those who link instability with a U.S. withdrawal have it exactly backward. Our ostrich strategy of keeping our heads buried in the sands of Iraq has done nothing but advance our enemies' interest.

I implore you to reject these fallacious excuses for prolonging the commitment of U.S. forces to war in Iraq.

Thanks for this opportunity to testify today.

The CHAIRMAN. Thank you.

STATEMENT OF MG ROBERT H. SCALES, JR., USA (RET.), FORMER COMMANDANT, U.S. ARMY WAR COLLEGE, CEO/PRESIDENT, COLGEN, LP, WASHINGTON, DC

General SCALES. Senator Biden, Senator Lugar, thank you very much for having me here. And it's a pleasure to join three old colleagues, who I've known for many years, to testify before you.

I'm going to take a little bit more of a military-specific view of the situation in Iraq, and talk about what the new strategy might look like from a soldier's perspective.

I don't think anyone doubts that General Petraeus, over the last year, has wrenched some military advantage out of what was about to become a catastrophic defeat; and he did it, not so much by increasing the numbers, to my mind, but by instituting a new strategy that's focused on counterinsurgency. And he's reached what we soldiers sometimes call a "culminating point," which results in a shift in the military advantage. And when all the variables are fixed, a culminating point generally works to the advantage of one side or another. The problem is that, in an insurgency, all the culminating point does is buy you time. And, as we've seen in Vietnam, as a teachable moment, culminating points aren't always military victories, in an insurgency. So, the advantage can be lost if the dynamics in the war change. My concern is that the dynamics will change after the surge. And I guess that's why I'm here today. Because after the surge, and as United States forces begin to wind down, the Iraqis will assume the responsibility for their own defense, and this battlefield advantage that we've won at the cost of over 4,000 dead Americans, is at risk if we fail to manage this transition properly.

First of all, let me say, sir, that very little can be done to change the battlefield dynamics before the surge ends. The counterinsurgency strategy is right, can't be altered. The crucible of patience among the American people, as my two colleagues have just said, is emptying, and is not going to be refilled. Al-Qaeda numbers are

small, but, though small, they've remained a fairly constant force in Iraq. It's sort of like a virus that's in recession. They're not going away. And, sadly, and most importantly, I guess, to the future, is that the United States has run out of military options, as well. For the first time since the Civil War, the number of ground soldiers available is determining American policy, rather than policy determining how many soldiers we need. It's a strategy turned on its head.

And I think what's important here is that the arithmetic is telling. Beyond the surge, at best, we can only sustain somewhere between 13–15 brigades without the Army unraveling. Afghanistan will require at least three brigades, and I suspect, gentlemen, as time goes on, that number may grow, sadly. So, that leaves us with no more than 12 brigades for continued service in Iran—in Iraq over the long term. So, regardless who wins the election, and almost independent of conditions on the ground, by the summer the troops will begin to come home. The only point of contention is how precipitous that withdrawal is going to be. And after the surge, nothing can be done without the ability of the Iraqi military to sustain the security.

So, I would submit to you, as a thesis, that the new center of gravity for the remaining phases of this war will be the establishment of an effective Iraqi national security apparatus. And the question you have for me, I believe, is, Are the Iraqis up to the task? Some signs are encouraging. If you've read the headlines in the last few days, the Iraqi 14th Division deployed to Basra, as you know, to destroy the Shia militias and the criminal gangs there. An Iraqi Motor Transport Brigade moved one national police and three army brigades, on short notice, from Baghdad to Basra, a distance of over 400 miles. Also out of the news, but also of some interest, is that Iraqi Special Forces were transported, some in Iraqi C–130 aircraft, from the northern regions of Iraq to the vicinity of Basra. General McCaffrey talked about logistics. One Iraqi-based support unit, so far at least, has managed to sustain the Basra operation, with some help from American-supplied civilian contractors. But, frankly, problems remain. Some units in the 14th didn't fight well. Sectarian infiltration and desertions are present in that unit. Now, the division hasn't lost its fighting effectiveness or cohesion; that's the good news. This sounds like praise. But, remember, only a year ago, it would have been virtually impossible to pull an Iraqi Army division from one province and move it to another in shape—with a willingness to fight.

A couple of other encouraging things that we've observed over the last year is that the officer leadership at the small-unit level seems to be improving. And this is kind of a double-edged sword, because the leadership has improved through this Darwinian process of self-selection that allows armies to pick the right people in the crucible of battle. That's the most wasteful way to win: To build an army when it's trying to reform itself while fighting. We had this experience in the American Civil War, where we had to build our Army from scratch during a war, and it's a very painful process. But, the merit-based promotion system on the field of battle seems to be working. The NCOs are the backbone of our Army as many of the veterans on the committee will testify. But, there is

no tradition in Iraq for an NCO corps. It's an alien concept to them. But, in the last year or so Iraqi divisions have started to establish schools to try to inculcate the leadership culture, if you will, of the NCO ranks, and that's encouraging.

But, improvements in the Iraqi tactical area are not going to occur without significant American involvement. It's the American military training teams, squad-sized units, that are embedded in Iraqi combat battalions and brigades, that are making the difference.

Another important factor are partnership arrangements between American units on the ground and Iraqi combat units. One of the things we've learned in this war, in the recent years, is that the most powerful tools for transforming an army are emulation and example. Fighting side by side with Iraqis makes the Iraqis fight better. It's wasteful, it's OJT in combat, if you will, but it seems to work.

The third factor is the personal relationships between the Iraqis and the Americans. General McCaffrey talked about battalion commanders and brigade commanders, many of whom I observed in my last trip, who not only are helping to rebuild the country, but are helping to rebuild the army as well.

There will be some serious problems within the Iraqi forces after the surge. Senior leaders and staffs are doing a reasonably good job of moving battalions and brigades from point to point, but their ability to do quality planning and execution, frankly, is very immature. Too often, senior leaders are promoted and selected based on nepotism or tribal and clan loyalty, another very serious problem. Clearly, sectarianism, in many units, still trumps allegiance to the nation. Recently we have seen instances of soldiers deserting, rather than fight against their tribal peers.

General McCaffrey alluded to the most serious shortcoming; combat enablers in this army are immature at best. Such things make an army robust and able to sustain itself over time, like intelligence, fire support, administration, logistics, communications, and medical support, have been put on the shelf for too long. And, unfortunately, we face the prospect of keeping American units of this sort in Iraq longer to begin the process of building these functions for the Iraqi Army.

So, several years on, how will the American military help the Iraqi Army transition itself as we withdraw? First is this idea of a "thinning" strategy. The last thing that we want to do is pull ourselves out, whole cloth, like we did in Vietnam. Instead of brigades withdrawing as a brigade, the strategy should be to "thin" these brigades, to leave behind the brain and partnership relationships in these brigades, once we begin to withdraw in order to help sustain the Iraqi units for as long as we possibly can. Right now we have 5,000 embedded trainers and 1,300 headquarters trainers. But as we begin to thin our partnership and move our training teams out, I just think we're going to have to increase the number of these military training teams, because 5,000 just doesn't seem to be a large enough number.

So, with enablers left in place, training teams left in place, sadly, the casualties will continue to rise. And if al-Qaeda is smart, they

will target these transition units, simply as a means of getting us out of Iraq and toppling the Iraqi Government.

And the next point is that if the new center of gravity is shifting from active combat operations to the advise-assist-and-train function, then we must make these functions, in the American military, job one. The Army is beginning to fray. It's very difficult for the Army and the Marine Corps to sustain these functions. We do the advising function very well. We've had a century of experiences in places like the Philippines, Korea, Thailand, Greece, Indonesia, and El Salvador, where the American trainers and advisers have done a good job of building armies in a time of war. Unfortunately, of course, after Vietnam, we lost those skills. As we begin to transition, we must move our focus from active combat operations to rebuilding a world-class advisory capacity within the United States military. This is not an organizational issue, this is a cultural problem. It's graduate-level work. It involves knowledge of cultures and languages. It requires exquisite personal skills, the ability to sublimate one's ego, the ability to empathize with an alien culture. And, frankly, not all officers and NCOs are very good at this. There are those who have this "cultural right stuff" in the American military. They are a rare breed.

So, what we have to do is find the means to reward the best and the brightest who perform these functions during the transition, with such things as fully funded civil schooling, advanced promotion, and a chance to command at all levels.

And, finally, let me say that the post-surge strategy should not be focused solely on creating an Iraqi Army in our image. The object is to make the Iraqi Army better than the enemy, not mirror the United States Army.

And it's not necessary, I believe, to build a large Iraqi Army. I believe that the Iraqi Army will be the glue that bonds together this republic that will begin to emerge in Iraq. If the army is the only bonding agent, then it's the intangibles that will eventually determine whether or not this transition is successful. That includes such things as inculcating courage, adaptability, integrity, intellectual agility, and leadership, and the commitment of this army to a cause higher than clan that will ultimately determine whether or not they will be successful.

But, the greatest task we have is to inculcate into the Iraqi Army the will to win, rather than merely teach them how to win.

Thank you.

[The prepared statement of General Scales follows:]

PREPARED STATEMENT OF MG ROBERT H. SCALES, JR., USA (RET.), PRESIDENT, COLGEN, INC., WASHINGTON, DC

Once the dogs of war are unleashed all consequences—political, diplomatic, and domestic—are shaped by what soldiers call "ground truth" and the truth on the ground has changed enormously over the past year in Iraq. Through Herculean efforts the military command under the leadership of GEN David Petraeus has quite literally wrenched military advantage from what a year ago was the beginning of catastrophic defeat. Increasing the number of "boots on the ground" was an important factor contributing to recent successes. But perhaps a more significant reason for the change of circumstances on the ground was Petraeus' change of strategy. For the first time since the invasion in 2003 he has been able to approach the war as an insurgency; granted an insurgency of a very unique Middle Eastern character.

A year's effort and the loss of nearly 900 lives have placed the military situation at what soldiers refer to as a "culminating point." The culminating point marks the

shift in military advantage from one side to the other, when, with all other variables fixed, the military outcome becomes irreversible: The potential loser can inflict casualties, but has lost the chance for victory on the battlefield. The only issue is how much longer the war will last, and what the butcher's bill will be.

Battles usually define the culminating point. In World War II, Midway was a turning point against the Japanese, El Alamein was a turning point against the Nazis and after Stalingrad, Germany no longer was able to stop the Russians from advancing on their eastern front. Wars usually culminate before either antagonist is aware of the event. Abraham Lincoln didn't realize Gettysburg had turned the tide of the American Civil War. In Vietnam, the Tet offensive was a teachable moment for the situation today in that it proved that culminating points aren't always military victories particularly in an insurgency.

In an insurgency, culmination just buys time. The temporal advantage gained on the battlefield can be squandered if time isn't used to turn a military advantage into a successful political outcome. Another lesson from the past is that the military advantage can be lost if the dynamics of the conflict change over time. After the surge the United States will begin to leave and the Iraqis will assume responsibility for their own defense. The battlefield advantage won at so costly a price can only be continued if this change of players is managed with the same strategic genius that gave us the battlefield advantage we now enjoy.

While the military advantage clearly resides with the coalition very little can be done on the battlefield for the remainder of the surge to accelerate the pace of military operations. The counterinsurgency strategy implemented by Petraeus is the right one and cannot be substantially altered. The crucible of patience among the American people is emptying at a prodigious rate and very little short of a complete shift in conditions on the ground is likely to refill it.

The military balance of power cannot be changed very much throughout the remainder of the surge. Al-Qaeda has been pushed into a northern corner of Iraq and constant harassment by the U.S. military supported by the Sons of Iraq effectively limits how much mischief they can cause. But their numbers, though small, have remained fairly constant. The United States has run out of military options as well. The Army went in to this war with too few ground troops. In a strange twist of irony for the first time since the summer of 1863 the number of ground soldiers available is determining American policy rather than policy determining how many troops we need. All that the Army and Marine Corps can manage without serous damage to the force is the sustained deployment in both Iraq and Afghanistan of somewhere between 13 to 15 brigade equivalents. Assuming that Afghanistan will require at least 3 brigades troop levels by the end of the surge in Iraq must begin to migrate toward the figure of no more than 12 brigades—perhaps even less. Reductions in close combat forces will continue indefinitely thereafter.

So regardless of who wins the election and regardless of conditions on the ground by summer the troops will begin to come home. The only point of contention is how precipitous will be the withdrawal and whether the schedule of withdrawal should be a matter of administration policy. Adhering to a fixed schedule is not a good idea in an insurgency because the indigenous population tends to side with the perceived winners. However, some publicly expressed window of withdrawal is necessary for no other reason than to give soldier's families some hope that their loved ones will not be stuck on a perpetual rollercoaster of deployments.

By the end of the surge much will have been accomplished. The ethnosectarian competition for power and influence will continue. The hope is that all parties by then will seek to resolve these contests in the political realm and not in the streets. The campaign against al-Qaeda and the Sunni extremists will continue to show success although insurgent groups will remain lethal. Militia and criminal violence will continue to be a thorn in the side of the Maliki regime as gangs roam the streets of cities occasionally killing on the order of rouge militia leaders. No solution to this festering problem is possible by the time the troops start coming home.

The influence of Iran will loom very significant—and will seem "conflicted," given Iran's desire to bloody America's nose but not let the Shia-led Government of Iraq fail. By this January, about the time the drawdown begins in earnest, pressure will build to show some progress toward reconciliation nationally and within warring ethnic groupings.

Governmental capacity will still be inadequate though it will continue to develop. It will resume only when the dust settles from the recent flareup connected with the Iraqi Army operations in Basra. Basic services will remain inadequate but presuming a lull after Basra will slowly improve as long-term electrical and oil projects gather momentum.

In sum after the surge much will remain to be done and nothing substantial can be done without the ability of the Iraqi military to maintain security after American

forces begin to depart. This task is so important for the creation of a stable state that the establishment of an effective Iraqi National Security apparatus will become a new center of gravity for the remaining phases of the war. Can the Iraqi Defense Forces grow competent and confident enough to take up the task in the time remaining to them? So far the answer to this question, like so many questions about American policy in Iraq, remains clouded in uncertainty.

Some signs are encouraging.

The Iraqi Security Forces have shown strength in recent weeks. The Iraqi high command deployed elements of the 14th Division to Basra to destroy the Shia militias and criminal gangs that have held the city hostage for years. Iraqi motor transport units moved one national police and three army brigades on short notice from Baghdad to Basra, a distance of about 400 kilometers, with less than a week for planning and execution. During the operations Iraqi special forces units were transported, some in Iraqi C–130 aircraft, from the very northern most regions of Iraq to the vicinity of Basra. An Iraqi Base Support Unit, roughly the equivalent of an American combat service support battalion, has so far managed to sustain the Basra operation with some help from American-supplied civilian contractors. There have been problems. Some units in the 14th have not fought well. There have been some sectarian infiltration and desertions. But for all its problems the division has not lost fighting effectiveness or cohesion.

These accomplishments might seem at first glance to be less than impressive. But it's important to recall that only a year ago it would have been virtually impossible to pull an Army division from one province and move it to another in shape (and willing) to fight.

Officer leadership at the small-unit level is improving. Sadly the process of leader development is driven by the wasteful Darwinian process of bloody self-selection that always attends armies that must learn to fight by fighting, the only way to build an Army from scratch in wartime. The American Army in the Civil War experienced a similar baptism of fire at a cost of more than half a million dead.

Noncommissioned officers are the backbone of the American Army but NCOs are an alien concept in areas of the world ruled by strict hierarchies. The Iraqi Army is no exception. Only last year did the Iraqis start divisional schools to teach and build corporals, squad and platoon leaders. Some of these newly minted NCOs are filling the ranks of the Iraqi Army and initial reports of their success are encouraging.

This process of "on the job training" in combat has been made more efficient with the addition of American military training teams. These are squad-sized units that imbed themselves in each Iraqi combat battalion and brigade. Equally important are partnership arrangements between American and Iraqi combat units. Emulation and example are powerful forces in combat. Iraqi soldier and leaders tend to mimic the example of American professionalism and effectiveness and when fighting side by side the Iraqis inevitably fight better. American units habitually partner with Iraqi units for the duration of their time in Iraq. These enduring partnerships have the added advantage of allowing the development of personal relationships between Iraqi and American soldiers and commanders.

But very serious problems continue to plague the Iraqi military and in spite of the best efforts of the coalition these problems will linger well after the surge. Iraqi senior leaders and staffs are reasonably competent at moving brigades and battalions from point to point but their ability to do quality planning and execution is very immature. While small-unit leaders are being selected by merit higher level selections are too often based on nepotism or tribal and clan loyalty. In some units sectarianism still trumps allegiance to the nation and on occasion soldiers desert rather than fight against their tribal peers.

From the beginning the coalition leadership focused on building close combat small units as first priority. As a consequence by the end of the surge noncombat functions, what the military calls "enablers," will be immature at best. No army can function for long without being competent in intelligence, fire support, administration, logistics, communications, and medical support. The American military will not only have to train the Iraqis in these functions but remain in Iraq to provide them for a long time; perhaps several years.

The challenge after the surge will be to increase the effectiveness of training, advising, and mentoring to the Iraqis as American forces depart so that the Iraqis will be able to fill the void. Rather than pulling out combat brigades whole cloth partnership units will probably follow a "thinning" strategy whereby a partner unit will thin its ranks gradually leaving the "brains" of the unit in place for as long as possible to assist with planning and employment of enablers.

Today there are 5,000 imbedded trainers and 1,300 headquarters trainers and advisers to joint, army, and ministerial staffs. As the Iraqis face fighting without

partners they will probably need more training teams to imbed with them. More Americans left to fend for themselves in an alien and hostile environment might also mean more casualties. It certainly will mean that if the enemy sees killing advisers and support soldiers as the surest means for getting us out of Iraq and toppling the Iraqi Government.

Training, advising, and assisting the army of an alien culture is now job one for the American military. History shows that we are good at this. For over a century from the Philippines to Korea, Thailand, Greece, Indonesia, El Salvador, and in many other distant and inhospitable places American soldiers have successfully assisted in building armies during wartime. Unfortunately after Vietnam we lost the skill to do these tasks effectively. Rebuilding a world class advisory capacity is a cultural not an organizational challenge. This is graduate-level work and advisers need time to learn the language and culture as well as the particular personal skills to do their jobs competently. Not all officers are good at training and advising foreign militaries. We must go the extra mile to find those with the cultural "right stuff" and reward the best of them with fully funded civil schooling, advanced promotion, and a chance to command at all levels.

The post-surge strategy should not be focused solely creating an Iraqi Army in the image of our own. The Iraqis only have to be better than their enemies. Not is the challenge to commit the blood, treasure, and time necessary to train and equip a large Iraqi Army. Wars are not won by the bigger forces but by the force that wants most to win. It will in the end be the intangibles; courage, adaptability, integrity, intellectual agility, leadership, and an allegiance to a cause other than the tribe that will ultimately determine who wins. As we move into a new season of this sad war the age-old axioms will prevail: We will in the end discover that our greatest task will be to inculcate in the Iraqis the will to win rather than to teach them how to win.

The CHAIRMAN. Thank you very much.

Ms. Flournoy.

STATEMENT OF MICHELE FLOURNOY, PRESIDENT, CENTER FOR NEW AMERICAN SECURITY, WASHINGTON, DC

Ms. FLOURNOY. Chairman Biden, Senator Lugar, and distinguished members of the committee, thank you very much for inviting me to speak with you today. I'm honored to be part of the discussion that you are trying to stimulate, not only on Iraq, but how the United States balances its strategic interests across the many national security challenges that we face.

In February, I had a chance to visit 10 of Iraq's 18 provinces over a 2-week period, and, even as someone who's a skeptic of the war, I observed that security in many parts of the country had improved markedly, due to the many factors that Senator Biden and Senator Lugar already cited: The Sunni Awakening, the Sadr cease-fire, the sectarian separation that's occurred over the last couple of years, the shift in U.S. strategy toward counterinsurgency and protecting the Iraqi population, the surge of forces in Baghdad that enabled us to be more effective in implementing that strategy in Baghdad, more effective operations against al-Qaeda, which you're now seeing coming to a head in Mosul, and greater professionalism of some, but certainly not all, of the Iraqi military units. And having lived through the violence of 2006 and early 2007, many of the Iraqis that I spoke to really felt like Iraq had been given a second chance.

But, I think the events of the last couple of weeks have reminded us that the situation in Iraq remains highly uncertain. The renewed fighting in Basra and the Shia neighborhoods of Baghdad are a reminder that the security gains that we've made over the last several months are both fragile and incomplete. They're fragile, because they have not been underwritten sufficiently by true

political accommodation, and they're between and within the Shia, Sunni, and Kurdish communities. And they're incomplete, because southern Iraq has been left largely under the control of competing Shia militia since the British transferred responsibility for that area, in December 2007.

That said, in areas where security has improved, public expectations have risen quite rapidly. Once you have security, people want jobs, they want essential services, they want free and fair elections, they want real political reconciliation. And these expectations, thus far, have not been met. Meeting those expectations will be essential to consolidating recent security gains.

We're now in what counterinsurgency doctrine calls "the build phase," which is the hardest part of this endeavor, where the primary objective is actually enhancing the legitimacy of the host-nation government, the Iraqi Government, in the eyes of the population. The problem that I saw is that, to date, the security improvements have enhanced our legitimacy, not that of the Iraqi Government.

And herein lies the principal cause for my concern. The Maliki government appears largely unwilling or unable to take advantage of the space created by the improved security, and actually move toward political accommodation, provide for the basic needs of the Iraqi people, and lay the foundation for stability and its own legitimacy; and our government, the Bush administration, appears to lack a strategy for getting them to do so.

One of the most striking things, to me, when I visited, was, whether it was Sunni tribal leaders and business leaders in Anbar and Baghdad, whether it was Shia mayors and governors, down south, the frustration with the incompetence, the dysfunction, the corruption of the central government was not only palpable, it was nearly universal.

And so, Iraqis are deeply frustrated by the lack of political-economic progress overall, and unless this situation changes, recent security gains are going to be very difficult to consolidate, and may be quite perishable, no matter how many brigades we keep in Iraq.

So, the real challenge in the near term is for the Bush administration to use the leverage we have—military, economic, political—to push toward real power-sharing arrangements. And this is a tall order, because it presumes that we will have something we have never had in Iraq, and that is a political strategy, a clear and compelling political strategy to push toward accommodation.

Unless the administration succeeds more than it has in the past on this front, I fear that it will bequeath to the next administration an Iraq that is backsliding into civil war.

Let me just take a moment to talk a little bit about the impact on the U.S. military, since you asked us to address that.

Years of conducting two wars in Afghanistan and Iraq simultaneously have put great strains on the force, particularly our ground forces and special operations forces. More than 6 years of repeated combat tours—two, three, four, in some cases—with little time at home in between, have placed an extremely heavy burden on our soldiers, our marines, and their families.

The operational demands of these wars are consuming the Nation's supply of ready ground forces, leaving us without an ade-

quate pool of Army units ready for other possible contingencies, and thereby increasing the level of strategic risk that we are assuming as a nation.

In my written statement, I've gone into great detail on the strains on personnel, the compressed and narrow training time, the shortages of equipment, the costs of reset, recruitment, and retention challenges. I won't go into those all here, because I don't want—I know we want to get to the Q&A.

Let me just highlight one key factor, though, that is very important, and that is the Army's need to reduce the length of tours from 15 months down to at least—no more than 12 months, in the near term. You've heard, from the Chairman of the Joint Chiefs, saying that we can't sustain the current operational tempo at current force levels. Getting back to a one-to-one deployment ratio of 12 months abroad and 12 months at home is absolutely critical to keeping the force from unraveling, as my colleagues have suggested.

As the surge comes to an end, the Army will have a total of 17 brigade combat teams deployed in Iraq and Afghanistan. The Army planners have told me that they need to get that number down to 15 to be able to return to this 12-on/12-off cycle that's so crucial to keeping the force from breaking, over time. So, that's going to argue for trying to take two additional brigades out of Iraq as soon as conditions on the ground permit.

At the same time, there are countervailing pressures and arguments. You'll hear military folks in Iraq talk about the need to maintain higher levels of forces in order to secure the provincial elections that will come, we hope, at the end of this year. They also talk, interestingly, about their concerns about our transition period, and the nobody-home phenomenon between election day and inauguration day. They're very worried about any instability in Iraq that could happen in that period, and, again, they want to err on the side of keeping the force high and then handing off to a new President who can make the choices to bring the force down. I think that's the argument that we're going to have in the next several months, that competition between, "What do we need to do to relieve the strains on the force?" versus what some of the commanders on the ground will argue for, to give themselves more flexibility in the—as Iraq enters a critical period.

So, where do we go from here? Let me just say that I hope that, as this committee begins these hearings, that, rather than jumping right to troop levels, we—that you will have the discussion, that you are so good at having, which is, "What are our strategic interests in Iraq and the region?" and "What should our strategy be?" and then, based on that discussion, you know, "What should the troops levels in Iraq look like over time?"

In my view, there are three fundamental premises that we should think about as we contemplate how to go forward.

First, like it or not, we are where we are. Whether we were—one was for or against the war, we can't turn back the clock; we have to move forward from the point where we find ourselves today.

Second, like it or not, Iraq involves our vital interests, and we have to balance, not only our interests in Iraq, but our interests in

the region and more globally, to include restoring our moral standing and credibility in the world.

And, third, how we get out of Iraq matters. I think that the next President will have three fundamental options: Unconditional engagement, unconditional disengagement, or conditional engagement. And I've laid those out in my testimony, but, just briefly.

Unconditional engagement is basically a continuation of the Bush administration's policy of giving the Iraqi Government a fairly open-ended commitment of support for as long as it takes, whether they make progress toward political goals or not. This is an all-in approach that is all carrots and no sticks, and it gives the Iraqis very little incentive to make the hard choices they have to make on political accommodation. It's also unsustainable for us, in terms of the U.S. military, our Treasury, and the support of the American people.

The other—second option is unconditional disengagement, which argues for a rapid withdrawal of all U.S. combat forces from Iraq on a fixed timetable, without regard to conditions on the ground or the behavior of various parties in Iraq, or the consequence that that withdrawal might have on stability in Iraq and the broader region. This is the all-out approach, as I would call it, and it's all sticks and no carrots. My concern is that this would substantially increase the risk of renewed civil war, and even regional war, that would do even greater damage to our vital interests.

So, the best way forward that I see for the United States is a strategy of conditional engagement, in which we use the leverage we have—military, political, and economic—which, I would argue, we have never used effectively in 5 years, and we use that leverage to push Iraqis toward political accommodation in the near term and establish the basis for a more sustainable stability over the medium to long term.

Under this approach, U.S. forces would drawdown, gradually shifting to an overwatch role that would be based on a timetable determined by the conditions on the ground and the extent of political accommodation in Iraq. It would transition U.S. forces out of the lead role of providing for the security of the Iraqi population and instead put them in the position of, as General Scales suggested, primarily advising, training, and assisting the Iraqi Security Forces in so doing. This makes building the capacity of the Iraqi forces the long pole in the tent. It also suggests that United States forces would continue to assist Iraqi forces in certain areas, like counterterrorism operations, and would certainly provide for force protection and a quick reaction force for our military advisers and civilians still in country.

If, however, the Iraqis did not make substantial progress on political accommodation, the United States, under this strategy, would selectively reduce its support, in terms of political, economic, military aid, in ways designed to put additional pressure on the Iraqis to make the necessary political compromises, while still protecting our vital interests.

What this strategy does is, it tries to make clear to the Iraqis that our commitment is not open-ended; it is conditional on them making the hard choices that need to be made. It also offers a missing link that's been present since the beginning of this endeav-

or, and that is a political strategy to support our military strategy for achieving our objectives.

Finally, it aims to enable the United States to protect its vital interests in Iraq and the region at substantially reduced and more sustainable force levels.

I'd like to conclude there. Thank you very much.

[The prepared statement of Ms. Flournoy follows:]

PREPARED STATEMENT OF MICHELE FLOURNOY, PRESIDENT, CENTER FOR NEW AMERICAN SECURITY, WASHINGTON, DC

Chairman Biden, Senator Lugar, distinguished members of the Senate Foreign Relations Committee, thank you for inviting me to talk with you about prospects for both Iraq and the U.S. military after the surge. I am honored to be part of the larger national discussion you are seeking to stimulate on how the United States should balance risk across the many national security challenges we face, now and in the future.

I would like to touch on three critical and interrelated issues: Where things stand in Iraq today; the impacts of sustained high tempos of operations on the U.S. military, particularly our Nation's ground forces; and where we should go from here.

WHERE WE ARE IN IRAQ TODAY

In February, I had a chance to visit 10 of Iraq's 18 provinces over a 2-week period. After walking neighborhoods with U.S. soldiers, conferring with State Department and USAID personnel, and meeting with dozens of Iraqis, I came away with both a greater sense of hope and a deeper sense of concern.

Even a skeptic of the war in Iraq could not visit places like Adhamiyah, Doura, and Iskandariyah without being struck by how much security has improved. Markets were open, shoppers thronged the streets, and children were back in school in areas that were deadly urban battlegrounds only months ago.

At the time of my visit, security in many parts of the country had improved markedly due to a host of factors: The Sunni "Awakening," Muqtada al-Sadr's cease-fire, the shift in U.S. strategy to protecting the Iraqi population, the surge of U.S. forces in Baghdad, increasingly effective operations against al-Qaeda, and greater professionalism among some (though not all) Iraqi military units. Having lived through the sectarian violence of 2006 and early 2007, many Iraqis now feel that Iraq has been given a second chance.

Today, the situation in Iraq remains dynamic and uncertain. The renewed fighting in Basra and Shia neighborhoods of Baghdad, as well as the possible cease-fire, are a reminder that the security gains made over the past year are both fragile and incomplete. They are fragile because they have not been underwritten by fundamental political accommodation between and within Iraq's Shia, Sunni, and Kurdish communities. Security gains cannot be consolidated absent political accommodation on multiple fronts.

The security gains are incomplete because southern Iraq has been left largely in the control of competing Shia militias since the British transferred responsibility to Iraqi Security Forces in December 2007. The full story behind the Iraqi Government's latest offensive has yet to be told, but it appears to have been an attempt to reassert its control over Basra, which is home to both critical oil reserves and the nation's primary port, and to defeat Sadrist elements who have continued to launch attacks despite Sadr's previously proclaimed cease-fire. Some speculate that it may also have been a calculated political move by Prime Minister Maliki and his political allies to weaken Sadr's movement prior to the provincial elections slated for this fall. Although Sadr and the Iraqi Government appear to have negotiated the terms of a new cease-fire, the situation remains highly uncertain. It will take time before both the impetus and outcomes of this latest chapter in Iraq's history are fully known. But there is substantial risk when U.S. forces are drawn into the middle of intra-Shia battles.

In areas where security has improved, public expectations have risen rapidly—for essential services like electricity, for political reconciliation and open, free, and fair elections, for equitable distribution of Iraq's vast oil wealth, and for jobs. These expectations must be met to consolidate recent security gains.

We are now in what U.S. counterinsurgency doctrine calls the "build" phase—certainly the hardest phase—in which the primary objective is enhancing the legitimacy of the host-nation government in the eyes of the population. The problem is

that, to date, improved security has increased our legitimacy, not that of the Iraqi Government.

And herein lies the cause for my deep concern. The Maliki government appears largely unwilling or unable to take advantage of the space created by improved security to move toward political accommodation, provide for the basic needs of the Iraqi people, and lay the foundation for stability—and its own legitimacy. And the Bush administration appears to lack a strategy for getting them to do so.

From Sunni tribal and business leaders in Baghdad and the west to Shia mayors and governors in the center and south, mounting frustration with the incompetence, dysfunction, and corruption of the central government was palpable and universal.

While there has been some de facto revenue-sharing by the central government, and the Iraqi Parliament recently passed de-Baathification reform, an amnesty law and a budget, the Iraqis I spoke to were deeply frustrated by the lack of political and economic progress overall. Unless this situation changes, recent security gains are likely to be difficult to consolidate and may be quite perishable, no matter how many brigades the United States keeps in Iraq.

The Bush administration must use its remaining time in office to push the Iraqi Government toward real power and resource-sharing arrangements. This is a tall order, as it requires something that U.S. efforts in Iraq have lacked from the beginning: A clear and compelling political strategy.

In the near term, the focus must be on building the political coalitions and negotiating the compromises necessary to achieve a handful of critical priorities: A renewed cease-fire with Sadr; a provincial powers law; free and fair provincial elections; an equitable oil law; and concrete steps toward political accommodation, such as progress on Article 140 issues, the integration of more Sunnis into the Iraqi Security Forces; and more employment opportunities in former insurgent strongholds.

This will require actually using what leverage we have to pressure key Iraqi players to take specific actions, particularly as we negotiate a new bilateral agreement. Iraq is seeking significant U.S. commitments of political support, security assistance, and economic engagement. These plus U.S. force levels offer leverage for pushing the central government to prove its legitimacy and its worthiness of continued American support. Right now, we are negotiating as if we want this agreement more than they do.

In sum, this administration has a vanishing window of opportunity to consolidate recent security gains with political and economic progress. But this will require the civilian side of the U.S. Government in Washington and Baghdad to act with greater urgency and focus, to use the leverage we have to the greatest effect possible, and to do more of what we in Washington are supposed to know how to do—figure out how to broker political compromises and build political coalitions to get forward movement on tough issues.

Unless the Bush administration succeeds in pushing the Iraqi Government to embrace political accommodation and invest in its own country in the coming months, it risks not only losing hard-fought security gains but also bequeathing to the next President an Iraq in danger of sliding back into civil war.

IMPACT ON THE U.S. MILITARY

Years of conducting two major wars in Afghanistan and Iraq simultaneously have put great strains on the U.S. military, particularly our ground forces and special operations forces. More than 6 years of repeated combat tours with little time at home in between have placed a heavy burden on our soldiers, marines, and their families. The operational demands of these wars have consumed the Nation's supply of ready ground forces, leaving the United States without an adequate pool of Army units ready for other possible contingencies and increasing the level of strategic risk.

At a time when the United States faces an unusually daunting set of national security challenges—from a deteriorating situation in Afghanistan, instability in Pakistan, and a truculent Iran bent on acquiring nuclear weapons, to a rising China, a nuclear-armed North Korea, and a host of weak and failing states beset by a revitalized global network of violent Islamist extremists—we must give high priority to restoring the readiness of the U.S. military for the full spectrum of possible missions. As a global power with global interests, the United States needs its Armed Forces to be ready to respond whenever and wherever our strategic interests are threatened.

Stresses on Personnel

Multiple, back-to-back deployments with shorter "dwell" times at home and longer times away, have put unprecedented strain on U.S. military personnel. Due to the high demand for troops in Iraq and Afghanistan, Army and Marine Corps personnel

have been spending more time deployed than either they or their respective services planned. Judging from conversations with dozens of U.S. soldiers in Iraq, the Army's 15-month tours with only 12 months at home in between have been particularly hard on soldiers and their families.

According to Admiral Michael Mullen, the Chairman of the Joint Chiefs of Staff, the Nation cannot sustain today's operational tempos at current force levels.[1] Getting back to a one-to-one ratio between time deployed and time at home in the short term, and a one-to-two ratio in the mid to long term, would require either a substantial increase in troop supply or decrease in troop demand, or some combination of both. As the "surge" in Iraq comes to an end, the Army will have a total of 17 Brigade Combat Teams (BCTs) deployed in Iraq and Afghanistan. In order to get back to a cycle of 12 months deployed and 12 months at home, the United States total commitment would need to be reduced to 15 BCTs.[2] Over time, growing the size of the Army and the Marine Corps will help to reduce the strain, but not in the near term, as it will take time to recruit, train, and field the additional personnel.

Meanwhile, there are signs that the stress of repeated deployments is taking a human toll, especially on the Army. Studies show that repeated tours in Iraq increase a soldier's likelihood of developing post-traumatic stress disorder, and indeed, cases of PTSD have risen dramatically.[3] The rates of suicide, alcohol abuse, divorce, desertion, and AWOLs among Army personnel are all increasing.

While all four services have met or exceeded their active duty recruiting targets in recent years, they have had to take some rather extraordinary measures to do so. Each service has relied increasingly on enlistment bonuses to attract the shrinking portion of young Americans (only 3 in 10) who meet the educational, medical and moral standards for military service.

Of all the services, the Army has faced the greatest recruiting challenges. Since missing its 2005 recruiting target by a margin of 8 percent, the Army has taken a number of steps to bolster its accessions and meet its annual targets. These have included: Raising the maximum age for enlistment from 35 to 42, offering a shorter-than-usual 15-month enlistment option, giving a $2,500 bonus to personnel who transfer into the Army from another service, and providing a new accession bonus to those who enter Officer Candidate School.[4] Most notably, the Army has accepted more recruits without a high school diploma (only 82 percent had a diploma in FY2008 to date vice the goal of 90 percent)[5] and has increased the number of waivers granted for enlistment.[6] In 2007, for example, more than 20 percent of new recruits required a waiver: 57 percent for conduct, 36 percent for medical reasons, and 7 percent for drug or alcohol use.[7] An Army study assessing the quality and performance of waiver soldiers compared to their overall cohort found that while the waiver population had higher loss rates in six of nine adverse loss categories, they also had slightly higher valorous award and promotion rates in some communities.[8] This mixed record highlights the importance of continuing to monitor the performance of waiver soldiers over time.

The Army is also facing some new retention challenges as it sustains an unusually high operational tempo while simultaneously converting to modularity and

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[1] Hearing of the Senate Armed Services Committee, Fiscal Year 2009 Defense Authorization Request, Future Years Defense Program, and Fiscal Year 2009 Request for Operations in Iraq and Afghanistan, testimony of the Honorable Robert S. Gates, Secretary of Defense and Admiral Michael V. Mullen, Chairman of the Joint Chiefs of Staff, February 6, 2008.

[2] At the same time, however, some senior military leaders are also concerned about the "nobody home" phenomenon that can occur during our own political transitions, from election day in early November to Inauguration Day in late January, and even later as senior administration appointees await confirmation. This concern may cause them to err on the side of recommending that President Bush keep more forces in Iraq after the pause to maintain stability until a new President and his or her team are in place.

[3] Ann Scott Tyson, "Troops' Mental Distress Tracked," The Washington Post, November 14, 2007; see also Associated Press "Army Suicides up 20 Percent in 2007, Report Says." 31 January 2008. http://www.cnn.com/2008/HEALTH/01/31/army.suicides.ap

[4] Hearing of the Senate Armed Services Personnel Subcommittee on Personnel Overview, testimony of the Honorable David S.C. Chu, Under Secretary of Defense for Personnel and Readiness, February 27, 2008.

[5] Ibid.

[6] The total number of waivers granted by the Army rose from 11.5 percent in 2004 to 16.9 percent in 2006. Congressional Budget Office, "The All-Volunteer Military: Issues and Performance." July 2007.

[7] Department of the Army. Of the more than 10,000 conduct waivers granted, 68 percent were for minor misdemeanors, 18 percent were for serious misdemeanors, and 14 percent were for felonies.

[8] Department of the Army, G1 Cohort FY03–FY06 study, 2007.

growing its force. Remarkably, loss rates for company grade officers (second lieutenant, first lieutenant, and captain) have remained fairly stable in recent years, despite the demands of multiple tours in quick succession. Nevertheless, there is cause for concern. A number of the young captains I met in Iraq were seriously contemplating leaving the Army. While they were proud of their service and most loved the Army, after two, three, or in some cases four combat tours in a handful of years, they needed a break—to resume their education, start a family, or spend time with the young family they had left at home.

In addition, as the Army expands, it will need to retain a higher percentage of its experienced officers to lead the force. For example, the number of officers the Army needs grew by 8,000 between 2002 and 2006, with 58 percent of this growth in the ranks of captain and major.[9] A particular gap is at the level of majors, where the services estimates approximately 17 percent of spots are empty.[10] To decrease the historical loss rate of company grade officers, the Army is offering unprecedented incentives to those captains who agree to extend for 3 years, including choice of one's post or branch or functional area, the opportunity to transfer or change jobs, assignment at their post of choice, professional military or language training, fully funded graduate education, or receipt of up to $35,000 critical skills retention bonus.[11]

Given the criticality of retaining experienced field grade officers as it grows, and given the uncharted waters we are in as an All-Volunteer Force sends young officers to their third and fourth combat rotations with little time at home, the Army is rightly paying serious attention to retaining its field-grade officers.[12]

Compressed and Narrowed Training

To remain fully ready, the U.S. military must prepare not only for current operations but also for a broad range of future contingencies, from sustained, small-unit irregular warfare missions to military training and advising missions, to high-end warfare against regional powers armed with weapons of mass destruction and other asymmetric means. Yet compressed training time between deployments means that many of our enlisted personnel and officers have the time to train only for the missions immediately before them—primarily counterinsurgency missions in Iraq and Afghanistan—and not for the full spectrum of missions that may be over the horizon.[13] These just-in-time training conditions have created a degree of strategic risk.[14]

With a 12-month dwell time that is compounded by personnel turnover, institutional education requirements, and equipment either returning from or deploying to theater, Army units have found themselves racing to get certified for their next deployment. While home-station training and exercises at the major training centers are evolving, the ability of units to train for the full spectrum of operations has been severely limited by time. This same compressed timeline has contributed to the overall stresses on the force.

Equipment Shortages and Wear-Out

Near-continuous equipment use in-theater has meant that aircraft, vehicles, and even communications gear have stayed in the fight instead of returning home with their units. For example, 26 percent of the Marine Corps' equipment is engaged overseas and most does not rotate out of theater with units.[15] Roughly 43 percent

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[9] "U.S. Army Officer Retention Fact Sheet," Army G1, May 25, 2007.

[10] Charles A. Henning, "Army Office Shortages: Background and Issues for Congress." Congressional Research Service, July 5, 2006.

[11] Hearing of the Senate Armed Services Personnel Subcommittee on Personnel Overview, testimony of the Honorable David S.C. Chu, Under Secretary of Defense for Personnel and Readiness, February 27, 2008.

[12] Bryan Bender and Renee Dudley, "Army Rushes to Promote its Officers." Boston Globe, March 13, 2007.

[13] See, for example, General James T. Conway, Commandant, United States Marine Corps, Statement on Marine Corps Posture before the House Armed Services Committee, March 1, 2007.

[14] Hearing of the Senate Armed Services Committee, Fiscal Year 2009 Defense Authorization Request, Future Years Defense Program, and Fiscal Year 2009 Request for Operations in Iraq and Afghanistan, testimony of the Honorable Robert S. Gates, Secretary of Defense and Admiral Michael V. Mullen, Chairman of the Joint Chiefs of Staff, February 6, 2008.

[15] Statement of General James T. Conway, Commandant of the Marine Corps before the Senate Armed Services Committee, the Posture of the United States Marine Corps, February 28, 2008.

of the National Guard's equipment remains overseas or has worn out.[16] Given the high tempo of operations and the harsh operating environments, equipment has been worn out, lost in battle, or damaged almost more quickly than the services can repair or replace it. And near continuous use without depot-level maintenance has substantially decreased the projected lifespan of this equipment and substantially increased expected replacement costs.

The resulting equipment scarcity has lead to the widespread practice of cross-leveling: Taking equipment (and personnel) from returning units to fill out those about to deploy. The Marines and the Army have also drawn increasingly from prepositioned stocks around the world. So far, these measures have met readiness needs in theater, but they have also decreased the readiness of nondeployed units and impeded their ability to train on individual and collective tasks. Even those deployed are at increasing risk as the equipment they have becomes unusable: Army equipment in Iraq and Afghanistan is wearing out at almost nine times the normal rate.[17]

Meanwhile, the Army has told the Government Accountability Office that it will need between $12 and $13 billion per year to replace lost, damaged, and worn equipment for the duration of the war in Iraq and at least 2 years beyond.[18] The Marine Corps estimates it will need $15.6 billion for reset.[19] Bringing the National Guard's equipment stock up to even 75 percent of authorized levels will take $22 billion over the next 5 years.[20] In the current budgetary environment, the military services are struggling to balance resources between reconstituting current stocks and modernizing for the future.

The Reserve Component: Unique Challenges

The Reserves comprise 37 percent of the Total Force and their battle rhythm has accelerated enormously since operations in Afghanistan began in 2001. Each of the National Guard's 34 combat brigades has been deployed to Operations Enduring Freedom or Iraqi Freedom, and 600,000 selected reservists have been activated.[21]

Cross-leveling is especially acute for Reserve units, which do not possess equipment at authorized levels. The Army National Guard lacks 43.5 percent of its authorized equipment, while the Army Reserve does not have 33.5 percent of its authorized levels. The Commission on the National Guard and Reserves found that spending on the Reserve Component "has not kept pace with the large increases in operational commitments,"[22] making it unlikely that it will be able to eliminate its equipment shortfalls any time soon. Additionally, a dramatic shortage of personnel—including 10,000 company-grade officers—has forced the Reserve Component to borrow people from other units along with equipment.

While the Reserve Component is intended for use in overseas operations and homeland defense, it is not fully manned, trained, or equipped to perform these missions. The gap in Reserve readiness creates a significant and little-noticed vulnerability in both domestic disaster response and readiness for operations abroad.

In sum, the readiness of U.S ground forces is just barely keeping pace with current operations. As Army Chief of Staff George Casey has said, "We are consumed with meeting the demands of the current fight and are unable to provide ready forces as rapidly as necessary for other potential contingencies."[23] Indeed, the United States lacks a sizeable ready reserve of ground forces to respond to future crises. In addition, the fight to recruit and keep personnel combined with the need to repair and modernize equipment means that building and regaining readiness is becoming increasingly costly.

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[16] Commission on the National Guard and Reserves, "Transforming the National Guard and Reserves into a 21st Century Operational Force: Final Report to the Congress and the Secretary of Defense." January 31, 2008, pg. 84.

[17] Ann Scott Tyson, "U.S. Army Battling to Save Equipment." Washington Post, December 5, 2006.

[18] Government Accountability Office, Statement of Sharon L. Pickup, "Military Readiness: Impact of Current Operations and Actions Needed to Rebuild Readiness of U.S. Ground Forces." Testimony before the Armed Services Committee, House of Representatives, February 14, 2008.

[19] General James T. Conway, Commandant, United States Marine Corps, statement on Marine Corps Posture before the House Armed Services Committee, March 1, 2007.

[20] Peter Spiegel, "Guard Equipment Levels Lowest Since 9/11," Los Angeles Times, May 10, 2007; see also James Halpin, "Equipment Levels Worst Ever, Guard Chief Says." Associated Press, June 6, 2007.

[21] Final Report of the Commission on the National Guard and Reserves, "Transforming the National Guard and Reserves Into a 21st Century Operational Force." January 31, 2008.

[22] Ibid, pg. 74.

[23] General George Casey, Chief of Staff of the Army, before the House Armed Services Committee, September 2007.

WHERE DO WE GO FROM HERE?

As you hear testimony from General Petraeus, Ambassador Crocker, and others in the coming weeks, I would encourage you to place their recommendations in a larger strategic context that considers not only the way forward in Iraq but also how best to balance risk across the range of national security challenges we face as a nation.

In my view, any change in U.S. strategy on Iraq must be based on three fundamental premises:

First, we are where we are. Whether one was for or against the war, we can't turn back the clock. We must start from where we find ourselves today and move forward.

Second, like it or not, Iraq affects U.S. vital interests in the region and globally. Today, the United States most fundamental interests in Iraq can be summed up as:

- Preventing safe havens for international terrorism;
- Preventing a regional war; and
- Preventing of a large-scale humanitarian catastrophe.[24]

These interests are a far cry from the maximalist, long-term goals articulated by the Bush administration.[25] Rather, they are the bottom line of what we must seek to achieve.

In addition to being more pragmatic and realistic, these three preventative American interests in Iraq fit within several broader regional and global goals that are closely related to the outcome of the war:

- Maintaining stability in the Persian Gulf and broader Middle East;
- Stabilizing Afghanistan;
- Contesting violent Islamic extremism;
- Restoring American credibility and moral leadership; and
- Restoring America's military capacity to meet global contingencies.

Any new Iraq strategy must start by placing American interests in Iraq within this broader regional and global context. Failure to do so would only continue the strategic myopia that has plagued this administration's policies on Iraq and risk the continued erosion of America's strategic position in the Middle East and around the world.

Third, how we eventually transition out of Iraq matters. The next U.S. President will have three options on Iraq: Unconditional engagement, unconditional disengagement, or conditional engagement.

Unconditional engagement would be a continuation of the Bush administration's policy of giving the Iraqi Government an open-ended commitment of support for as long as it takes, whether they make progress toward stated goals or not. This "all-in" approach is all carrots and no sticks, and provides little incentive for Iraqis to make the hard choices that are essential to their future. It is also unsustainable for the U.S. military, the U.S. Treasury, and the American people.

Unconditional disengagement argues for a rapid withdrawal of all U.S. combat forces from Iraq on a fixed timetable, without regard to conditions on the ground, the behavior of various parties in Iraq, or the consequences a rapid withdrawal might have for stability in Iraq and the broader region. This "all-out" approach is, by contrast, all sticks and no carrots. And it would increase the risk of a renewed civil war—and even a regional war—that would do even greater damage to America's vital interests in the region.

The best way forward for the United States is a strategy of "conditional engagement," in which we use what leverage we have—military, political, and economic—to encourage political accommodation in Iraq in the near term and establish sustainable stability over the medium to long term.[26] Under this strategy, the more

[24] See James Miller and Shawn Brimley, "Phased Transition: A Responsible Way Forward and Out of Iraq" (Washington, DC: Center for a New American Security, 2007): 5.

[25] The administration has stated its goals in Iraq as: "An Iraq that has defeated the terrorists and neutralized the insurgency; an Iraq that is peaceful, united, stable, democratic, and secure, where Iraqis have the institutions and resources they need to govern themselves justly and provide security for their country; [and] an Iraq that is a partner in the global war on terror and the fight against the proliferation of weapons of mass destruction, integrated into the international community, an engine for regional economic growth, and proving the fruits of democratic governance to the region." See George W. Bush, National Strategy for Victory in Iraq (November 2005): 3.

[26] For more on a strategy of conditional engagements, see Colin Kahl, "Stay on Success: A Policy of Conditional Engagement," unpublished CNAS Iraq Workshop paper, 18 March 2008. This

Continued

progress made on key issues like integrating Sunnis into the Iraqi Security Forces, holding free and fair elections, and equitably distributing Iraq's vast oil wealth, the more support the Iraqi Government could expect from the United States, and presumably the international community, to help build Iraqi capacity for governance and security.

Under this approach, if the Iraq central government made reasonable political progress, U.S. forces would gradually shift to an "overwatch" role as currently envisioned by in the current military campaign plan, on a timetable determined by the extent of political accommodation and conditions on the ground. More specifically, it envisions a gradual transition of U.S. forces from protecting the Iraqi population to advising, training, and assisting Iraqi Security Forces in doing so. Building the capacity of the Iraqi Army to act as a capable, nonsectarian military will be a long pole in the tent of any future U.S. strategy for Iraq. In addition, U.S. forces would continue to assist Iraqi forces in conducting counterterrorism operations and would provide force protection and quick reaction forces for U.S. civilians and military advisers in-country.

This transition to a more sustainable military posture to support stability in Iraq would be conducted over a period of a few years, as long as the Iraqis were doing their part to make serious progress on political accommodation. If, however, they did not make reasonable progress, the United States would selectively reduce its support in terms of economic, political, and/or military aid in ways designed to put additional pressure on the Iraqis to make the necessary political compromises while still protecting vital American interests.

This strategy aims to make clear to the central government and other players that our support is conditional, not open-ended. It offers the missing link in U.S. policy toward Iraq over the past 5 years: A political strategy for achieving U.S. objectives. It also aims to enable the United States to protect its vital interests in Iraq and the region at substantially reduced and more sustainable force levels.

CONCLUSION

When I was in Iraq, the question I was most often asked by Iraqis was, "Is the United States staying?" Whether they were Sunni "Sons of Iraq" who had begun working with U.S. forces to drive al-Qaeda out of their town, or Shia judicial investigators who were working to bring the rule of law to Iraq, or teachers who wanted newly opened schools to stay open for a generation of Iraqi children that have already seen too many years of war, they all looked forward to the day when their country was no longer occupied by foreign forces. But they also wanted U.S. forces to stay awhile longer to enable Iraqis to take the risks necessary for political accommodation to occur.

The only way to broaden and deepen recent security gains in Iraq is to use our remaining military, economic, and political leverage to push various Iraqi actors toward political accommodation. The Bush administration's success or failure in so doing over the coming months will determine which options remain available to the next President.

When the next Commander in Chief takes office, he or she will inherit a number of tough but absolutely critical choices:

- How to put our Iraq policy on a new course that protects our vital interests there but also rebalances risk across our larger regional and global goals;
- How to reduce the corrosive and unsustainable strains on our soldiers, marines and their families;
- How to free up more forces and resources for other immediate priorities like Afghanistan;
- How to restore the readiness and rebalance the capabilities of our military for the full range of possible future contingencies; and
- How to restore America's moral standing and influence in the process.

He or she will also need strong partners in Congress to make these tough choices and to chart a new way forward for Iraq and U.S. national security more broadly.

The CHAIRMAN. Thank you very much.

I would ask you not to answer now, but I'm going to submit, in writing, a question to you, if I may, Ms. Flournoy, and that is, the "conditional engagement" strategy—if, in fact, there is not

paper will also serve as a basis for the forthcoming CNAS report on Iraq which will be published later this year.

progress, what do we selectively reduce? In other words, how do we selectively reduce? And what would you recommend?

But, let me get—there are so many questions, and we're going to do 7-minute rounds, so I'd appreciate if you could make your answers as short as possible, and augment them with written followup, if you would like. But, answer, as you see fit, obviously.

Let me be a bit—I guess it would have been thought to be provocative if you asked this question, you know, 3 years ago—I, for one—I've arrived at the position I think General Odom has—is that—this idea of fighting terrorism in Iraq is fighting al-Qaeda in Iraq. And I find it not plausible, the argument that if we left, that al-Qaeda will gain a foothold. If we leave, my impression, in my, I don't know, eight or nine trips into Iraq, is that the Sunnis will kill them, the Kurds will kill them, and the Shia will kill them, because they all have overarching reasons to do that, that the reason why al-Qaeda is able to sustain itself by moving north into Mosul is that the Sunnis will take help from anyone against what they believe is an oncoming Kurdish onslaught for Kirkuk to be occupied and Mosul to be controlled by the Kurds, exclusively.

Would you, General McCaffrey, respond to that assertion, which is really, actually, better stated by General Odom. But, if we were to leave—we always talk about the downsides of leaving. We don't talk much about the downsides of staying. The downsides of staying are overwhelming, just in terms of our force structure, just in terms of the opportunity costs that exist in other parts of the world. But, we have fallen into the jargon, many of us, that if we were to leave—not precipitously, but announce we're leaving, "We're going to leave over a certain period of time," that these terrible things would happen. The first of those terrible things that would happen, we would have moved al-Qaeda west. We'd move it from Afghanistan, 6 years ago, to having its occupation and its ability to operate with impunity out of a chaotic Iraq. Is that a reasonable assertion any longer, or is the opposite true, that if we leave, over time, we're likely to damage—not improve—damage the ability of al-Qaeda to sustain itself in Iraq?

General McCaffrey, what do you think?

General MCCAFFREY. I think there really has been a lot of intellectual confusion on, what are we doing in Iraq? And we've tended to move our explanation as the situation has evolved.

It's hard to imagine that we went to Iraq originally to fight al-Qaeda, or that we should stay there to do the same. Al-Qaeda is primarily up in Waziristan, it's in the Pak border, it's in downtown London, Paris, Madrid, Indonesia. It's struggling against corrupt, incompetent Arab regimes. It's hard to imagine it would be a logic that would compel us to stay there with a combat force.

At the same time, I don't think it's unreasonable to say that a chaotic situation in Iraq, with an all-out civil war, would be a huge threat to the Iraqi people, to their regional neighbors, and to U.S. national interests, and it would be a threat to oil, which is still a factor in all of this.

So, I take your premise. I think you're entirely right.

And, by the way, interestingly enough, this—there'll be another military history study coming out of this—we actually did extremely well in an urban campaign against AQI in downtown

Baghdad. It's damndest thing I've seen. The—part of it was Petraeus's tactics. Part of it was the Sunnis are sick of being pushed around by these people. And part of it was brilliant performance by, particularly, JSOC, our Special Operations groups. But, I think your point's a good one.

The CHAIRMAN. Well, let me—it's—so, it seems that maybe, you know, the point we're looking for is, how do we leave, forcing events on the ground, without leaving total chaos and full-blown civil war behind—arguably, al-Qaeda could benefit in that environment. Absent that environment, it's hard for me to understand how al-Qaeda benefits by us leaving, or us drawing down.

But, it leads me to the second point, and you've all been—you've all—as usual, you've stuck to what we asked you talk about, and I appreciate it. And one of the points is the point raised by you, General. You talk about a culmination point and—a military term that we've come to understand. Essentially, that was the point which the strategy was looking to accomplish. The surge was—I'm a little out of my league here, using these military terms—but, essentially, it was a culminating point. We were looking—the stated purpose was to get to the point where there was a change in the space on the ground, how it was occupied, who was in control, in order to—in order to give an administration an opportunity to come up with a political—political—set of initiatives that were likely to enhance the prospect of bringing these warring factions together so that the need for them to continue to kill one another diminished, and the need for our presence diminished.

Now, it's interesting that each of you—none of you suggest that we're going to be able—or should sustain American forces at surge levels in Iraq, that it's either not possible or not desirable, or both. But, one of the things that was suggested by two of you is that we leave—in this transition, we leave at least a sufficient number of trainers there to be able to enhance the prospects of an Iraqi military emerging that has the capacity to deliver some security. I, quite frankly, parenthetically, don't understand how that happens out of a political determination, who that military should be, who controls that military.

But, having said that, again, back to General Odom. General Odom makes the point in his statement, which I read prior to the hearing, that the idea of leaving behind—whether it's 500 or 5,000 or 12,000 or 15,000—trainers, absent a significant American combat force to protect them, is not realistic. So, how do those of you who are suggesting that the training aspect of the Iraqi military be continued and beefed up in this transition period, and accommodate the necessity of drawing down combat brigades?

And I'd note, parenthetically—and I have 30 seconds left, so I'll conclude with this—recent trip to where terror resides—Afghanistan and Pakistan, along the border—John and I and Senator Hagel, we were just there. We even had the opportunity to land in the middle of the mountains, and to see whether—it wasn't—well, it wasn't intended, but, you know, to see what's going on. You want to know where terror resides—that's where it lives. You want to know where bin Laden is, you want to know where al-Qaeda is, the al-Qaeda we've come to know and love—we know where it is.

Now, we sat with our ISAF commander, an American, saying that, "Look, Helmand Province is—and the southern part of Afghanistan"—you've talked about it, General—"is increasingly controlled and/or dominated by the Taliban, which is growing in that area." He said, "You want me to take care of that." He said, "Give me two combat brigades. I can take care of that." But, he said, "You know what? I have no way to get those combat brigades." Then he went on to say, as other commanders in the field said to us, he said, "Look, even if we could get the combat brigades out of Iraq, the truth is, they need decompression time," which is your point, getting down from 17 to 15 to 12. It's not like getting down from there and sending them to Afghanistan. It's drawing them down to give them, actually, opportunity to have that 12 months at home, or whatever that number is.

So, having said all that, how do you deal with this notion—and I'd like you to discuss it, and you chime in, General Odom, since I'm sort of making your argument, and you know it better than I do—how do you transition to a training emphasis with Iraqi forces, reducing combat brigades, and do that without leaving those trainers exposed?

General, why don't you expand—or correct my——

General ODOM. Yes, sir. Your points are well made. I mean, I agree with—obviously, I agree with them. Let me sharpen them, just briefly.

We don't have the moral choice, or the physical—we don't have the physical choice to prevent chaos in Iraq when we leave. It's going to happen, no matter how many we train, no matter what we do. It may not be nearly as high as we've anticipated. I don't think it will be. But, I'm going to assume it's high, because we don't have the choice to make it otherwise.

We have the blame, because we went in. We made this chaos the case. We do have the choice not to send more U.S. troops. That's the moral choice you're facing, not preventing chaos in the future. And you get that through your head, you'll get—be completely confused about this.

The other point is, until there's a political consensus, no matter how you train the troops, they're not going to fight successfully. We trained troops in Vietnam that were very effective units. Some days, they fought; some days, they didn't. It was entirely a function of loyalties in the local area. That is a political issue. Do you solve those—trainers are really beside the point.

Finally, there is no shortage of military skills in Iraq. The insurgents fight very well. They don't use the American techniques or American NCOs and training systems. But, I'm not sure they need to.

The CHAIRMAN. General.

General SCALES. Sir, first of all, I agree with you that from the military perspective, there is one choice. There is one institution in that country, as we begin to leave, that will prevent what Bill Odom just said is going to happen from happening—and that's the army. And what's so interesting is, the army's only 200,000. The police, I believe, has a strength of 500,000. And it's that small band of 200,000, some 12 divisions, that stand between the total frac-

turing and collapse of the regime and the bloodbath that might well happen.

So, the key, sir, is a delicate balance, if you will, between pulling out American power by withdrawing American presence, and increasing and adding to the effectiveness of the Iraqi forces. You almost have to view it as a balance beam or a teeter-totter. This is graduate-level work; it is extremely difficult. It's merely not about looking at the facts and figures of enlisted strength, officer strength, and materiel. And I think Bill's right, in that regard. It's about allegiance to the nation, and it's about an army that's willing to fight, not just able to fight. And you don't get this by simply looking at status reports and counting the number of boots on the ground.

And, oh, by the—and the final thing I'll say is that it's not going to happen overnight, sadly——

General ODOM. I think——

General SCALES [continuing]. Just a second, Bill—sadly, because it's taken—we've been so slow in building infrastructure, we've been—we've been so reluctant to make our advise-train-and-assist function robust, and we've been—and the numbers of American troops on the ground have been so few, that that will prolong this process, and make it far more difficult than, perhaps, it could have been.

General ODOM. Can I just make a brief followup? The tipping points, the turning points, are when you say that the critical moment is, here. Don't just pick out a slice of the war. A war is a series—as Clausewitz said—a series of engagements. The first engagement was when we went in. We won that engagement. What happened was, the tipping point, at that point—the offense had the advantage when we went in; it tipped to the defense. Clausewitz has always argued that defense is the strongest form. We have been on the defense ever since. And if you begin to do the order of battle of what supplies the offense, you must not include only all those Iraqis who are willing to kill Americans, but all of the Arabs who are willing to come from other countries there. And if you want to look at the resources, you've got to consider all the billions of petrodollars we've sent there, which will supply, and are supplying, and will continue to supply.

Now, when you take 150,000 U.S. force and a few trainers with a government of people who are not going to end up running this country when it's over, no matter what happens, they're not the winners. The people in Baghdad right now, in the Green Zone, are the losers. If you want to see the winners, get outside the Green Zone and see who doesn't have security guards. Those are the people that'll win.

The CHAIRMAN. I appreciate this discussion and wish we had more time. And I've—your answers have taken me much over my time, and I appreciate them.

Let me—staff pointed out, I should note, that the full statements that you've submitted will be included in the record, as if you presented them, as well.

Let me yield now to—and thank you all—let me yield to Chairman Lugar.

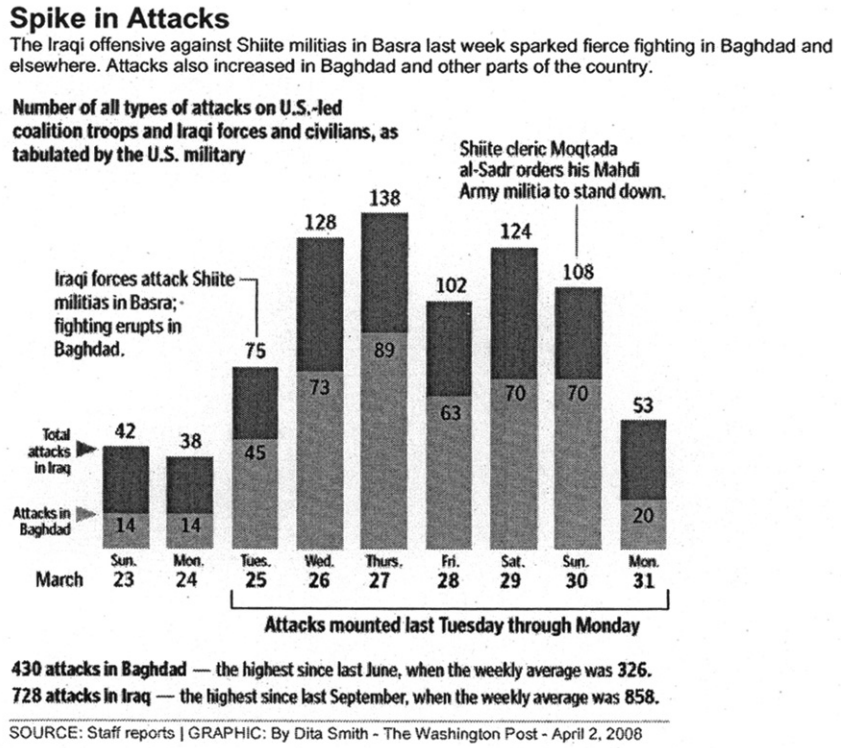
Senator LUGAR. Well, thank you, Mr. Chairman.

I want to cite, as one of you did, testimony yesterday at the Armed Services Committee in which General Cody gave a historic assessment—as reported in today's Washington Post, General Cody said that "heavy deployments are inflicting "incredible stress" on soldiers and families, and that they pose a "significant risk" to the Nation's All-Volunteer Army." And Cody said—he said, "that even if five brigades are pulled out by July, as planned, it would take some time before the Army could return to 12-month tours."

Again quoting General Cody, "I have never seen our lack of strategic depth to be where it is today," said Cody, who has been senior American official in charge of operations readiness for the past 6 years.

Now, that, some of you have reiterated in various ways, but I want to couple that with a graph that appears in the Washington Post, this morning, entitled "Spike in Attacks," that I would like to make a part of the record.

[The graph referred to follows:]



Senator LUGAR. And it points out, as you do, General Scales, that this surge has bought us time and brought us to a culminating point, but the past week had rather startling developments. For example, the total attacks on Americans on March 23, a Sunday, was 42 in the whole country; on Monday, down to 38. But then the Maliki government commenced its offensive operation in Basra, and attacks on Americans went, on Tuesday, to 75; on Wednesday, to 128; on Thursday, to 138, and so forth, until the truce that the

Mahdi Army called for. And we're back down to 53, the following Monday. The Post totals all this up and finds 700-and-some during a week of time, as opposed to about 300-and-some normally.

Now, the point is, 60 percent of those attacks occurred in Baghdad. They were not in Basra. And they were largely other Shiites who were using road bombs and various other methods to kill Americans.

Now, the point, I think, that General Odom has made, if I remember correctly, is that regardless of what our tactics may be at this point, there is likely to be civil strife in Iraq. In this particular case, the Mahdi forces and the Maliki government came to a standoff, and both are claiming that they did better than the other. Maybe that's the best we can hope for, that people clash and sort of figure out where the advantage lies, and then seek some accommodation.

But, in any event, the serious point that General Cody made in the Armed Services Committee yesterday, is that while all this is going on in Iraq—and General McCaffrey's chart suggests is accelerating with difficulties in Afghanistan and Pakistan—is that there's a worldwide demand for more forces at a time when we have fewer to send anywhere. This is a very serious situation for our entire defense establishment, leaving aside what is happening in Iraq.

I bring this to the fore, because I keep reading reports that the idea, generally, to be presented by General Petraeus, or maybe others—and we'll hear General Petraeus, what he has to say—has a sort of "stay the course"—in other words, don't move people, at this particular point; let's assess for a few more weeks, maybe months, what is required here. But, we have the forces there now, and the point the—the chart that I've mentioned makes is that there are even more attacks on Americans at this particular point after the surge and because of internal civil conflict among Iraqis, so that we are even more vulnerable in the past week than we have been for several weeks before that.

Now, in view of that, you have suggested that we're coming into some difficulties, if there are hostile Shiites who block our ability to get our troops out of the place. So, I want to explore that point. But, let's say that we were to withdraw, as some of you have suggested, sort of quietly—a few here, a few there, so almost nobody notices, and so forth. But, there are 150,000-plus troops, plus all the equipment. I take it the logisticians have a handle on how you physically move people by the thousands out of a place. But then we get to should we do so simply to save the general strength of our Armed Forces, generally, whether it be for Afghanistan or any other contingencies?

Does anybody have a thought about this?

General Scales, I've quoted you and your statement.

General SCALES. Thank you, sir.

Let me go back to the process of building an Iraqi Army. The best way to get the Iraqi Army to be effective is to get them to fight. I'm sorry, that's all we have left right now. You get them to fight by putting them into the fight, with advisers. And the—and, to my mind, the best you can withdraw—pace that you can withdraw, would be somewhere between one and two brigades a month.

That's just—that's the logistical problem that you have with just getting stuff out across a 400-mile line of communications.

Senator LUGAR. Well, we got them into the fight last week, and they fought, and now there are even more attacks on us.

General SCALES. That's right, sir, that's one division. I think what we have to do is begin to back off, and put them up front, and let them learn to fight by fighting. And it's a metering process. A partnership unit will watch an Iraqi unit in action, allow it to operate on its own, autonomously, begin slowly to pull back all the support that you were alluding to earlier, like logistics, communications, training, and so forth. That's how you—that's how you temper or measure or balance that pullback.

My concern is picking up, for instance, an entire brigade that's advising an entire division, and sending it south. I think that works against this delicate balance that I mentioned to the chairman. It is an artful craft. And, as Michele alluded, it's something that's going to take some time. But, to her point, if you just leave those American brigades there, then the Iraqi brigades have no incentive to fight. They can't learn to get better by simply watching us. And so, again, that's where the balance comes in, sir.

Senator LUGAR. Michele.

Ms. FLOURNOY. Sir, thank you.

One of the things that I heard again and again from U.S. commanders on the ground is that we've hit a plateau, that they felt that they could not, with military means alone, get the violence below certain levels, that the only way it was going to go down was through political accommodation. I think we need to use the fact that we have to have some kind of drawdown in order to preserve our All-Volunteer Force, in order to address urgent needs, like Afghanistan, in order, as a superpower, to have more than one ready brigade available to the United States for contingencies that may arrive. We have to use that leverage in negotiating with the Iraqis, to say, "Look, this is going to happen. We cannot sustain this. Therefore, you—we need to see you making some specific political moves, because we cannot sustain this level of commitment any longer." We have never done that. And I think it would give us powerful leverage if we were to have those negotiations.

Senator LUGAR. Thank you.

The CHAIRMAN. Thank you very much.

Senator Kerry.

Senator KERRY. Thank you, Mr. Chairman.

Let me begin by saying something that's not always heard in the midst of this, which is that every one on this committee expresses our gratitude for the sacrifices of our troops and the efforts they are making. They've done whatever has been asked of them. And what we're here to do is figure out whether or not we have a strategy that's worthy of their sacrifice. But, we want to make certain they understand the full measure of our gratitude and respect for them.

As I listen to three very experienced, distinguished and respected generals, the frustration that builds up in me, the anger that builds up, is palpable. This is an extraordinary situation for us to be in.

The frank incompetence of the last years puts us in a predicament where we're being told, by one of our most successful generals who's been involved in that region, that the unstated reality is, by some, our troops are coming home, notwithstanding all of the complications that will ensue, that the troop levels are where they are, not because of a strategy, but because of the locked-in situation of the politics in Iraq, which have come about because we've squandered what political capital we had, as well as the military strategic opportunities of the last years.

You could make an argument that this is essentially the fifth war in Iraq that we're now involved in. The first was against Saddam Hussein and his supposed weapons of mass destruction. And then we had the second, the insurgency that Dick Cheney told us, nearly 2 years ago, was in its last throes. And then there was the fight against al-Qaeda terrorists, when the administration said, "It's better to fight over there than fight over here." Then there was the Sunni-Shia civil war that exploded after the bombing of the Samarra Mosque. And now, as we've seen in Basra, and as we hear, even in your descriptions, Generals, of what may follow with respect to the Kurds and the difficulties in the north, but also what we saw in Basra, you have the teeming pot of sectarianism, that has never been addressed, beginning to boil over again and staring us in the face of any option we have. Ms. Flournoy is absolutely correct, and many of us have been saying this for some time—it doesn't even get heard in the debate—which is that there are only three choices: Unconditional engagement, unconditional disengagement—both of which are unacceptable—and conditional engagement, which many of us have been demanding for 5 or more years.

We're also probably on our fifth or sixth strategy of these wars. First there was "shock and awe," which was supposed to begin the peaceful transition to democracy. Then came the "search and destroy" missions that were designed to fight the growing insurgency, mainly in Al Anbar. Then there was "as they stand up, we will stand down," which focused on training Iraqi Security Forces. General, I hear you talk about this difficulty of standing up the Iraqi Security Forces, knowing that "We've got to build capacity now." Now, here we are, 6 years in. I remember meeting with General Petraeus when he was building that capacity. That was 3½ years ago. Then we had the "national strategy for victory" and the introduction of the "clear, hold, and build" approach. And last year we had "the new way forward," which brought us the troop escalation designed to buy time for the Iraqi Government, which we're now being told is corrupt and dysfunctional to the core.

You've described the situation where we're saying, "We've got to bring our troops home." I assume Iraqi militants heard that, as well as us, and they know they're operating in that atmosphere, and so, they sit there and say, "Well, as this peels down, we'll escalate our violence when it suits our purposes."

We've lived at the mercy of an awakening in Al Anbar that came about because they decided, politically, to work with us and be paid off and get training and weapons to prepare for whatever comes in the future with the Shia, and, of course, the Shia have been at the disposal of Muqtada al-Sadr, who declares a truce, which he now says may go until August, and who knows what happens then.

This is intolerable. Absolutely intolerable. It is unacceptable.

Many of us have been urging this notion that you've got to change the dynamics. I've had the Governor and the sheiks of Al Anbar in my office, and I've said to them, "Is it a fact that, as long as we say we're there interminably, you really don't have to make any decisions as to what to do? You're safe under the President's policy, because he said we're going to be there as long as it takes. They can take as long as they want." Now, isn't it true that until you shift this dynamic and get our troops into a different status, where the Iraqis know they've got to work this out? That's why our troops had to engage in the last few days. Why doesn't it make sense to have a national policy of a redeployment that forces the Iraqis to confront the realities of how they're going to live with each other? It may hasten their own conflict, but the dynamic is not going to change without us changing this situation of unconditional engagement, is it, General McCaffrey?

General MCCAFFREY. Well, let me say, it's sort of discouraging, but I basically agree with your entire assessment of where we are. And, of course, now the question is, What are we going to do about it? And I think, essentially, we've got to come out of Iraq, we've got to, probably, have a timetable. We won't be able to keep it secret. We need to ensure it doesn't unwind on this President's watch, because he has no political leverage left, so we've got to make sure the next administration gets it, where it's not in all-out civil war. And then, as we come out, I think it would be irresponsible if we didn't attempt to build an Iraqi Security Forces that can maintain order.

Senator KERRY. I agree. And every suggestion that has been made in the proposals we've put forward in the last years have suggested exactly that, that we finish the job of training, but change the dynamics by which we have to engage, that we maintain sufficient ability to chase al-Qaeda—although I have argued, for years, that I haven't met anyone in Iraq who wants al-Qaeda around. And al-Qaeda will not be there. They're there because we're there. Al-Qaeda's not going to stay around if we're not there, wouldn't you agree?

General MCCAFFREY. Yes; I think, basically, that that's the case. I think we went into Iraq, and remained in Iraq, because we feared their influence on the region, and they're counter to our national security strategy. But, that didn't mean that the international terrorism groups that struck us, and that still are out there representing a threat, are essentially implicit in Iraq. They're in Madrid, London, Waziristan. They're a lot of places. But——

Senator KERRY. Well, General Odom, General Scales, and General McCaffrey, what is your take on the ability of the Sunni neighbors to play a more constructive role and, in fact, to change the dynamics within Iraq itself so that we can redeploy in a way that is sensible, and demand as General Zinni's talked discussed—a different security arrangement for the region, which we haven't seriously tried to negotiate. Would you comment?

General ODOM. Yes. My comment on that would be that I think it's unrealistic to think you're coming out of this slowly, and I think it's unrealistic to think you're going to avoid chaos and you're going to train any forces there that are going to work to your ends.

You're absolutely right that you've got to change the dynamics. The only thing that will change the dynamics is an unambiguous United States beginning its withdrawal, and pretty hastily. And, I would advocate, move personnel before you move materiel. They'll string this withdrawal out for a year or two or three, dragging all the materiel out. That's—we've just made that infeasible by staying as long as we are.

General SCALES. Sir, if I——

General ODOM. I don't think—I don't think that these people are going to come in and help us on the way out. But, when they see you going out, they'll start listening to you about what's going to be there. And until you start that, all this other talk about, "Are we going to do it in small steps and easily?" just are, kind of, beside the point. General McCaffrey and I were speaking beforehand. I have, for some time, wondered if Baghdad would end up looking like Dien Bien Phu one of these days. If you remember that—maybe you're not old enough to remember—the French were trapped in Dien Bien Phu and lost a big part of their army deep inside Vietnam. And I think, you know, you need to start taking that in—that scenario into account. You're—they're—the President—and I even hear it on this committee—think there's a choice that doesn't exist. You're not going to get out, leaving order. The question is merely the price. Every year we've stayed, the price has gotten higher. Staying another 6 months won't lower the price.

And let me just end by saying—I said something I'd like to reemphasize in my testimony. Victory in Iraq is a losing matter, and it's not really a point that's major to our interests. Our interests—and I remember this, being in the Carter White House and planning for the Persian Gulf Security Framework—has always been, since at least in the 1950s, regional stability. Our policies for the last 3 or 4 years have been destabilizing the region. If we want to stabilize it, the first thing we have to do is reverse the policy we have right now. Then there's some possibility of getting it back. So, I emphasize the—you don't have any other choices until you start out.

Senator KERRY. General Scales.

General SCALES. Very briefly. It goes back again to balance, in terms of Sunni neighbors. We want one thing from them: To engage. They will engage, as long as they see us withdrawing and Iraq not collapsing. What we don't want them to do is engage to the point where they invade. So, it's a delicate balance.

But I would agree with Bill, in the sense that the sooner the Sunni states become engaged, they will do it for their own interests, not for ours. And their own interest is to prevent Iraq from fracturing. As we begin to withdraw, you're going to see a spike in violence. You've seen it already. Again, it goes back to balance. We have to pull our troops out and then show that the other Sunni states need to engage very quickly, very emphatically, and very dramatically to prevent them from facing the prospects of going in with forces. And that is our leverage, I believe, that is to present them with a balance, not to present them with stark alternatives.

Senator KERRY. Thank you very much.

The CHAIRMAN. Excuse my cynicism. I suspect that's why we're leaving this to the next administration.

Senator Hagel.

Senator HAGEL. Mr. Chairman, thank you.

And thanks, to each of our witnesses, this morning, for your contributions and your continued contributions over the last few years on, not only this issue, but service to our country that you've all given a lifetime to.

The testimony of the four of you, and in the course of the questions and answers this morning, has brought, I think, into some clear focus: First, we have no good options, as you have all noted in different ways. We, second, have been captive to the reality of a great array of uncontrollables, and we will continue to be held hostage to those uncontrollables, regardless of what we have done or what we are doing. A third aspect of what you all noted is the absolute burden we've put on our military, and asked our military, essentially, to do everything. And as spectacularly effective as our military has been—and one of the comments that General McCaffrey made when he said "the de facto governments, at the local level, are our army units."

Now, as we are in our sixth year in Iraq, we are not just at a point where I believe that the so-called "pause," which some have been talking about—and we'll get further refinement on that when General Petraeus is before our committee next year—or, next week—but the bigger point as to the purpose, and what you have just had some exchange with Senator Kerry about, and others so far, "Where is this going?"—you laid out, Ms. Flournoy, three options. One of the points that General McCaffrey made—in fact, maybe his opening statement—was, How did we get in this mess? Well, the real question is, How do we get out of this mess? I mean, that is the only question.

And as I listened to the four of you, and as General McCaffrey started framing, in, I think, a good and clear, comprehensive way, the dynamics of not only the dangers that we are dealing with, but the astounding amount of damage that we've done to our force structure, and our standing in the Middle East, and our self-destructive policies that have actually taken away diplomatic flexibility and latitude—and if you inventory all that, as General McCaffrey did, I think, quite well, what struck me about that testimony and the other testimony given here, that all the so-called "good news" is about—we have a competent Secretary of Defense, we have competent generals, we have spectacular soldiers—but all the good news is on the American side of the ledger. I haven't heard the four of you talk much about—not because it's your fault, or not because you're not creative, but the good news should be as much on the other side, or at least some good news. In fact, it is in the negative column.

And I am well aware of General Odom's position on this over the years. And, as he says in this testimony, the surge is prolonging instability, not creating the conditions for unity in—as the President claims.

Senator Lugar said something in his comments at the beginning, which a number of us have been talking about for many years, and that is, we've really never had a regional strategy. We've never had any strategy. We have ricocheted from event to event, catastrophe to a catastrophe, crisis to crisis. And until we are framing a regional strategy, and also a strategy within Iraq, and taking the

heavy burden off the military to do everything, then we will continue to have these kinds of hearings.

And, of course, the American people—we talk about a confluence, General. As we all know, elections are about self-correction. In this election, we'll self-correct on this issue, as other elections do on all issues. The American people have made themselves pretty clear on this. And the four of you know this—everyone on this committee—that we can't sustain a foreign policy, certainly two wars, the damage we're doing to our country and the military, without the support of the American people. So, that's over. This game is over.

And we can dance around the hearings all morning and all afternoon, but what we must get at is, How do we then unwind in a strategic way with our allies, protecting our interests? And it's going to force us into some tough choices, and none will be very good.

And one of the obligations I think we have on this committee, and as elected officials, is to prepare the American people for that, is that there is—there is not one good choice here, where we're going.

And I'd like to ask this general question. In picking up what—on what General McCaffrey said—at the front end of your statement, General, about, "How did we get in this mess?"—I'd like to ask you if you could, all four, briefly give me an answer to, "How do we get out of this mess?" I know it's not simple, one, two, three, but we've heard pieces of this. Certainly, Ms. Flournoy has laid out three options that she thinks we have. But, I would like, from the three of you, give me two or three, or whatever, points you want to make, briefly, on, "How do we start responsibly unwinding our involvement?" Because we, if nothing else, know—and it's pretty clear here—what Senator Lugar noted in General Cody's testimony yesterday—it's unsustainable—if for no other reason than our military can't sustain the burden.

Start with General McCaffrey. Thank you.

General MCCAFFREY. Well, it seems to me that—I totally agree, there are a series of unpalatable choices. There are a couple of things we're not going to do, so there's not much sense in talking about them. What we're not going to do is substantially withdraw in the remainder of this administration. And I'm not too sure it's a good idea—if it goes totally chaotic, with no continuity in government between November and January, this isn't a good thing. So, I think the so-called "pause," they may be able to drawdown to 12 brigades. Who knows? But, essentially, the next administration comes in, they've got to sort it out.

I think step one is, we tell the Iraqis we're leaving, and we give them a timetable. You can argue for a year, you can argue for 3 years. We tell them, "We're coming out." We try and build the Iraqi Security Forces. No question. The—we try and—without any prevarication, engage the region in a dialog, in a serious conversation with the Iranians, the Syrians, the Turks, the Saudis, the Jordanians, and others, and to include the larger Muslim world. I don't think the Europeans are going to help us, so I'd really focus on the regional engagement. It's not to their advantage to have all-out civil war in Iraq as we pull out.

And then, I think, finally, we do have to rebuild our capability to act in phase two. We've got to rebuild the Army, rebuild the air and naval power in the gulf. So, it's not "We've turned out the light and gone home," but we've refused to continue to take part as a—in a civil war inside Iraq. And I think that's essentially where we're going to end up with the next President of the United States.

Senator HAGEL. General Odom.

General ODOM. Let me say that—I just have to repeat what I've been saying all along. You get out of Iraq in boats and airplanes, and you drive down to the harbor to get into the boats. And you don't have a much better choice than that.

And let me say, "What do you do next?" When you're working in a strategy to do something like this, you can't lay out a bunch of steps and follow them, one, two, three. You can have a general concept of where you're going, but, as everybody knows, in wars, once the first shot's fired in a new movement, you're going to have to adapt. But, you need to keep your eye on where you're headed. The target is regional stability. And we will have regional stability when we have better relations with Iran.

Let me point out the advantages of relations with Iran. They don't want instability there, and they don't want instability in Afghanistan, and they don't want the Taliban and al-Qaeda. We are denying ourselves a major ally in Afghanistan.

The Russians are able to play a spoiling role in this region because of an unnatural alliance between Russia and Iran. If we had better relations, and you took Russia out of the equation here, you could then start bringing pipelines out of central Asia, down through Iran, and unlock this lock Putin has had on energy—oil—to Western Europe.

You have a country that has very strong interests in Iran, in taking—in stability in Iraq. They don't want that there. We don't have to worry about stabilizing the Kurdistan area. The Turks, the Iranians, and the residual Kurdish—Iraqi Government will do it. We can say all we want to—the problem with training up the present army and the present government, it's probably not going to be the army and the present government that rules. So, you're going to have to let that take its natural course. We've lost all chance.

So, I won't say any more than: Get out, create new options, certainly do the diplomacy General McCaffrey is suggesting, with the regional powers. But, you're going to make real progress when you improve your relations with Iran. It'll have more—as much change for that regional balance as the United States-Chinese recognition in the cold war.

Senator HAGEL. Thank you.

General Scales.

General SCALES. Very briefly, sir.

First of all, let's be very clear. Regardless of the strategy or who's in office, we're not going to get out of Iraq, just driven by the conditions of the military. The question is, How do we do it without allowing chaos to reign in the region and without breaking the Army and the Marine Corps? That's really what your question is about. And the answer is to do it responsibly. And I agree with General McCaffrey in this regard, is—there's several factors involved.

First of all, we need to have a regional engagement, and we need to buttress our alliances there. It's not just about talking to them, it's about getting regional states to engage.

Second, as we begin to pull out, as General McCaffrey said, we need to do the best we can to leave behind the best fighting force that we can that has allegiance to the Iraqi flag. We have an obligation to do that.

And, third, we have to find regional enclaves that will allow us to have an unobtrusive presence in the Middle East, simply because the Middle East is absolutely vital to our national interests.

And I can't emphasize this enough—we must spend the resources to rebuild the Army and the Marine Corps as quickly as we can, to put them back on the shelf so that they can be a responsive force to the strategic threats of the future, which we know are going to emerge. And I would suggest to you, it's not about refurbishing what we already have. We have to rebuild both of these services in light of our very painful experience over the last 6 years.

Senator HAGEL. Thank you.

The CHAIRMAN. Thank you very much.

Senator Feingold.

Senator FEINGOLD. Thank you, Mr. Chairman.

I thank you all for appearing today. And let me just say how much I appreciate and benefit from the comments of the two Senators on the other side of the aisle who have already spoken today. Very much appreciated their remarks.

I am very concerned that we are bogged down in Iraq, and that it's undermining our ability to respond to the global threat posed by al-Qaeda. Al-Qaeda and its affiliates operate in over 50 nations, and yet we are dedicating an overwhelming and disproportionate amount of our diplomatic, intelligence, and military resources to Iraq alone, and, I've said many times, this just makes no sense.

Let me ask General Odom some specific questions. Some have suggested that we transition to a so-called "strategic overwatch" role, whereby we continue to embed "trainers" in Iraqi military units and provide Iraqi forces with the kind of logistical support that we saw last week in Basra, including, as I understand it, close-air support. This would require additional combat forces to protect our "trainers," as well as personnel to support our forces. And I'm told we could end up keeping as many as 50,000 U.S. military personnel in Iraq, long term.

General Odom, would this approach be likely to promote stability in the region? And would it be more or less dangerous for our troops?

General ODOM. It would be a lot more dangerous for our troops. If you want to get a sense of that danger, talk to some NCOs and officers who have actually trained them out there. They fear for their life when they're living and working close with the Iraqi forces. We wouldn't be training the people that are going to win the civil war. We're training the people who are going to lose it. People fight when they have somebody to be loyal to. Nobody is loyal to the flag in Iraq right now; they're loyal to clans, and they're loyal to sectarian groups. And that's the reality, and there isn't anything that's going to get anybody off that—off the responsibility for hav-

ing created this, to allow us to change it. So, I can't really add much more than that.

Senator FEINGOLD. So, I assume you——

General ODOM. It's an open-shut case.

Senator FEINGOLD. So, I, obviously, assume that you don't think this would promote stability in the region, either.

General ODOM. It promotes instability. It prolongs instability.

Senator FEINGOLD. Do you believe that the Iraqi Security Forces are operating as a neutral governmental force in Iraq, or is it party to the sectarian conflict there? And what steps have been taken by Iraqi Government officials to reduce or eliminate sectarianism? And have they been successful? I understand General Jones' Commission recommended that we disband the national police, because it is infiltrated by Iranian-backed militia that engaged in sectarian fighting, but Maliki refused to do this. Should we be continuing to fight alongside such groups, General Odom?

General ODOM. I don't think so. I don't know any reasonably—the Iraqi military is neutral, in favor of a government, some sort of government that doesn't exist there. And just look at what the—why are the Sunni Shiites not—I mean, the Sunni sheikhs not willing to sign up and go into the army there? They know they won't live if they go in. So, I mean, this is obviously not an independent force—or nonsectarian force.

Senator FEINGOLD. So, if we continue to ask our servicemembers to——

General ODOM. Pardon?

Senator FEINGOLD. If we continue to ask our servicemembers to prop up the Iraq Security Forces, is there a significant danger that we'll be dragged further into the Iraqi civil war?

General ODOM. That's been the story since we went in, and I don't see why it would change now. It hasn't changed for the last 5 years. Sure, every month more we stay, the worse it'll get, the higher the price. You cannot recover sunk costs.

Senator FEINGOLD. General, last week Maliki's forces attacked Sadr's militias, and U.S. forces were drawn in to support Maliki. Can you discuss the role that U.S. forces are playing when it comes to the intrasectarian fighting? And, given the national security threats emanating from around the world, is this an appropriate role for our troops?

General ODOM. I don't know any more than I've read in the newspapers about what the U.S. troops did there with the Iraqi forces. Some of the things that General Scales has been describing may give you the details of that. I think the—it struck me that we're there because Maliki foxed us into doing it. He gave—I don't think General Petraeus wanted his forces down there. The Prime Minister gave him the dilemma of one alternative.

Senator FEINGOLD. Thank you, General.

And thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

Senator Coleman.

Senator COLEMAN. Thank you, Mr. Chairman.

Let me get back to the question that Senator Hagel raised, which is, "How do we get out of this mess"—and, General Scales—"without chaos reigning?" I think it would be fair to say that most people

wouldn't agree that getting on boats and planes and moving us right out would result in anything other than chaos reigning, but I'm not going to get into that discussion. I—and, particularly as you look at others in the area, who need to play a stronger role, the other Sunni nations, even they have that concern. And the question is, How can they play a constructive role?

Let me get back to the question. Just one other observation, because hindsight is always 20-20-20. It really goes, by the way, to the point of the surge, by making this observation. There are those in this Congress who—first of all, Petraeus has brought us to a place—a different place than we were a year and a half ago, in terms of stability, in terms of some of the possibilities. Again, the question is, How do we take advantage of that? You know, a year and a half ago, 2 years ago, those of—some would have wanted us to get out, and Anbar was controlled by al-Qaeda, at that point in time. I had doubts about what General Petraeus could do, in terms of the sectarian violence, which has flared up again, but even that has significantly declined, so he has brought us to a place. The question is how we take advantage of that.

First, Ms. Flournoy, I want to push you with a little more specificity. The chairman said "put in writing," but you've really—really laid out one strategy, and it's conditional engagement. That's the strategy, the realistic option. What are one or two of the things that we could do to put pressure on the Iraqis to move forward on the political side? Petraeus has given us some space. The Iraqis are—and some of them are moving forward. The problem is, Maliki doesn't have the credibility, doesn't have—has not shown the ability to do the things that have to be done to provide for a real resolution of any of the sectarian concerns. What are one or two of the things that we could do to show—to say, "If you don't do this, here's a price that you pay, and we'll make sure that price is paid to move you quicker, to deal with some of the political problems"?

Ms. FLOURNOY. Thank you, Senator.

Just one example. I think we are at a point of great leverage, but—you know, but perishable, as we negotiate this bilateral agreement with the Iraqis. One of the things that they are seeking is a long-term commitment of security assistance to the—to build the—and support—the Iraqi Security Forces. I think we should make a—use that request, on their behalf, as a—as leverage to say, "Look, the only way that we're going to provide you with that assistance is if you integrate—if you make that institution fully representative of your population, and that means integrating Sunnis, in a real way, into the Armed Forces of Iraq. If you don't do it, you're building a sectarian institution; we cannot provide the security assistance you need." That's an example of a very concrete place that we could use our leverage to push a form of political accommodation that will be a key factor as the Sunnis decide whether to keep out of the insurgency or whether to restart it before the end of the year.

Senator COLEMAN. Got another one?

General Scales.

General SCALES. Let me offer one.

One of the problems that we've had in doing what Michele just suggested is embedded in the senior ranks, in the ministries, and

in the senior ranks of the military. Everybody in the U.S. command will tell you who the good guys are and who the bad guys are, who is loyal to clan, tribe, or sect, and who is loyal to the nation. One of the things that we need to insist on, is for us to play a greater role in getting rid of incompetents, of those who are not loyal to the nation—I don't mean loyal to the regime, but loyal to the nation—and those who simply don't have the military skills necessary to do what I just suggested in my opening remarks. We know who they are. We just haven't had the leverage that we need to get to them.

Senator COLEMAN. But, how do you—I'm sorry.

Ms. Flournoy.

Ms. FLOURNOY. Another example, on the economic side. Again, Iraqis are asking for things like favorable trade relations, all kinds of future economic investment. Again, "We're not interested in even beginning that discussion until you pass an oil law that guarantees the equitable distribution of oil wealth to all of the parties in Iraq." I mean, it's things—another—a political one, "We want to see free, fair, open-list elections—provincial in the fall, national next year—and if—you know, our political support is contingent on those things happening." Again, there are obvious connections that we've refused to make in the past, worrying that we're going to push them too hard, too fast. I think we're at the point where we have to push them as hard as we can, because time's run out.

Senator COLEMAN. I would agree with that assessment.

General McCaffrey—well, both generals—General Petraeus is going to come up and at least, by all accounts, indicate—say that, "Let's kind of catch our breath a second. We've moved—we're going to be moving—what, five divisions will be moving out." What are your—as we sit up here—this is graduate-level stuff. You know, unfortunately, in this body, folks are often motivated by the next election rather than anything else. And the American public is speaking. There's no question about that. So, what is it—how do we—what do we say to push him to more aggressively move forward? It seems to me that everyone agrees that we're drawing down. There's just no question about that. We cannot sustain what we have. And that whether we drawdown—again, I would disagree with General Odom—but drawdown in a way that avoids chaos over—there's got to be some period of time—what is it that we're—what do we say to General Petraeus, when he comes and says, "We need to kind of catch our breath"? Catch our breath for what? What would be the—what's the response of the—to the guy sitting up here who's not a general? And this is graduate-level stuff, and he's done some things that some of us questioned whether he could do. What's the statement we make to him?

General MCCAFFREY. Well—and, by the way, I wouldn't give undue credibility to generals, either. You know, I'd be very cautious about——

Senator COLEMAN. We've got some disagreement right here among generals as to——

General MCCAFFREY. Yeah.

Senator COLEMAN [continuing]. Approach. Absolutely.

General MCCAFFREY. No, in fact, let me make that point. I think General Odom is a very smart man, who says this thing's hopeless.

I don't agree at all. I do not believe it's impossible to build an Iraqi Army that will see themselves as a nationalist force and have integrated Shia, Sunni, Kurds. I don't believe it. I've been to their battalions. The two Iraqi divisions out in Anbar province are now 60-percent Sunni. They've put 14,000 Sunni boys into the police force. So, I think his premise, "Throw up your hands, get down to the boats, set your equipment on fire," is just not valid. Nor would our vital allies—the Saudis and the Gulf Coast States—want to see us with a Persian Empire on their northern border and the country in flames. So, I do think we have a responsibility, under international law, to try and build an Iraqi Security Forces before we go out. And I think that's feasible.

Now, I—and I also think—I wouldn't push General Petraeus. This guy's as good as we can produce. He is just absolutely world-class. We need to have him hold it together until the next administration comes in, and then we need a national consensus, What do we do next? Step one of that consensus is, "Get out of Iraq."

The question is, Do we do it in 1 year or 3 years? A lot of that'll be dependent upon how the Iraqis respond. Senator Biden's made a terrific argument, in the past, about, you know, a looser federal structure in Iraq. I think we no longer have a vote in the political future of Iraq. I don't think we can meter out embedded trainers and possibility of trade sanctions. These people are going to decide it in their own way.

I don't think it's necessarily going to be a catastrophe, but it sure doesn't look good right now.

Senator COLEMAN. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

Senator Nelson.

Senator BILL NELSON. Well, General, if the idea is to hold it together from now until the new President, then it's a question of 1 year or 3 years, which is what you've just said, and that would depend on the circumstances at the time. So, the bottom line of what you're saying is that we ought to get out of Iraq. You say you don't think it's as bad as General Odom has said. So, what is your degree of optimism or pessimism?

General MCCAFFREY. It's a helluva mess. I mean, you know, there's just no ways about it. The $600 billion war, 34,000 killed and wounded, we've alienated most of the global population, the American people don't support the war, and there we are. And the Iraqi Government's dysfunctional. The Iraqi Security Forces are inadequate, ill-equipped, and we've got very little time.

By the way, I'm not recommending we come out of Iraq in a year or three. That's what's going to happen. This thing's over. So, the question is, How do we stage it as we come out? I, again, would suggest—by the way, I think the actual outcome—we're going to see some Iraqi two-star general in charge of Iraq, 3 years from today, and one of these hotshot division commanders is going to step in here and start smashing heads. Iraqi mothers are sick of the violence in Baghdad. And I think what you're going to see is, they want order, not democracy; they want food and jobs. But, we've still got, of course, this underlying deep antipathy of the Shia-Sunni-Kurdish kind of question. So, again, I think you've got to build a security force, you've got to tell them we're leaving, and

you've got to, at some point, hit the civil war in the direction of somebody who's more likely to govern Iraq effectively than the current incoherent, dysfunctional regime that's in power.

Senator BILL NELSON. Well, you're pretty graphic in your description, here, and thank you for sharing it. In essence, what you just said—and you tell me if I have correctly interpreted your remarks—is that the way the society is, and the lay of the circumstances, that ultimately it's going to be a military strongman that's going to take over in Iraq.

General MCCAFFREY. Well, my guess is, somebody's got to govern Iraq, and I've met a—you know, a lot of Iraqi military officers. They're sort of used to being in charge of the country, and that's more likely the outcome. I'm not recommending it. I'd like——

Senator BILL NELSON. No, I understand.

General MCCAFFREY [continuing]. A law-based state, one at peace with its neighbors, one that isn't suppressing, brutalizing its own people.

And one other comment, just to add on. The embedded-trainers thing, that Baker-Hamilton report, which I thought, you know, had some distinguished people on it, scared me to death. I don't want to see 40 National Guard soldiers stuck in an Iraqi commando battalion in the heart of Iraq with the U.S. combat forces out of there, or, "Don't worry about it, there's a Marine battalion afloat in the Persian Gulf, there's a half a brigade in Kuwait." We shouldn't be in there with our soldiers all over that country, our contractors all over that country, if there's no combat power. So, there's some tipping point.

I actually told the administration—it's seven brigades—I just invented it. Once you convince yourself you've got to go below seven brigades, get out of there, leave the Green Zone protected with a Marine battalion and come out, because I don't want to see us end up with Mogadishu, where we lose 5,000 U.S. trainers some night when a division announces it's no longer part of the Iraqi Army, it's now a Shia militia unit.

So, I'd just put that as a caution. Be careful. The only reality in Iraq is raw military power.

Senator BILL NELSON. Well, this is, Mr. Chairman, some of the most graphic testimony that we've had, either in this committee or the Armed Services Committee.

Now, you know, what you just said—you tell me if I'm correct—what you just said, what you expect—not what you want, but what you expect to happen in the future, with a strongman stepping forward, isn't that the history of what we've seen in Iraq since it was all cut up after World War I by the British and French?

General MCCAFFREY. Well, you start getting back there and we'll be lost, and we'll never reemerge. We almost can't end up with a worse situation than Saddam, who—and his sons and the absolute misery he subjected the country to, and the threat he was to their neighbors. So, a nice, shiny two-star general, trying to build consensus-based politics to hold the country together, with a strong army and a lot of international interaction that's positive—the six neighbors, the Europeans, the United States—that might not be a bad outcome. We sure as heck aren't going to stay in there, at 100 to 1,000 killed and wounded a month, much longer.

Senator BILL NELSON. And, although we'd not like to put the label on it, we're talking about another dictator.

General MCCAFFREY. Well, you know, it certainly isn't going to be Switzerland. And it's hard to imagine what it could look like. I hope it's a country that has borders, has a national army and currency, and doesn't brutalize its own people. And that may well be the outcome, if we're fortunate and if the Iraqi leadership makes some tough decisions.

I wouldn't write them off yet. Maliki won't be the Thomas Jefferson of Iraq, but there may be others who will step forward. They've got a lot of brave, well-educated people still left there.

Senator BILL NELSON. General Odom compared what he thought might happen to the French at Dien Bien Phu. You just outlined the situation, if we left a training unit there—you happened to pick the National Guard—that they could be swallowed up by us not being able to protect them. Overall, would you agree with General Odom that Baghdad has the possibility of becoming another Dien Bien Phu?

General MCCAFFREY. Well, you know, I think there's a remote chance—the U.S. Armed Forces are so powerful and adept that it's a historical anomaly. We've lost armies in World War II, divisions in Korea, brigades in Vietnam. I find it hard to imagine a U.S. Army or Marine battalion getting overrun by anybody in the entire country. However, I—you know, and I've warned the probable next commander going into Iraq, there's—I told them, I said—invented a probability—you've got a 5-percent probability of fighting your way out of that country, trying to come down 400 miles of logistic chain, parallel to the Iranian frontier, with 15,000 al-Quds guys in there in civilian clothes, with passive resistance on the road networks—this could be a huge mess, the likes of what we haven't seen since 1951, on the Yalu. It's very unlikely, but military officers shouldn't be in the business of probabilities, but capabilities. So, again, I'm very concerned. Our retrograde operations, historically, are the most dangerous things we do, coming off the beach at Anzio, coming out of, you know, Inchon. We've got to really watch our step, here in the next year or two or three.

Senator BILL NELSON. General——

General MCCAFFREY. And we can't leave our equipment there, by—we're not setting fire to 10 billion dollars' worth of equipment, and come down the roads in fighting squadrons, with millions of refugees following us. We shouldn't do that.

Senator BILL NELSON. General, thank you for your candor.

The CHAIRMAN. Thank you very much.

Senator Corker.

Senator CORKER. Mr. Chairman, I think it's been an outstanding hearing, and I appreciate the witnesses for their testimony.

General McCaffrey, early on in your testimony, you talked about being moderately optimistic. And certainly the picture you just painted was very different, in some ways, than that. We've talked a lot about political solutions in the past—and we've talked about the fact that there is no military solution. It seems that you've sort of added a different component, and that the fact is, you do not think that we, ourselves, can have a military solution; but, in fact, you really don't see, in the short term, a political solution, either,

in Iraq. But, what you envision is a military solution, on their side, not on ours; them having the ability to maintain order through having a well-trained Iraqi force, itself. But, you do not really see a political solution, if you will, in the short term, in Iraq. And I guess, as we look at conditional involvement—as has been discussed—I wonder whether it's fruitless, in your eyes, to even talk about that conditional involvement involving some of the political solutions that have been laid out in earlier testimony.

General MCCAFFREY. Well, I wouldn't think a political solution's impossible. I actually think it's—if we get a provincial elections law, and they elect regional people who are their kind of people, if we get a hydrocarbon law and the Sunnis say, "We won't get frozen out of the wealth of this country," if we create strong local police, where fearful mothers in Shia and Sunni communities say, "It's our boys protecting us, and they won't let militias come in and murder us," then there's some granularity to that society that would then tolerate a loose federal structure at the top, if there's a strong national army. So, I don't mean to imply that this is going to be easy to do, but the only good outcome, is, How do we get to that goal? But, it won't be sitting on the Iraqis—I would agree with General Odom—for another 10 years, with 150,000 troops mentoring Iraqi Army units. Their problem—I agree with General Scales—their problem isn't training. To some extent, it's not even leadership. We do need to leave them with equipment. They've got to find something that's worth fighting and dying for.

Senator CORKER. So, you, in fact, do think that we ought to be stipulating—on our side, on the policy side of this—stipulating some political activity—benchmarks, if you will—taking place as part of our involvement——

General MCCAFFREY. Absolutely.

Senator CORKER [continuing]. Regardless of the fact that it may end up with a two-star general——

General MCCAFFREY. Somehow, you've got to end up with—a provincial government's got to be "My kind of people. I helped put them in office. They've got police, they're going to protect me from these other people." In some places, in a place like Baghdad, which is essentially 20 percent of the nation's population, it wouldn't be provincial, it would be neighborhoods, "I've got to have neighborhood political leadership that are my people, and police who will keep me alive in the coming 3 years." So, I'd—I don't think that's impossible to do, it's just going to be mostly Iraqi decisions that get there, not U.S. decisions.

Senator CORKER. You know, the only real input a body like us has as it relates to this war is really the funding of the war. And the only real decision that we're going to have to make, or we will make between now and the next election, is going to be the supplemental that comes up.

General MCCAFFREY. Well, also the——

Senator CORKER. And I——

General MCCAFFREY [continuing]. Economic support, sir, for the nonmilitary component to working in Iraq and Afghanistan. There's got to be more than just a club. You've got to offer these people jump-starting the economy. And that's going to take external resources.

Senator CORKER. But——

General MCCAFFREY. That's another lever.

Senator CORKER. And certainly we—many of us have talked about at length. I guess the question I'm asking all of you, except, I think, General Odom—I think I'm pretty clear as to where he stands, and that's an immediate situation—but, as we look—and I think all of us realize we're disappointed at where we are. I think General Petraeus has been an outstanding American, and certainly our troops have been that way—but, as we move up into this next election, really the only issue that's going to come before us as a body is going to be funding, and what I think I'm hearing you and the other two witnesses saying is that we need to let things be as they are, because this administration is not going to change course, and hope that the next administration has a more coherent way of dealing with Iraq. And I'd just like to hear the other two witnesses—I know you shook your head in affirmation—but, to state, you know, what are the other kind of policy things, and is that the course you recommend, if you will, keeping things intact until the next administration comes along.

Yes, ma'am.

Ms. FLOURNOY. I'm loathe to let this administration completely off the hook, because I do think that there is a period—the next 10 months are very important, in the sense that we have leverage now that we won't have when the next administration comes in, by virtue of the fact that the security situation may atrophy, by virtue of the fact that the bilateral agreement probably will be concluded by that time. So, I want to—I don't want to let this administration off the hook for doing as much—pushing as hard as we can in—while it still exists. That said, I think——

Senator CORKER. Not pushing. I hear——

Ms. FLOURNOY. Yes. Right.

Senator CORKER. I mean—OK.

Ms. FLOURNOY. But——

Senator CORKER. Pushing toward what?

Ms. FLOURNOY. Political accommodation. Pushing the Iraqis toward making the hard choices to keep—to consolidate the security situation and keep us from sliding back to civil war.

On the funding, though, the one thing I would underscore is, as long as we have American forces there, keeping the CERP levels fully funded and high is critical. That money is what gives them the flexibility to fill in the gaps where the Iraqi Government isn't acting, to buy, essentially, force protection for our troops. So, keeping that CERP money going is absolutely critical.

Senator CORKER. General Scales.

General SCALES. Thank you, sir.

Well, first of all, let me just back away from the doomsday scenario that both the gentlemen to my left have painted for you.

I've been to Iraq several times, and I've spoken to Iraqis. I don't—I think—I don't see the Iraqi people as a bunch of bloodthirsty anarchists who are just simply waiting for us to leave to get at each other's throats. I don't see that. I mean, prior to Saddam's regime, and going back into the 1950s, 1960s, and 1970s, Iraq was one of the more urbane and secular nations in the Middle East. So,

I don't see a withdrawal, precipitous of otherwise, leading to a complete meltdown in Iraq. So, that's my first point.

So, that's where I think it's important to talk about a responsible policy for a responsible withdrawal.

And then, I'll also agree with Michele. I think the next 10 months in Iraq are absolutely critical. It's that nexus, it's that point of intersection when the Iraqis wake up to see that the Americans are not going to be there, and they look around at each other and understand that they now have responsibility for what happens in the future, and they need to be the ones to figure it out.

Another point I'll leave with you, to counter my good friend Bill Odom, is, more than anyone else, the Iraqis are absolutely sick of this war. The mothers of Iraq are fed up. I think that's true. And so, if there's a catalyst for this, it would be this sense of social exhaustion that seems to be gripping the country right now, that I think is palpable.

And the final point I'll leave with you, which I've said probably too many times, is that the bonding agent, the catalyst, the only institution that I think that the Iraqis can ever learn to trust, is the military. I don't necessarily buy into this leading to a dictatorship. I don't know. I don't think anyone knows. But, I do think that a military force with allegiance to the state—not necessarily to a leader, but allegiance to the state—is the long-term best hope for, not only meeting the Iraqis' hopes and dreams for their future, but to help satisfy our own strategic interests in the region, as well.

Senator CORKER. Mr. Chairman, if I could just ask for a written response on something, and I'll stop.

I thank you for that testimony. We will, obviously, be debating, on the floor, soon, funding for the rest of this administration's time. I would appreciate it if you might consider, in writing to our office, outlining some of those conditional things that you think would leverage this particular next 10 months in an appropriate way. And any of you who would like to respond to that, I'd love to have it. But, if you would consider doing that in a fairly short amount of time, at least the two of you, I would greatly appreciate it.

General SCALES. If it's OK, I think Michele and I would like to offer you sort of a—I don't know, a combined response, if that's all right with you.

[The written response follows:]

I am writing to respond to the questions you submitted during the hearing sponsored by your committee on April 2, 2008, entitled "Iraq After the Surge: Military Prospects." I appreciate your close attention to the future of Iraq and the evolving shape and magnitude of the American commitment there. The active involvement of the Congress in these issues is absolutely vital. I look forward to doing what I can to continue to support your efforts.

Regarding the question about a list of specific conditions for continued U.S. engagement in Iraq, I believe there is a broad range of areas where the United States could exercise more effective influence over the Iraqi Government. In my view, every commitment the Iraqis want from us, in principle, should be treated as a point of leverage for achieving our objectives, especially greater political accommodation. For example, security assistance, in particular Foreign Military Sales, could be tied to a certification that the Iraqi Security Forces is steadily increasing the percentage of the Army and police that are Sunni to a level that is comparable to the percentage of the Iraqi population that is Sunni.

For a fairly comprehensive list of potential pressure points, I would urge you to look to "The Declaration of Principles" signed by President Bush and Prime Minister Maliki. In this document, the Iraqi Government requests assistance from the United

States to "enhance its position in regional and international organizations," to facilitate "the flow of foreign investments," and to help Iraq "in recovering illegally exported funds and properties." They also ask for "forgiveness of [Iraq's] debts," "accession to the World Trade Organization" and "most-favored-nation status with the United States." This ambitious wish list provides fertile ground for conditional negotiations with the Iraqi Government, and the Bush administration and the Congress should begin to capitalize on such opportunities immediately.

Regardless of which levers the United States chooses to pull, I strongly endorse the idea of requiring the administration to provide a report of how future security agreements with the Iraqis will be used as leverage to push for political accommodation in Iraq and to enable our eventual goal of military disengagement.

With respect to how troop reductions may proceed in the event of a partial drawdown, I believe the best course of action will be to transition U.S. forces out of the lead population security role over time and into an overwatch and assistance posture. This would involve thinning out our combat forces while refocusing our efforts on advising and assisting the Iraqi Security Forces as they take on greater responsibility. Some U.S. combat forces would still be needed for a time as quick reaction forces and to participate in ongoing counterterrorism operations.

Finally, I am very supportive of a regional engagement mechanism as part of an overall stabilization strategy for Iraq. A conference or series of conferences hosted by the United Nations and attended by Iraq's neighbors in the region would create an important venue to facilitate foreign assistance, reduce unhelpful foreign meddling in Iraq, and gain the buy-in of key neighbors to address both the challenges within Iraq as well as broader regional security issues. I would encourage the committee to examine the possible approaches the United States might take to assist in the creation of such a conference or mechanism.

Senator CORKER. Thank you very much.

The CHAIRMAN. Senator, thank you for your patience.

Senator MENENDEZ. Thank you, Mr. Chairman.

Thank you all for your testimony.

You know, General McCaffrey, if you're right and the future of Iraq ends up being in the hands of some two-star general, which, for me, really means a dictator, changing—what we will have accomplished is to change from one dictator that we did not like to another dictator that we may like, or at least satisfy our purposes. And isn't it sad to have lost 4,000 American lives and spent a trillion dollars for that to be the outcome?

You know, as I listened to the panel, across the board, while there may be some degree of difference about the ultimate result, there isn't any difference, it seems to me, about the question that there is undoubtedly a withdrawal to take place. Time and matters may be the difference of opinion. If that is the case, isn't it true that President Bush would best serve the next President of the United States, who either—no matter who she or he may be—as well as the Nation, by now telling the Iraqis that we will be transitioning out, and that the unconditional blank check that we have given them is up? Wouldn't the President be doing the next President of the United States and the Nation the right thing, the responsible thing, by sending that message now?

General MCCAFFREY. Well, I think the facts of the matter are, this administration is not going to do that. They're going to hang in there and try and make sure it doesn't come apart on their watch. That's the reality. I think all the——

Senator MENENDEZ. I don't disagree with you, but——

General MCCAFFREY. Yes.

Senator MENENDEZ [continuing]. Wouldn't it be the right thing——

General MCCAFFREY. Well, I think the Iraqis——

Senator MENENDEZ [continuing]. The responsible thing?

General MCCAFFREY [continuing]. Have all figured out we're leaving, and that that, to some extent was helpful. That's why the Sunnis started joining the police force and joining the army and pushing for provincial elections and pushing for the federal government to work in support of their objectives.

I think most everybody inside the Beltway, most everybody inside the Green Zone, understands we've got a limited time left in Iraq. So, whether this President tells them that or not is almost irrelevant.

I also don't think we are well served, though, by having this administration try and solve almost anything. Thank God we've got Secretary Bob Gates in there, terrific leadership on the ground. We'll probably hold it together through the election and then tee it up for the next team to come in and say, "What are we going to do about this?" And the solution will probably be a couple or 3 years in the making. So——

Senator MENENDEZ. Well, there's obviously time. Wouldn't the clock be better served by precipitating it? I think it goes in line with some of the suggestions that you're making about moving forward——

General MCCAFFREY. Well, we are——

Senator MENENDEZ [continuing]. In terms of what conditions are——

General MCCAFFREY [continuing]. Remember, drawing down right now. We already know we're going down to 15 brigades.

Senator MENENDEZ. The question is, What is the ultimate goal? And while you disagree on timeframes and conditions, you don't disagree on other issues—this is something that the administration still refuses to recognize, and some who are running for President still refuse to recognize, as well. So, I have real concerns about—the longer we let the Iraqis—maybe they know we're going to leave—think that we'll hang in there, the more they will fight, as General Petraeus, when he was here last year, said, "for power and resources." I don't want to lose American lives for Iraqis to fight over power and resources—for Iraqi politicians to do that. That's not why I would send the sons and daughters of America to fight in a cause. And so, that's my concern.

Let me ask you this. You know, I just saw what happened, and I see the reports that came out, where, in essence, Maliki decides to pull the trigger for more political purposes than security purposes. Some U.S. officials were quoted in an article—who said that, basically, this is Maliki firing the first salvo in upcoming elections. His dog in that fight is that he is basically allied with the Badr Corps against forces loyal to Sadr. It's not a pretty picture. This is how U.S. troops should be dragged in, by the determination of Maliki to do something that is politically propitious for him, but isn't, at the core, security issues? I mean, when are we going to change those dynamics? Is there any disagreement on that?

General MCCAFFREY. No, you know, I think that's a reality on the ground in Iraq.

Senator MENENDEZ. Let me, then, go to the final question. It's about soft power, which we have forgotten about. I agree that there are some things that still should be done. But, you know, 43 percent of Iraq's population currently lives in absolute poverty; 19 per-

cent of Iraqis' children suffered from malnutrition prior to the war, today it's 28 percent. Last year, 75 percent of Iraqi elementary-aged children attended school, according to the Iraqi Ministry of Education; now it's only 30 percent. Fifty percent of Iraqis lacked regular access to clean water prior to 2003; now it's 70 percent. Only 50 of the 142 U.S.-funded primary health centers are open to the public, and 62 percent of Iraqis surveyed in a February poll rated the availability of medical care as "quite bad" or "very bad." We are now $25 billion later appropriated to Iraq in foreign assistance funding. How do we think that we're going to do anything to change those dynamics to make a difference, if these are the results, the statistics, where the figures on children suffering from malnutrition are greater today than before the invasion, where the percentage, in terms of access to clean water, is significantly higher, for lack of access to clean water, than it was prior to the invasion, where there are less Iraqi children, by well over half—75 percent last year, 30 percent this year? How much more money does it take before we do this right? What would you suggest? I'm sure you're going to say, and I've heard in your written testimony, a reference to assistance. But, that seems to me that we have thrown the assistance down the drain.

Ms. FLOURNOY. If I could, sir, I don't think it's a matter of providing lots more—you know, billions of dollars of additional U.S. assistance. I think this is get—I mean, Iraq has vast oil wealth, and what's keeping that wealth from being appropriately distributed to meet the basic needs of the population are the fundamental political issues inside the country, and that's—again, I think it's not a matter of lacking money, it is a matter that the money isn't going where it should go. And that's, again, where we need to focus on rolling up our sleeves and getting in to try to help broker and negotiate political compromises between the factions inside Iraq. And we have been loathe to do that, even though we've been occupying their country for 5 years.

Senator MENENDEZ. And a final question, as my time's up, I know what it is to be waiting—so, the bottom line is——

The CHAIRMAN. Senator, go ahead.

Senator MENENDEZ. If——

The CHAIRMAN. I'll let everybody have more time.

Senator MENENDEZ. If, $25 billion later, that soft-power leverage didn't produce anything—and I agree with you that Iraq has its own resources, but this is a struggle over power and resources, and those who have it don't want to give it up to those who don't. And so, what is the leverage tool that you're suggesting? If we're going to not start telling them we're going to get out, which is a message on the security side, if we spent $25 billion and that didn't produce any leverage for them to move to political reconciliation, power-sharing, and the sharing of the national patrimony, what is our leverage, at this point, to try to get them to do that? What would you suggest?

Ms. FLOURNOY. We never used the $25 billion as leverage. That's my point. We never used——

Senator MENENDEZ. So, in other words, we need——

Ms. FLOURNOY [continuing]. It as leverage.

Senator MENENDEZ. And so, my question, then to you, would be, Do we need to suggest that there will be more money used——

Ms. FLOURNOY. No. I think——

Senator MENENDEZ [continuing]. To create leverage?

Ms. FLOURNOY. I think that when you look at the—what's being negotiated in the bilateral agreement, from longer term security assistance to political support to issues of economic investment—not so much assistance, but, sort of, investment and trade relations and that kind of thing—all of those things provide us with leverage. But, the administration has been unwilling to link those issues to movement on political accommodation. And that, I think, is a huge opportunity missed.

Senator MENENDEZ. I agree with you on linkages, as well as benchmarks, which this administration resisted, then adopted, and then kept moving the goal posts.

But, on that last point, about the long-term strategic security, I agree with the chairman, that is something that has to come before this Senate, because, to me, it has all the aspects of a treaty. And without it coming to the Senate, I would be strongly opposed to it, and would join others here to try to make sure that the Senate has a voice.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Voinovich.

Senator VOINOVICH. Thank you, Mr. Chairman.

We've spent roughly $600 billion on the war in Iraq, so far—military operations, base security, reconstruction, foreign aid, Embassy costs, and veterans health care. In fiscal year 2008, we've spent an average of $10 billion per month in Iraq. The Congressional Budget Office estimates that if we continue to drawdown gradually, we will continue spending about $100 billion per year for the next 5 years, and $77 billion per year for another 4 years after that from fiscal year 2014 to 2018.

In February, CBO projected that the future war costs from fiscal year 2009 through fiscal year 2018 could range from $440 billion, if troop levels remain at 30 brigades by 2010, to $1 trillion, if troop levels fell to 75,000 by 2013.

Under these scenarios, CBO projects that funding for Iraq, Afghanistan, the global war on terror, could reach from $1.1 trillion to about $1.7 trillion from fiscal year 2001 to 2018. But, none of the war costs have actually been paid for. They've been added to the national tab. This is the first war that I know where we haven't asked the American people to sacrifice and to pay for it.

Ms. Flournoy, you said that the Army has told the Government Accountability Office it will take between $12 and $13 billion per year to replace lost, damaged, and worn equipment for the duration of the war in Iraq and at least 2 years beyond. The Marine Corps estimates it will need $15.6 billion to reset its equipment. Bringing the National Guard's equipment stock up to even 75 percent of authorized level will take $22 billion over the next 5 years. In the current budgetary environment, the military services are struggling to balance resources between reconstituting current stocks and modernizing for the future.

I raise these issues because I'm concerned that the health of our military and the long-term fiscal health of our Nation is really in great jeopardy today. This is a serious national security issue for the economy and the future of our country.

When are we going to recognize that we need to balance our budget and plan for long-term investments in our military and other domestic infrastructure? When will we have sacrificed enough lives and families and future investment in the country to say that we've done the best that we can in Iraq, and we need to start moving in another direction and reduce additional costs to our country?

Now, there's no question at all, from what I have heard today, that all of you say that because of circumstances we're going to have to withdraw from Iraq, that it's got to be done. Now, the issue is, How is it going to be done?

Last year, several of us tried to get this administration to reduce the surge troops and then come back to us and lay out a plan on how it would reconstitute our involvement in Iraq. We almost had enough votes to get it done, but we failed because of a date of when it was supposed to happen. Do we just let the status quo continue, trust the administration, and let it go? Or does this Congress, does this Senate, start to take some action in regard to this situation?

Now the administration will come back to Congress and ask for more money. Congress has never said to the administration, "In order to get the money, we want to know what the plan is, in terms of the withdrawal." From what I've heard from the witnesses here today, it would not be a bad idea if Iraq knew for sure that we were going to withdraw. Also, when I was in Egypt, I talked with its Foreign Minister. The Egyptians are concerned. The Saudis are concerned. The other neighbors are concerned. And if they know we're withdrawing from Iraq, don't you believe that, because they're concerned about what's going to happen in the region, they will come to the table and start exercising as much leverage as they can on the Iraqi Sunnis and Shiites to say, "Let's work this out"? And though it is said that withdrawal could bring about a civil war, my attitude is that we may have a civil war anyhow, regardless of what we do. About Mr. Sadr, 3 years ago I said, "This guy wants to be the next Ayatollah of Iraq." Study his family history. He was out of commission for about 6 months, and people said he would no longer be involved—I heard that from some responsible people in the administration. I said, "You know what I think?" I said, "He's in Iran, upgrading his religious qualifications to put himself in a position where, when the Grand Ayatollah Ali al-Sistani is gone from Iraq, Sadr may be the guy that runs the country.

So, what actions should we take to get the administration to lay out a clear vision for our future involvement in Iraq? We have an administration who basically says, "Stay out of our way. Trust us. We're going to handle that." What should we do, as Members of the U.S. Senate, to get an exit strategy on track? Because I believe that, if we wait and let the current situation meander down the stream, it's going to be a lot worse than if we take action now to change it.

I'll never forget when I was Governor of Ohio and the legislators said to me, "You shouldn't make the cuts." I said, "We are in deep trouble here. We have got to make the cuts." They said, "You don't have to do it." I started to make the cuts. I said, "If we don't start making the cuts now, then when we finally have to do it, it's going to be a lot worse."

I'd like your—all of your reactions.

General ODOM. Can I applaud everything you've said. And I didn't even know some of the fiscal detail, and I'm glad to learn that.

I've been asked many times, not only by Members of the Senate, but also House Members, "What do we do? What do we do?" I've suggested the Constitution says you have two powers, the budget and impeachment. Now, you pass budgets, and the President turns them down or won't let you get one through. There's one other thing you can do with the money leverage. You could just refuse to appropriate a bill, or to pass a bill for him to veto. So, if you want to bring this to a halt, it's in the power of this Congress.

General SCALES. Sir, I'd—you do have the power of the purse. And I think Bill is right in that regard.

But, let me offer you one caution. Last time we did this, in the 1970s, when I was a captain—I guess I had just made major—a lot of the spillover of this effort to get out of Vietnam, at the end of the day, wound up on the shoulders of the young men and women who were serving in uniform. And legislation, regardless of how it's handled, is a blunt instrument, as you know.

I'd just offer a caution. As the military begins to move out, and as you see these bills coming due, a couple of points. No. 1 is, resetting equipment is not as important as resetting people. I've been to Iraq, and I have good friends whose sons and daughters have been killed and wounded by what's happened recently. And I will tell you that I hope that we go the extra mile to take care of them and——

Senator VOINOVICH. OK. But, what I'm saying is——

General SCALES. Yes, sir.

Senator VOINOVICH [continuing]. The administration should have some public position that basically says, "This is the plan"——

General SCALES. Yes, sir.

Senator VOINOVICH [continuing]. "And we know we have to do it, and here is what we are going to do." And we should make it clear to the Iraqi people and say, "Take advantage of the opportunity that you have while we are still there." Send the message out to the neighbors in the region, "We're not leaving the entire region. We will be there, but we are on our way out of Iraq. We have finished our military engagement there. We paid the money and we lost the lives. We have 28,000 people who have come home, half of whom are going to be disabled the rest of their lives. It is now time for you to do this." And we've——

General SCALES. Sir, I——

Senator VOINOVICH [continuing]. Given them enough time.

General SCALES. Yes, sir. I have no argument with that. My only point back to you is, just be careful, so that we don't wind up hurting those who we're trying to help.

Ms. FLOURNOY. Sir, if I could just add, you know, I actually don't believe that all Iraqis think we're on our way out. I think that they—many of them are watching our elections very closely, and think it could, you know, be a "stay the course" approach or a, you know, phased-transition approach.

So, I think, for this body to send a bipartisan signal that we are beginning a transition, and our posture will change, and our strategy will change, and we want to do it in a way that maximizes—that protects our interests and tries to avoid civil and regional war, but we are beginning a transition—I think, a bipartisan signal from this body, how—whatever it looks like, would be very powerful. Iraqis watch our politics very closely, and I don't think the message is fully received that that transition is about to start occurring.

Senator VOINOVICH. OK. Does anybody think that we should just stay the course we are on right now and then let the next administration come in and pick up the baton and deal with it?

Barry.

General MCCAFFREY. Well, it's an odd situation. By the way, the last time I was over here—Senator Biden asked me to testify—I was pretty strong in my rebuke of Congress. Under Article I of the Constitution, you have the responsibility to raise and support an army and navy. You have the treaty power, the impeachment power, the power of the purse, on and on. And I think Congress has been entirely missing at the debate. The Democrats—and I'm nonpartisan—the Democrats have been missing in action, fearful of being contaminated, as lacking patriotism and courage. And the Republican Party has stayed with Secretary Rumsfeld when he was leading us over the edge of a cliff. So, I would want you to be introspective in your own role in this.

We've had lonely voices. Senator Biden has certainly been one of them, from the start. Senator Hagel and others. But, I think it's time for Congress to act. And I cannot imagine that the war will—first of all, the American people don't support continuation of the current strategy. It's over. And, therefore, Congress will soon reflect that reality. And I think Congress does have to step up. But, in the short term, there won't be—nobody is going to step forward and tell a President, "Draw down to five brigades by the time you leave office." It's just not going to happen. So, what we do want is the next administration—and I think Michele's comment—bipartisan is the key. This shouldn't be a partisan matter. This is, you know, the American Armed Forces at risk. This is our national security policy. And you've got to step up, in the next administration, and make sure you shape their thinking. This is the dominant branch of government. You know, I say that—I apologize for saying it that way, but I teach American government, the last 10 years, and that's what you are. So, good luck in your deliberations.

The CHAIRMAN. Lots of luck——

Senator VOINOVICH. Thank you.

The CHAIRMAN. Thank you.

Senator Cardin.

Senator CARDIN. Certainly.

First, let me ask unanimous consent that my entire statement be made part of the record.

[The prepared statement of Senator Cardin follows:]

PREPARED STATEMENT OF HON. BENJAMIN L. CARDIN, U.S. SENATOR FROM MARYLAND

We are here today—after more than 5 years, 4,000 lives lost, 30,000 wounded, and $600 billion spent—to once again reevaluate our country's strategy in Iraq. I welcome this discussion. Because I continue to believe it is imperative that we change course now; not next month, not next year.

I first want to pay tribute to our troops and diplomats serving in Iraq with such courage and competence. I am humbled again and again by their skill and their sacrifice. Bearing witness to their service fuels my own conviction that we, our Nation's civilian leaders, owe them a strategy in Iraq and a global foreign policy that is worthy of their commitment.

I've always believed invading Iraq was a mistake. I voted against granting our President that authority in 2003. I have opposed, from the beginning, the way this administration carried out that effort once begun. Its strategy—I think everyone now agrees—was naive and fatally flawed. But as much as we might wish it, we cannot change the past. This war was recklessly begun; we've got to find the smartest, most prudent way to end it.

In a speech on January 10, 2007, announcing our "New Way Forward," the President explained his new "surge" strategy to end the conflict in Iraq. By adding 30,000 additional troops, "over time, we can expect . . . growing trust and cooperation from Baghdad's residents. When this happens, daily life will improve, Iraqis will gain confidence in their leaders, and the government will have the breathing space it needs to make progress in other critical areas." By pouring all our military resources into Iraq we were supposed to improve security and provide the government there the room to reach political reconciliation.

But even the President recognized that, and I quote, "A successful strategy for Iraq goes beyond military operations. . . . So America will hold the Iraqi Government to the benchmarks it has announced."

In March, General Petraeus was quoted in a Washington Post interview saying, "no one" in the U.S. and Iraqi Governments "feels that there has been sufficient progress by any means in the area of national reconciliation," or in the provision of basic public services. Only 3 of the 18 benchmarks have been accomplished.

Thanks to the excellent work of our troops, and several unrelated factors—the Sadr cease-fire, the Sunni "Awakening," and, tragically, ethnic cleansing—violence in Iraq decreased from its highest and most appalling levels. But the Iraqi Government did not take advantage of relative calm to reach accommodation among its various factions. Local political and militia groups continue to struggle to amass power. Recent violence in Basra and Baghdad demonstrate that our troops continue to referee a multitude of civil wars and political power struggles—Shia on Shia in Basra and Baghdad, Shia on Sunni, Kurdish on Sunni, and the list goes on.

Desperate for security, we are undermining our goal of stability. We are arming and paying Sunni militia to combat al-Qaeda in Iraq, we arm Shia militia allied with Iran to combat other Shia militia that oppose the central government. I have yet to hear a clear strategy for how we will unite these disparate armed forces under the central government.

Four million Iraqis have been displaced by this conflict. Half are in neighboring countries. All are running out of money creating a humanitarian and a security crisis throughout the region. If all were to try and return home, it would be chaos. We aren't doing what we need to do to resolve the crisis.

Nowhere in arming opposing militias, our involvement in intra-Shia violence, or our neglect of the growing refugee crisis, do I see evidence of a long-term strategy toward stability that will outlast our unsustainable military presence.

So, this summer, we will be in a familiar place. Just as when the President announced the "surge," we will have over 130,000 troops in Iraq, unacceptable sectarian violence, 4 million Iraqis displaced, and no political reconciliation to show for our efforts. We need a new strategy in Iraq.

We have several experts before this committee today. I want to hear what you think our objectives should be given the political reality on the ground in Iraq and the reality of our military capacity. What are your recommendations for what tactics we should employ to reach those goals?

If possible, I would like to hear from you how we should balance the needs in Iraq against the reality of needs elsewhere in the world including Afghanistan and Pakistan, and the reality of new and growing needs here at home.

For years, some of us have been calling for a new approach; one that includes a changed military mission. Instead of refereeing warring factions, our troops should

focus on training, counterterrorism, and force protection. Because that mission calls for fewer troops, we should continue phased redeployment past this July. Any effort must include stepped-up diplomacy. We need our Nation's most senior officials engaged in bringing other nations and international entities such as the United Nations and the Organization for Security and Cooperation in Europe (OSCE) to the table.

The world has an interest in a safe and secure Iraq. But in working toward that end, we cannot ignore other competing needs around the world and at home. We need a more thoughtful approach that will protect our troops and our All-Volunteer Force, step up our diplomatic efforts, and internationalize the effort to bring stability to that country and to the Middle East.

Senator CARDIN. Let me continue this discussion, because I do think it is extremely helpful.

It's interesting that the President's justification for increasing our troop levels in Iraq over the past year was to give some breathing space to the Iraqi political situation. He understood, as many of us agree, that we need a political solution to what was happening in Iraq. Now, my colleague, Senator Voinovich, has gone through the sacrifices that America has made, and I opposed this war from the beginning, and have been very critical of the manner in which it's been managed. But, I was certainly hopeful that we would have seen more political progress by this date.

We're now discussing an important question. What do we do in the next 10 months of this administration? What can be done? And I certainly believe that Congress needs to take decisive action. And I hope we can find a bipartisan manner to do that, a course of action that could garner a significant number of votes so that we can overcome the procedural problems that we have in the United States Senate. I think that will take a good-faith effort by the leaders of both of our parties. And I think there is a growing consensus that Congress needs to take action that addresses the realities of the situation in Iraq. Realistically, American troops can not stay indefinitely as is required under the current course in Iraq.

Let me explain why I think the increased American troop levels in Iraq were a total failure. There's been virtually no political progress made over the last year. Now, when I take a look, historically, at how we've been able to make progress for peace in troubled parts of the world, whether it's Northern Ireland or South Africa or Bosnia, there were courageous political leaders, that were prepared to make concessions in order to bring about peace. So, I guess my first question to our panel is, Can you identify any political party in Iraq, or any potential leader there, that's really prepared to step forward and make the type of concessions that are necessary to instill confidence in the Iraqi people that there could be a central authority that would respect the rights of all the people of Iraq? Do we have that type of political party or leader that we can work with?

Ms. FLOURNOY. If I could, sir. I met a number of Iraqis, at the local level, who are exactly those kinds of people, but they are not empowered in the current political process. They are not the people who gained power in the last set of elections. And this is one of the reasons why I think so many people put emphasis on provincial elections, that there are, sort of, grassroots leaders who are doing real things for their community, and who understand the importance of serving a constituency, but they aren't the people in power in Iraq right now.

Senator CARDIN. Do we have any leaders that are currently in power that we could work on?

General ODOM. Can I——

Senator CARDIN. Certainly. General.

General ODOM. Pardon?

Senator CARDIN. General.

General ODOM. You know, there's no historical precedent, that I know, for political consolidation in a place like Iran, without a war. I don't—we're just talking academically, theoretically. It's got nothing to do with the real world, to talk about some kind of—some fellow stepping forward, or this, that, and the other. Can you imagine some European power, in the United States, 1868, trying to get Jefferson Davis and Abraham Lincoln to negotiate a peace? No way. That's where you are. Even worse. There are many more sides.

There—Senator Voinovich, I wanted to say, in addition to your comments, I don't know any case where we've provided aid to foreign countries that are in wars like this, where we don't end up funding both sides. The more money you put in, the worse it is. I wrote a book on this, comparing several alternative—several cases. In every case, the worst thing you can do is give a country money. As Michele, I think, said, in here, or someone else, there's plenty of money in the oil, and the issue is who's going to get it. So——

Senator CARDIN. The other question, of course, is that if there's to be progress made in the next 10 months, then there needs to be workable compromises so that the oil revenues, in fact, can be used to help the people of Iraq. Is there any——

General ODOM. That's not going to happen.

Senator CARDIN. Is there any hope that there could be significant progress in the next 10 months, in that regard?

Ms. FLOURNOY. The oil revenue is actually being distributed, de facto, to the provinces, based on, sort of, prior census information in Iraq. But, the problem—without a law, it's not reliable, and people feel they can't count on it. It's haphazard, it happens late, it may or may not happen in the future. So, the legal framework is key to giving the—particularly the Sunnis—the confidence that they are going to get a share of the Iraqi wealth and the economy that they can use to build on in the future. That's why the law is so important.

Senator CARDIN. I just want to make sure that there are no further replies from any of the witnesses as to whether there is any national party or leader that we could rely upon. I see that there's no real desire to go further on that.

I want to raise one more question—one more point, if I might, in the time I have remaining, and that's an issue that has not been raised today, and that is Iraq's refugee problem. I don't see how we are going to develop a stable country with so many milllions of Iraqis displaced in and outside Iraq. We now have over 4 million displaced people in Iraq; 2.2 million, I believe, is the most recent number, within Iraq itself; there's now over a million, I believe, in Jordan and Iran and Syria. Is there any game plan for dealing with the refugee issue, or is this just being pushed down the road, saying, "Once we resolve Iraq—or once Iraq resolves itself, then we'll worry about the refugees"? Is anyone trying to figure out a comprehensive strategy for addressing this issue?

Ms. FLOURNOY. We met with the new U.N.—the Secretary General's representative there, who is a very inspiring figure, actually, and they are working on plans for dealing with the return of internally displaced people. They're very concerned that the return of some of those refugees and IDPs will be a spark for fighting, as people come back, find their homes occupied by someone of another sect, you know, battle——

Senator CARDIN. Right.

Ms. FLOURNOY [continuing]. Fighting ensues, and so forth. So, I think the U.N. is working on that, but it is not front and center in the Iraqi Government's list of priorities, and not much is actually being done, in a practical way, to deal with the magnitude of the problem. They're dealing with a few dozen families a week right now, but the magnitude of the problem is overwhelming.

Senator CARDIN. Well, I think the refugee issue is a critical one that no one has really allocated appropriate thought or planning. If we get to a stage where we have a political opportunity to make advancements, the refugee issues are going to become a huge problem. And I can tell you, the countries in which most of the external displaced people—are looking to the International Community for some assistance in this regard, and we've been very quiet; the United States has not provided, I think, the necessary leadership on this issue.

So, I'd just come back to the point. If we're expecting to make progress in the next 10 months, and I'm inclined to agree with the advice that the panel has given us, that the Congress needs to exert itself in the strongest possible way we can, that the current policies have failed, and we need a new plan in Iraq. We should make that plan as strong as we can, getting the broadest possible support, so it is a bipartisan—a true bipartisan statement. And if we can do that, a new bipartisan strategy would be the best thing we can get done. I don't know whether we have enough support for it, quite frankly, in the Senate. It's something we need to explore. We've tried. We've tried to compromise on the way forward, and no matter what the proposal we don't seem to be able to get to that 60-vote margin that's required in the Senate.

But, I think we need to continue to work toward a new strategy. But, as we continue to work in Congress, what I find difficult to accept is that I don't believe this administration is conducting its own planning. I don't believe this administration has realistically determined how you can make the necessary political progress, understanding it has to come from the Iraqis. Yes, the United States needs to be direct in prodding the Iraqis to move in the right directions, and we need to use every point of leverage we can, including our international influence, to make that happen. But, realistically, what I'm hearing from our experts, is that the current Iraqi leadership is not capable, or willing, to do what is necessary.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Webb. As my mother would say, "God love you." Thank you for waiting.

Senator WEBB. Thank you, Mr. Chairman.

It would seem that everything that can be said has been said. I had to leave the hearing for a while, but I was watching most of

it from my office. I had another meeting I had to go through. But, I did want to come back and raise a few points.

The first thing I would like to say is that—and I've read all the testimony and listened to most of it—on the testimony that relates to your point, Ms. Flournoy, I'd like to offer a little bit of a different suggestion here. When you talk about "the options that we have are unconditional engagement, unconditional disengagement, or conditional engagement," my view would be that what we really should be pursuing is conditional disengagement. We should be making it very clear that we are on our way out, subject to certain conditions, in many ways tantamount to what the Nixon doctrine was saying in the early 1970s, that if there were external attack or if there were issues of international terrorism that clearly are broader than Iraq, we would reserve the right to take military action, but that we're on the way out. I don't think we should be putting ourselves in the situation of withdrawing our forces only based on circumstances that relate to performance of the Iraqis, which is a situation that we can't control.

And, in that regard, you also mentioned in your statement, that you believe that the only way to take advantage of security gains is to use our remaining leverage to push various Iraqi actors toward political accommodation. I would just like to say that I strongly believe that the only way that we're going to really resolve this is through regional cooperation. And when you have situations that have had this much disagreement and violence, it's almost impossible to push those factions into some sort of an accommodation purely from the inside.

And an analogy is, I worked a good bit of time on the normalization of relations with Vietnam. I still work on that issue. You have two entities there that conducted a great deal of violence toward each other, for reasons that I supported, from our national perspective. But then, after the war was over, the Communist government was absolutely brutal to the people who were on the other side, and that's probably the most irresolvable issue. But, we're still unable to say that those two entities should be making peace between themselves, without some sort of an outside bridge. And that's why I've continued to say, over and over again for the last 4 years, that the way to resolve this is with a strong statement of purpose that we are going to remove our forces off of the local defense, the street-by-street-level military action, and to assist in the creation of an international umbrella under which we can solve this problem.

I strongly agree with General Odom that the question is not training the Iraqis. I think the Iraqis have shown, in many cases, they know how to fight. I think the insurgency demonstrates that. The Iraqi military, in the past, demonstrated that. They fight their own way. The way that they handled our initial invasion was a classic example of asymmetric warfare. They weren't going to take the hit, but they were going to blend back away from where we were and then come back in, piecemeal. The question is whether they want to fight, which is something that was also brought up.

And then, finally, General McCaffrey, I listened to what you were saying a few minutes ago about how most of the blame belongs here in the Congress for congressional inaction. I would like

to offer a different perspective on that. I remember, last year, when you testified, and one of the things that you mentioned in the testimony was the Article I power of the Congress with respect to the army and the navy. I can remember actually having a conversation with you, because there were two separate clauses. The army clause is different than the navy clause. The Congress has the power to raise and maintain an army. It is required to maintain a navy. That does give the Congress the authority to set things into motion. I would agree with you that the vote that was taken to set this war into motion was a very regrettable experience for this country. And I was doing my best, as someone who was not in the Congress at the time, to provide a warning voice on that matter.

From my perspective, the greatest failure since that time, and perhaps, to a certain extent, before that time has come from the highest-ranking leadership of the military and the retired military. I think that there are too many senior military officers who, either for reasons of loyalty or reasons of political alignment with the Bush administration, or because they were doing business with companies that made it very difficult for them to make these judgments, didn't speak out. They didn't speak out, like General Odom spoke out. They didn't speak out like Tony Zinni spoke out, or didn't take the risks that people like Greg Newbold and General Shinseki took in their positions.

As someone who grew up in the United States military as a son of a career military officer, who served in the military, has a son who's served in Iraq, as well as a son-in-law, that puzzles me. Looking back on it, I think that is the most regrettable reason of where we are.

We need the people—like the Greg Newbolds of the world, the General Odoms—to be speaking out honestly—loyalty to the country, but finding a solution here, so that we can move forward and face our true strategic concerns around the world.

General MCCAFFREY. Yes; let me, if I may, though, say that I don't think Congress bears a preponderance of the responsibility at all, if I left that impression. I do think Congress was sadly lacking in the debate. Their only power is not some narrow governance of the Armed Forces, or setting the——

Senator WEBB. Well, General, I certainly would agree with you, in terms of the debate that set this into motion. And once it went into motion, it's very difficult to stop, from a congressional perspective.

General MCCAFFREY. I agree.

Senator WEBB. And the Congress, in the last year and 4 months, at least from the Democratic side—and I don't mean to make this a party issue—we have tried, time and again, and every single issue that is connected to Iraq has been elevated to a filibuster, including an amendment that I put forward that basically said, "As long as you've been deployed, you should have that much time at home." As someone who has had a dad deployed, who's been deployed, who's had a son deployed, to me that was just common sense. But, even that took on political overtones. So, the Congress may have been paralyzed, but I don't think that Congress has been AWOL.

General McCAFFREY. No, I agree. And, by the way, make sure you add my name to the list of people that spoke up, in writing in the Wall Street Journal, on day five of the war. So, I've been pretty critical of Rumsfeld and his crew for getting us—for starting the mess we've been—and I also don't disagree with your view that the senior military leadership has been more compliant than they should have been.

Senator WEBB. I think a lot of us who have long experienced the national security affairs saw this coming. I wrote a piece in the Washington Post, 6 months before the invasion, and I said there would be no exit strategy, because they did not intend to leave. There were a lot of people who could see that. And we have to do what we can now to repair the damage that has been done to our country, to our reputation around the world, and to our ability to address the issues that we were supposed to be facing in the first place.

General McCAFFREY. Yes.

Ms. FLOURNOY. Senator, might I respond to your first couple of comments?

It's interesting that you should mention "conditional disengagement." We're actually in the midst of a heated internal debate at CNAS as to whether we've got the name of our strategy correct or not, and the other option is "conditional disengagement." So, you may see that change, over time.

And I couldn't agree with you more——

Senator WEBB. I think that puts the place of the United States in the right——

Ms. FLOURNOY. Right.

Senator WEBB [continuing]. Spot if you were to use——

Ms. FLOURNOY. Yeah. I mean, I think if——

Senator WEBB [continuing]. That terminology.

Ms. FLOURNOY [continuing]. You're talking about the military dimension, that's probably more fitting. I think if you're talking about broader—all the tools of power, there'll be continued engagement in Iraq over time. You know, but I do think it's an important framing issue that we're in discussion on.

On the regional point, I couldn't agree with you more, and I—forgive me for leaving that out. There cannot be any—you know, we absolutely have to push the Iraqis, internally, to make the hard choices, but they can't do that without a broader context of regional agreement and regional cooperation and some sort of support for——

Senator WEBB. You know, as I said, the Vietnamese experience is a good microcosm. I started going back to Vietnam in 1991, and my concern was always the people who were with us on the battlefield, who were left behind. A million of them went to reeducation camps, et cetera. They were lost in the debate. We were talking about our Vietnam veterans. We were talking about what the Communist soldiers have done. And when I would raise it to, for instance, the Secretary General, the lineal descendant in the job of Ho Chi Minh—he would say, "I have mothers who have lost five sons fighting for the Communist side. You can't tell me to go give the South Vietnam veteran the same veteran benefit as my guy. I can't do it." And the people who fought with us were so bitter about

the reeducation camp experiences, they don't talk. So, you need that kind of a bridge. And very much so in Iraq, because there are so many of these countries that are playing under the table, that have interests. And the best way to deal with it is to bring them out in the open, in terms of what they're willing to commit, nationally, toward a solution there.

Thank you, Mr. Chairman. I know——

The CHAIRMAN. Thank you.

I just—we're going to be—there are going to be an awful lot of volumes written, in the next decade, about who knew what, when, and who said what, when. And that's all legitimate. The thing that always amazes me is, the context in which that vote took place was how to avoid war, not how to go to war. Everybody now says they all knew we were going to war. That's not what the President personally assured me and other people. That's not what he had done. He had acted rationally for 6 months prior in Afghanistan. There was no reason to believe he would be irrational, as he turned out to be, in my view. But, that debate will never be won today and I predict to you, you're going to see our neocon friends, very prominent ones—some of the names have been mentioned—I'll bet you they—in the next 2 years, you're going to hear a book coming out from some of the most prominent ones, saying, "You know, if the President had just listened to me and allowed us to put in a dictator from the first—from the get-go, we would have been OK." So, there's going to be a lot of this.

But, let me conclude by making—raising one point, not for an answer, because I've trespassed on your time much too long, but maybe for you to think about, and if you're inclined to respond in writing—if not, you all know me well enough, I'll pick up the phone and call you and ask you.

One of the things that Senator Webb, who's been very forward-thinking on this whole area for a long time, said—he gave the analogy of Vietnam, and he began going back, in 1990. I would respectfully suggest, in 1990 we still had credibility in the world. We still had credibility, and even credibility in Vietnam. I would respectfully suggest we have no credibility. We have no credibility in Iraq, we have no—among the factions—we have no credibility in the region, and we have no credibility with our allies and our antagonists, as it relates to Iraq, anywhere in the world.

I tell that old bad joke, General Odom, about the guy who—my baseball coach in college told me, and I'm going to change the name. George was a star centerfielder. In the first three innings, George makes three errors. He never makes errors. He made three errors. Coach says—calls timeout and says, "George, you're out," and he puts in Barry. And Barry goes in, play resumes, first pitch, routine fly ball to centerfield to Barry, hits his glove, and he drops it. Coach goes crazy, calls timeout, and says, "Barry, you're out." And he's crossing the third base line, he grabs Barry by the number, and says, "Barry, what in the devil's the matter with you?" And Barry looks at the coach and says, "Coach, George screwed up centerfield so badly, no one can play it." [Laughter.]

Well, the truth is, George has screwed up centerfield so badly, we do not have, in my humble opinion, the credibility to be the catalyst to do the things you're talking about.

Which leads me to my parting question, not for you to have to answer now, unless you—if you want to, you can, but I'm not asking you to. When I put forward the plan General McCaffrey referenced—two plans, actually—I pointed out that—this federal system—time worked against accomplishing it. The more time, the more water over the dam, the harder it was to establish a rational political way out of Iraq. And we might have to change our policy as we moved along, because this President has squandered, in my view, so many opportunities to keep a bad thing from getting worse. But, one of the things I do think is necessary—everyone talks about the need for regional engagement—us engaging within the region, but also, by implication, the region engaging as it relates to a solution with regard to Iraq.

And here's my point. One of the things I think we always vastly, in my 34 years, 35 years as a Senator—knowing that all Congresses can do is respond to foreign policy—the blunt instruments in the Constitution are just that, they're pretty blunt—is that we always underestimate the stake that the observers have in the outcome of our actions. Case in point: As the French President told me—the previous French President told me, the worse mistake you ever made was going to Iraq, the only bigger mistake would be for you to leave, because he has 14 percent of his population that is Arab, and he's worried about it being—he was worried about it being radicalized. The Germans know if this thing goes as badly as it might, they're going to have somewhere between 500 and 1 million Kurds beating the path to their doorstep, if things go really badly. The Iranians, this—I find this ridiculous assertion that the Iranians and Ahmadinejad really means what he says was, "Leave, and we'll take care of it." The last thing they want to take care of is an all-out Shia war with Arab Shia, and deciding who to pick. The last thing Syria needs is us to leave, and leave in chaos. Saudi Arabia. But, we don't play any of those cards.

And so, here's what—my question. I have been proposing—and actually went and asked for a meeting with the Permanent Five of the Security Council. Now it's—how long ago? Almost a year ago. And they were kind enough to meet with me, for almost 2 hours. And I asked the question of each of their Ambassadors, including our Ambassador, who's there. And I said, "What would you do if the President of the United States came to you and said, 'I want the Permanent Five of the Security Council—not us, the Permanent Five—to call an international conference on Iraq, where the Security Council members, the Permanent Five, invited each of the stakeholders in the region to the meeting and, ahead of time, we were able to work out, among the major powers, the broad outlines of a political settlement for Iraq'—what would you do?" Without naming the ambassador, one ambassador said, "The first question I'd say is, 'Mr. President, what took you so long?'" Literally.

Then, I asked each of them, including our own, "Would you participate?" And the answer was, "Absolutely," they were certain their governments would.

So, my question is, If I am correct—and I may not be—that we have virtually no credibility with the players—other than to be able to threaten to withhold, Michele, that's a credible—a credible tool we have—but, if we have no credibility, or little credibility, isn't the

vehicle by which we begin to deal—whether it's your proposal, General Odom, knowing we're going to have to stay in the region, we can't leave the region, or whether it's a proposal of any of the rest of you all, whom have said, "You've got to engage the other players," you can't make it to Basra—my staff just was down in Kuwait, we're talking about them being able to have flow-through with equipment no more than one brigade every month and a half or so, just to physically get out. So, we're going to need a lot of cooperation. So, doesn't it make sense—or, does it make sense for us to quietly initiate a proposal through the Permanent Five, or maybe others, to call for that regional conference, to begin to set the stakes as to what the nature—the broad nature of this political arrangement's going to have to be in Iraq? Because I think a lot of the players in Iraq—and I've been there as much as anybody, I know most of them personally, I've spoken with virtually—I actually haven't spoken to Sadr, and I haven't spoken to Sistani. I think they're the only two. And my impression, just as a plain, old politician, is, they're each looking for somebody to say, "The devil made me do it. I didn't want to make this compromise. I didn't want to have to do this, but we have no choice."

So, I would just raise with you, again—I'm asking—I will ask you not to answer it now—but to think about whether or not there is any utility, not in the sort of goo-goo good-government, feel-good internationalist environment that we're going to get the International Community involvement, but is there a practical benefit by having the major powers first meet and negotiate what—the outcome they're looking for, generically, and then to bring in the regional powers, to put pressure on the domestic powers inside Iraq, to figure out how we can more easily leave with the least amount of blood, carnage, damage, and whatever?

That's the thing I'd like to, maybe, be able to pick up the phone and call you all about over the next couple of weeks to see what you think.

I truly appreciate it. You've been a brilliant panel, and you've added greatly to our knowledge base.

Thank you very, very much.

We're adjourned until 2:30, when we'll have another distinguished panel to discuss the political ramifications, as if we didn't discuss it this morning.

[Whereupon, at 12:55 p.m., the hearing was adjourned.]

Additional Material Submitted for the Record

Briefing Slides Presented by GEN Barry R. McCaffrey During His Testimony

COMPLEX MILITARY OPERATIONS IN THE URBAN ENVIRONMENT

Presentation to:
USJFCOM
Joint Operating Environment Workshop

Wednesday, 19 March 2008

Barry R. McCaffrey
General, USA (Ret.)

CONTEXT

- The Current National Security Challenge
- National Tools to Shape the International Environment
- The Wars in Iraq & Afghanistan
- Using Military Force
- Military Operations in the Urban Environment
- Looking Toward the Future.

GEN (R) Barry R. McCaffrey

19 March 2008

THE CURRENT NATIONAL SECURITY CHALLENGE

- The terrorist organizations threatening the U.S. have been intimidated and badly damaged.
- The terrorist threat has morphed and remains a huge danger to the U.S. and our allies.
- Global animosity toward U.S. foreign policy and the Administration is universal, intense, and growing.
- Homeland security has improved immeasurably since 9/11 (not withstanding Katrina).
- Homeland security is grossly under-resourced, lacks congressional support, and remains incoherent.
- The proliferation of WMD nation states and technology remains the principal threat to the American people and our allies.
- U.S. global air power is grossly underfunded. (F22A, C17, Space/Cyber, UAV)
- Our ground combat force is beginning to unravel.

GEN (R) Barry R. McCaffrey
19 March 2008

TOOLS TO SHAPE THE INTERNATIONAL ENVIRONMENT

- Diplomacy
- International Development Assistance
- Arms Control
- International Law Enforcement Cooperation
- Nonproliferation Initiatives
- Shaping World Opinion
- Covert Action
- Military Intervention

GEN (R) Barry R. McCaffrey
19 March 2008

IRAQ – A DRAMATIC CHANGE FOR THE BETTER

- The appointments of General Dave Petraeus as Joint Commander in Iraq and Ryan Crocker as Ambassador have turned around the Iraq Civil War.
- The morale, fighting effectiveness, and counter-insurgency skills of U.S. combat forces continue to be simply awe-inspiring.
- Secretary Gates and Secretary Rice are effectively repairing foreign and national security policy in the Middle East. Tensions with Iran, Syria, and Turkey are somewhat reduced.
- Political reconciliation talks with the Sunnis show positive response. "Concerned Local Citizen" groups have greatly enhanced security. Most Shia militia forces maintain an uneasy "cease fire" with U.S. and Iraqi forces.
- The Iraqi Army is real, growing, and much more willing to fight. However, they are still not adequately equipped. The Iraqi Police are now the focus of enormous new efforts in training, leadership development, and equipment.
- The Maliki Administration is dysfunctional. Governance is broken. The nation is gripped with fear and distrust. However, the Shia dominated government is now beginning to respond to U.S. pressure to reach out to the Sunnis and Kurds.
- U.S. Special Operations Forces have largely succeeded in defeating the foreign jihadist threat at a tactical level in Baghdad and Anbar Province. AQI has fled to the northwest (Mosul) and is reconstituting.
- U.S. combat forces need to reduce their footprint to get down to twelve combat brigades by December 2008. We are breaking the U.S. Army.
- Iraq cannot sustain economic recovery without enhanced, long-term U.S. budgetary support. Congressional support is lacking.

GEN (R) Barry R. McCaffrey

19 March 2008

AFGHANISTAN IN PERIL

- Afghanistan in six years has moved from a situation of: mindless violence, poverty, and the absence of government -- to a nation with a struggling democratic government; a developing economy; a rapidly growing, disciplined Army; a free press, and active diplomatic and economic ties with its neighbors and the world.

- The level of fighting against the Taliban has intensified rapidly in the past year. Fortunately – we have significantly increased U.S. combat forces in Afghanistan. (Two infantry brigades). NATO now has lead for the entire effort. (37 nations and 40,000 troops – 22,000 U.S.) Additional U.S. Marine forces are now deploying to southern Afghanistan to join Brit/Canadian Forces.

- The assumption by NATO of a lead role in supporting the Afghan government is a triumph. However, NATO is seriously under-resourced for the task at hand. The assumption of ISAF command by U.S. General Dan McNeill has dramatically increased our command flexibility.

- Afghanistan is a Narco-state which produced more than 9000 tons of opium in 2007 (95% of the world's opium poppy) -- and is also the world's largest heroin producing and trafficking country. $4 Billion in criminal money. 900,000 drug users.

- The rapid creation of 50,000 troops for Afghan National Army Forces is an enormous success story. These soldiers are the most disciplined, and effective military force in Afghanistan's history. In general, these troops are very courageous, and aggressive in field operations. The Afghan Army is badly under-resourced.

- The Afghan National Police are vital to establishing order in both urban and rural areas. (60,000 Afghan National Police nominally exist). They are badly equipped, corrupt, poorly led and trained, and lack adequate national police infrastructure. However -- help is on the way in terms of U.S. military and civilian mentors, greatly increased equipment, and substantial new levels of funding.

- We must eradicate the opium crops each growing season -- and massively resource alternative economic development. The Administration has significantly increased their funding for this effort -- with State Dept. INL as the lead.

GEN (R) Barry R. McCaffrey

19 March 2008

USING MILITARY FORCE

- Avoid warfare -- deterrence, bluff, allies, deception, special ops.
- Don't get in fair fights.
- Use overwhelming violence to stun your adversary.
- Use high tech leverage – air & naval power.
- Go for the "schwerpunkt" – avoid "political signaling" with military force.
- Avoid extended ground combat.
- Avoid occupation of hostile foreign lands.
- Above all -- avoid combat operations in the urban environment.

GEN (R) Barry R. McCaffrey
19 March 2008

CLASSIFYING URBAN OPERATIONS

- **High Intensity Operations --** military objectives are immediate and vital.
  (Survival of the force is imperiled or punitive intervention)

- **Constrained Operations --** safety of the population and minimal damage to infrastructure outweighs the gain of achieving military objectives.

- **Rule of Law Operations --** conducted as if dealing with an armed threat in a U.S. city.

GEN (R) Barry R. McCaffrey
19 March 2008

PRIORITIES OF URBAN COMBAT

- 1st – **Intelligence**
  - Physical terrain
  - Human terrain
  - Enemy threat/vulnerabilities
- 2nd – **Seize key terrain** -- dominate avenues
- 3rd – **Locate – kill – capture** key leaders
- 4th – **Psychologically control and safeguard** the population
- 5th – **Substitute indigenous** -- police, military, political/economic leadership for U.S. forces rapidly.
- 6th – **Multi-national operations** -- gain international legitimacy

GEN (R) Barry R. McCaffrey

19 March 2008

TACTICS OF URBAN OPERATIONS

- **Disperse** -- among the people (languages).
- **Mission first** -- Force Protection is a condition -- not a goal.
- **De-centralize** -- authority, resources, and accountability.
- **Population** -- dignity first, protection second, control third (positive incentives).
- **Set "Red Lines"** -- hammer threat actors.

GEN (R) Barry R. McCaffrey

19 March 2008

LOOKING TOWARD THE FUTURE

- The U.S. economy will continue to do extremely well in the global marketplace – despite the looming U.S. recession caused by: the credit market meltdown, oil price increases, trade balance deficits, tax revenue/expenditure shortfalls, and a grossly weakened U.S. currency.
- U.S. – Japanese economic, military, and political cooperation will grow even more intense.
- Saudi Arabia will continue to modernize, maintain stability, and greatly improve the capabilities of their Armed Forces and internal security.
- Relations with Europe will dramatically improve with the next Administration.
- Political and economic relations with China will continue to remain strong even as the PRC emerges as a major Pacific naval and air force military power.
- Political and economic relations with India are now immeasurably better than pre-9/11.
- The situation in Pakistan is unstable. Our position in Afghanistan would be untenable without Pakistani support.
- U.S.-Russia relations will grow more hostile -- but will avoid dysfunctional military/political/economic confrontation.

GEN (R) Barry R. McCaffrey

19 March 2008

LOOKING TOWARD THE FUTURE (Continued)

- North Korea will come apart. We must facilitate a soft landing for this dangerous regional nuclear power.
- Terrorists will strike at America during the next Administration's first term.
- The crisis in Iraq will stabilize and U.S. forces will largely withdraw in the first 36 months of the next Administration. (34,000 U.S. killed and wounded -- $12 Billion per month).
- The next five years in Afghanistan will be dangerous. The situation may improve with massive new U.S. resources. Our Allies will not step up to the challenge.
- The death of Castro -- meltdown of repression – 250,000 refugees within 36 months.
- Confrontation with Chavez -- instability and oil. We have no U.S. Latin-America regional foreign policy strategy.
- Iran will go nuclear – instability in the Persian Gulf. The Sunni Arabs will create a nuclear-military coalition.

GEN (R) Barry R. McCaffrey

19 March 2008

IRAQ AFTER THE SURGE: POLITICAL PROSPECTS

WEDNESDAY, APRIL 2, 2008 (P.M.)

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met, pursuant to notice, at 2:37 p.m., in room SD–419, Dirksen Senate Office Building, Hon. Joseph R. Biden, Jr. (chairman of the committee) presiding.

Present: Senators Biden, Kerry, Feingold, Boxer, Bill Nelson, Cardin, Lugar, Hagel, Corker, Murkowski, Isakson, and Barrasso.

OPENING STATEMENT OF HON. JOSEPH R. BIDEN, JR., U.S. SENATOR FROM DELAWARE

The CHAIRMAN. The hearing will come to order. We thank our witnesses, all of them, for being here, and intrepid press, who after a long hearing this morning, came back this afternoon. All of—all the witnesses we have this afternoon have spent a considerable amount of time in Iraq and all have provided very insightful commentary in Iraq over the period of the last several years.

Yahia Said—I hope I pronounced that correctly—is Director of Middle East and North Africa at the Revenue Watch Institute. Dr. Stephen Biddle is a senior fellow at the Council on Foreign Relations. And Nir Rosen is a fellow at the Center on Law and Security at New York University.

Fifteen months ago when the President announced his surge of an additional 30,000 American forces into Iraq, he made clear that his strategic purpose was to bide time and space for the Iraqis to come together with a political solution. Today, we look forward to the assessment of each of our witnesses on the progress on that central rational for the surge, what political progress has been made. In short, we want to know whether or not you believe the surge has achieved this strategic purpose. Do the laws approved by the Iraqi Government in recent months on de-Baathification amnesty, provincial powers, suggest that we have turned the corner, or Iraqis main political force is still pulling in very different directions. What does the violence in Basra, the restlessness of the Sunni Awakening movements, and tensions over Kirkuk tell us about Iraq's political development? Is Basra to be celebrated as a sign of progress as the President suggests, or as the—I was just watching earlier today, just on the way over here, Admiral Fallon's comments saying that the jury is out on whether or not it's a success or failure—or is it an indication of a bitter and complex power struggle with Iran's influence growing and Sadr emerging stronger?

Can the administration's current approach lead to a resolution of the fundamental political differences in Iraq? If not, how should we be changing our policy?

The administration believes that deals struck in the Green Zone among a narrow cast of actors can resolve Iraq's political disputes. That may be, I wonder whether that's true though. Provincial elections in the fall are being proclaimed as the next game-changer, reflecting the triumph of hope over experience. And we are told that we must continue to support a strong central government, when that government does not enjoy the trust of very many Iraqis, and has virtually no capacity to deliver security and services. We are told there is not a fundamentally different way to more actively involve Iraqi's neighbors and the major powers in collectively promoting a political solution.

Iraq's neighbors have created working groups on border security, refugees, and electricity. But, we've told them to stay out of the central political issues, where they could, in my view, have the greatest political impact, and where they have an incentive to help, because Iraq's instability may spill over their borders.

Maybe the current policy is the best we can do to secure the fundamental interest in leaving Iraq without leaving chaos behind, but I'm not sure that's true, I don't believe that. It seems to me that we can and must do a lot better. So I look forward, we all do, to the analysis of the underlying political dynamics in Iraq and for the ideas of our witnesses of how we can best promote—what I think is the ultimate objective—sustainable political progress, self-sustaining political progress in the coming months. I look forward to hearing your testimony, and I now turn over to Chairman Lugar.

OPENING STATEMENT OF HON. RICHARD G. LUGAR. U.S. SENATOR FROM INDIANA

Senator LUGAR. Well thank you very much, Mr. Chairman, and I join you in welcoming our distinguished witnesses to this afternoon's session, which will focus, as you pointed out, on the political situation in Iraq. We appreciate this opportunity to hear insights and engage the witnesses in a discussion of United States policy options.

This morning we discussed the security dynamics in Iraq, which are inextricably linked to the political outcome. Last year, our national debate framed two independent steps of a surge strategy. We were attempting first to reduce the violence in Iraq through the application of additional American troops, better training of Iraqi forces, tactics aimed at sustaining stability in key neighborhoods. And second, we were hoping to use the so-called breathing space created by improved security to induce Iraqi political leaders to include meaningful compromises on governance and power-sharing.

Conditions on the ground in many areas of Iraq improved during the past year. This progress has helped to save lives and has raised hopes that transforming political compromises would follow. But overall, progress by the central government in Baghdad on achieving political benchmarks has been disappointing and Iraqi factions have been reluctant to negotiate power-sharing arrangements in an uncertain environment.

Meanwhile, the United States took advantage of Sunni disillusionment with al-Qaeda forces, the Sadr factions desire for a cease-fire, and other factors to construct multiple cease-fire agreements with tribal and sectarian leaders. Tens of thousands of Iraqi Sunnis, who previously had sheltered al-Qaeda and targeted Americans, joined Awakening councils, drawn by their interest in self-preservation and United States payments. This bottom-up approach remains the most dynamic political development in Iraq, but it is uncertain whether it can be translated into a more sustainable political accommodation or whether its utility is only in providing a temporary and tenuous system of interlocking cease-fires.

The violence of the past week is a troubling reminder of the fragility of the security situation in Iraq and the unpredictability of the political rivalries that have made definitive solutions so difficult. Even if compromises are made, they have to be preserved and translated into a sustainable national reconciliation among the Iraqi populace. And that reconciliation would have to be resilient enough to withstand blood-feuds, government corruption, brain drain, calculated terrorist acts, and external interference that will challenge social order. It would also have to be strong enough to overcome the holes in responsible governance that are likely to continue to afflict Iraq.

As the government and competing factions maneuver politically, there has to be greater attention to improving the basic functions of government, upon which popular support depends. This includes competently managing Iraq's oil wells, overseeing reconstruction programs, delivering government assistance to the provinces, and creating jobs.

I'll be interested to hear from our witnesses their assessments of whether the bottom-up approach of voluntary cease-fires can be institutionalized over the long term, and whether it is still possible to invigorate the top-down model of political accommodation in Baghdad.

I thank the chairman for calling this hearing and look forward to our discussion. Thank you Mr. Chairman.

The CHAIRMAN. Thank you.

Gentleman, again thank you for being here. And if you'd proceed in the order you're introduced, I'd appreciate it.

Mr. Said, please.

STATEMENT OF YAHIA SAID, DIRECTOR FOR MIDDLE EAST AND NORTH AFRICA, REVENUE WATCH INSTITUTE, NEW YORK, NY

Mr. SAID. Thank you very much, gentlemen. I'm honored to be here for the second time. I had the honor and the pleasure to speak here on the first hearing before the surge. And at the time I sounded skeptical about the likelihood of the surge achieving its objectives, particularly in the political area.

I feel obliged, several months hence, and responsible to say that I think, on the whole, the surge has been successful. The approach, the politics that were involved in the surge have interacted with dynamics that were already on the ground in Iraq, in significantly

reducing the levels of violence and creating the, sort of, breathing space that one hopes could bring political progress.

In my notes, I will again sound, very skeptical notes, about the likelihood of political progress, but I think it's very important to admit, as a student of Iraq and as a observer of Iraq, that the surge has been, surprisingly from my perspective, effective.

The CHAIRMAN. Sir, you just lost all credibility. The only witness to ever come before us and acknowledge that maybe what you said before wasn't accurate. I think we should dismiss this witness. [Laughter.]

This hasn't happened in 35 years since I've been here. Thank you.

Mr. SAID. One of the issues I was asked to talk about is national reconciliation. And national reconciliation has been taking place in Iraq over the past year. It has a different form than what has been envisioned, in terms of formal process. The fact that Sunni insurgents have decided that al-Qaeda is the biggest threat to them and to their communities and decided to turn their guns on them, that's—that's national reconciliation. The fact that the Sadrists have decided to distance themselves from the special groups and have decided to predominantly observe a cease-fire, that's a very important sign of national reconciliation.

The general backlash that one feels—perceptive backlash in Iraq against sectarianism, that has prompted politicians and clerics to stop preaching hate, to stop preaching sectarianism, that's a true sign of national reconciliation. And I don't want to sound too optimistic here, the violence, the murder that took place in 2006 will leave very deep scars in society, and historical experience shows that countries that go through such bloodshed often relapse into conflict. But I think that what we see in Iraq today, in terms of backlash, even the events in Basra, which showed how Iraqis are really not prepared, are really fed up with the violence and the chaos and want to move on in a more calm and civilized way is a real sign of national reconciliation.

Unfortunately, almost the opposite is happening on the political front. The reduction in the violence is leading those who are in power, who have control of the Government in Baghdad for the last 5 years, to seek to entrench themselves in power, to preempt any challenges to their power. The Government in Baghdad has been, now for a year, running without half of its ministers, who have quit, from the Iraqi Islamic Party, from the Iraqi list, from other opposition groups. And some of these have been desperately trying to find a face-saving way back into government and have not been allowed. And the government has been essentially run by three political parties, the two Kurdish parties and the Supreme Islamic Council. So it's a narrowly defined government, confined to the Green Zone.

Some compromises have been made, and the Senators have mentioned the package of flaws that we're past. The picture is entirely mixed on those laws and I will try to go through some of them to just elucidate what's at stake. The de-Baathification law, the Justice and Reconsideration Law definitely has shown some progress, but in a sense, it's a confirmation, it's a ratification of what was already taking place. Many Baathists have received exemptions

from de-Baathification law in order to resume their work in government. There was simply a realization that it's impossible to run government without some of these people, and this law came to just ratify that realization.

The Amnesty Law has a major exception to people charged with terrorism, and yet it's the terrorism charge under which most insurgents are captured, and so rendering it almost meaningless. However, we hear that it's being implemented in almost a blanket way. By the way, Kurdistan, the Kurdistan region has declared that the law doesn't apply to their territory.

The governance, the law on the powers of governance was mostly passed because it's included a clause that sets a deadline for the elections, for the provincial elections that are due to happen in October. Not many of the people who voted for that law looked very deeply into the details of it. It includes a lot of contradictions, it attempts to move away from the level of decentralization envisioned in the constitution, but in most cases it tries to paper over the differences, and this has been also typical for many of the laws that have been passed in the last—in the last year.

The budget, which is part of that package, shows progress, in terms of the economic governance. It shows that the process of designing the budget and negotiating it has improved over the last 3 years, but it also has a sting in its tail, the budget has a very large and a growing allocation to the regions and the provinces and it sets a path decentralization that has not been really negotiated and agreed on. It's sort of a stealth decentralization—decentralization by stealth—over 30 percent of the budget has been allocated to the regions. And should oil prices drop, it will be very difficult to take back those concessions. It's like raising taxes, and so it's sort of an irreversible process that will—that may significantly weaken the federal government.

So in any respect, there are—otherwise the true signs of those who are in power, the groups that are in power in the Green Zone, trying to consolidate their hold on power and preempt challenges.

What Iraq really needs though, is not necessarily political reconciliation, so much as political succession. What Iraq is going through today, is very similar to some things, to processes that happened in Eastern Europe and former Soviet Union, that have gone through similar processes. What happened in Russia and Azerbaijan and Georgia, 3, 4 years after the fall of the regimes, is that people in these societies got tired of the former dissidents and the exiles, people who came to power like Yeltsin or Elchibey in Azerbaijan or Gamsakhurdia in Georgia, and try to change society from the ground up, came up with very great ideas about transforming society from the ground up, were generally not very successful at delivering services and carrying out the duties of government. And at the end, were replaced by old structures, by representatives of the old regime. Yeltsin went, he was replaced by Putin and his structure that draws a lot of its resources from the old regime. Aliev came to power in Azerbaijan, Shevardnadze came to power in Georgia.

And there's a similar process taking place in Iraq today. Many of those who came with the invasion have shown Iraq a very low capacity to implement, to deliver on the promises and on the antici-

pations. And at the same time, have sought to impose changes, dramatic changes that society was not ready for. And whether they were liberal or religious fundamentalists or decentralizers and performance of federation ideas, in most cases they carried ideas that were alien to society and the society was not prepared to accept at face value.

And the backlash against them is translating into a nostalgia for some of the steady hands of the past, not necessarily, not in any way the Baathist leader, but the technocrats, the officers, the people who meant—kept the state running. And this is a process that is not unique to Iraq, this has happened in many former totalitarian and authoritarian states, and it's part of the dynamic we see in Iraq.

So you see the forces in decline, not only the ruling parties, but all the new political groups that came with the invasion, whether they are in government or in opposition, you see them in decline, and you see new forces on the ascent. And these forces are on the ascent, in part, as a result of the surge. Part of the strategy employed by General Petraeus was to help Sunni insurgents create a distance, distance themselves from al-Qaeda, and he, in many ways, empowered the insurgency by bringing it from the cold, giving them recognition, sometimes caching weapons and fire support, and working with them in alliance to fight al-Qaeda. He has helped the Sadrs distance themselves from the special groups. If you look at the command in Iraq, they always try to have a very nuanced rhetoric about the Sadrs, about their right to pursue political goals, but not military goals.

So, they have created, that what we have today in Iraq is a new constituency, new political groups with strong grassroots support, the concerned local citizens, the Sadrs who withstood the—committed themselves to the cease-fire, the bureaucrats that are emerging, the officers of the new Iraqi Army, who are seeking—who are looking for a place at the table, who are seeking a say in the way the country is governed, and who are not very easy to reconcile with the current political leaders. And the political leaders are trying to preempt challenges by these groups, from threatening their positions.

And one area where there's confrontation is going to take place along these lines, is the issue of federalism. In a way, the events in Basra could be a first salvo in that battle over federalism in Iraq. One way that the current political leaders could preempt challenges to their power is to proceed faster on the issue of decentralization. The law on the formation of regions comes into force next month in Iraq. That law makes it very easy to form a region like Kurdistan in the south, and indeed the Supreme Islamic Council, this is one of their main political goals. And this move is seen as a way to seal off challenges to their power by the Sadrists and by other groups that have more grassroots support throughout the country and by other nationalist groups, like the concerned local citizens.

And so there's an attempt to—one of the interpretations of what happened in Basra, is an attempt to trim the Sadrists in size and to allow the Supreme Islamic Council then to proceed politically with the idea of establishing a region in the south. This could be

a very divisive issue and that could ignite tensions much more dramatically in the coming months.

The other issue is, of course, the issue of the Oil Law, which is also something I've been asked to address. I've been recently witness to a conversation on that between the person who drafted the law, Mr. Tariq Shafiq, and the head of the Kurdish Parliament. And the drafter of the law asked the speaker of the Parliament, "Why can't we just leave the differences of the Baath behind, why can't we—we were all victims of Saddam—let's leave that behind and work together to divvy up this oil wells together for the benefit of everyone." And the speaker of the Kurdish Parliament, who is a very moderate Kurdish nationalist by any account, was clearly upset. He's like, "You want me to forget Halapsha, we will never forget Halapsha, we will never let the Iraqi State control oil and use it against us again to annihilate the Kurdish people."

And this is the core controversy over the Oil Law, between those who feel that the state is the best guardian of that well, who can maximize, and those are represented by the Ministry of Oil, and by growing majority in Iraq, in terms of the public, and between the Kurds and some others who feel that the state should never control oil because that's a recipe for tyranny. The paradox in that is that we have a new state in Iraq, it's no longer Saddam Hussein in power. We are building the state together and we have to be able to trust it, it's impossible at the same time to build a state and to keep it weak, because you don't trust it. And this is one of the paradoxes, one of the weaknesses of the current political leaders, which makes them very similar to those who were in Eastern Europe before them. They maintain the dissident mentality, they still view the state as an enemy, even though it—the regime, the dictator should no longer exist.

So to sum up, in terms of resolving the issue on the Oil Law, of course, there is a path to do that. Obviously it's a fundamental issue that touches on the formation of the federation in Iraq and how Iraqis share power and resources. It cannot be resolved over night, it needs to be resolved through open political debate. But one step that could be taken immediately, is to work on a transparent mechanism for revenue-sharing. And Iraq has recently joined an initiative called the Extractive Industries Transparency Initiative, which could serve as the first step on that, it allows Iraq to know exactly how much money is being earned and it will provide a very good first step toward revenue sharing and distribution.

Another issue is the Iraqi Government is considering asking the United States for an extension of the arrangement for the Development Fund for Iraq, to maintain all the oil resources, the oil account, under the protection and custody of the U.S. Government and the Federal Reserve Bank of New York. And I think this is something that should be considered, because that will allow for a third party to act in a way as a guarantor that there's no abuse of those resources.

But more generally, in terms of ensuring that the surge and the effort that went into it, going further are a success. It's very important to make sure that the path for political succession, for political change in Iraq remains open, and that the current political leaders are not preempted by rash moves, by irreversible moves toward de-

centralization that could leave the rest of the Iraqi people, and many of the movements that have emerged out of the surge, feeling that they have been robbed of their political rights. It's very important that the U.S. troops acting in support of the state and restoring the authority of the state, don't seem as if they are siding with one political force over the others, and don't seem that they are taking sides.

There is a very big danger if the path toward decentralization proceeds as it is happening now, that the United States end up having to protect a number of weak statelets who have—have to prevent them from fighting each other and have to protect them from incursions from the outside, which is a real present danger in the path decentralization that some Iraqi politicians seem to envision.

So these are sort of some of the main ideas I have. I have delivered to you a very heavy tone, unfortunately, on these issues, but I'm happy to address many of the other questions you have in the discussion.

Thank you.

[The prepared statement of Mr. Said follows:]

PREPARED STATEMENT OF YAHIA KHAIRI SAID, DIRECTOR FOR MIDDLE EAST AND NORTH AFRICA, REVENUE WATCH INSTITUTE, WASHINGTON, DC

1 Executive Summary

- The reduction in violence experienced by Iraq today is fragile and fleeting. The surge is only one of several factors contributing to it, with the Multi-National Force acting as a linchpin for a number of local cease-fires and alliances.
- A vital factor in the security improvement is public backlash against the chaos and extremism of the past 5 years. The backlash is not aimed only at al-Qaeda but also at sectarian politics of the mainstream parties and forceful efforts to transform society.
- As a result of the surge strategy the insurgency has in effect "come in from the cold," and attained official recognition and a coherence it lacked before. More than 70,000 men, many of whom were members of the former military and security structures, are now armed and financed by the U.S. through the Concerned Local Citizens. They pose a challenge to the legitimacy of the official security forces and the state's monopoly on the use of force. They have little trust in the government and are seeking their own say in how the country is governed.
- A bureaucratic awakening is also underway benefiting from the improved security situation and reversal of de-Baathificaiton. Iraq's once efficient machinery of government is slowly beginning to turn in defiance of political gridlock, corruption, and incompetence. Tangible progress is also taking place at the local level benefiting from the new local alliances and U.S. military support.
- Without progress at the political level, improvements to security and administration are likely to falter. Progress is needed to bring the various initiatives together and provide them with coherence and resources. Groups currently vying for power will need a way to negotiate a shared vision of the future. Yet the political process, hobbled by a sectarian allocation formula, is showing little signs of movement.
- Rather than broadening the political process and opening the doors for compromise, forces dominating the government are using the lull in the violence to consolidate their hold on power by establishing facts on the ground.
- Growing differences between government and opposition and within individual parties and factions are creating political paralysis. Constitutional review, hydrocarbon and election legislation are in limbo. The laws being passed often fail to address the underlying issues and tensions. Crucial disagreements over the distribution of power, the role of religion or transitional justice remain unaddressed.
- Tensions around Iraqi Kurdistan are at new heights and threaten to spill over into open conflict, due to issues including Kirkuk, disputed internal boundaries, oil contracts and the presence of the Turkish Kurdistan Worker's Party (PKK).

At the same time, challenges to Iraq's territorial integrity by Iran and Turkey are left unanswered, setting a dangerous precedent in a "bad neighborhood."

- Holding of overdue local elections, under a new electoral law, is the best way to peacefully introduce the actors emerging through the surge, into the political process, be they concerned local citizens, Sadrists observing the cease-fire or old technocrats.
- An open and inclusive dialog will be required to resolve the critical issues addressed by the hydrocarbon legislation,. The current differences can neither be papered over nor resolved unilaterally. In the meantime transparency in the management of oil revenues based on the Extractive Industries Transparency Initiative, which Iraq has just joined, can be a first step toward building lost confidence.
- The package of issues surrounding the limits of Iraqi Kurdistan's self-determination, including Kirkuk and the disputed territories, will need to be addressed through a special U.N. mandate. This is the only way to give this grave issue the attention and resources it requires without siphoning attention from Iraq's other needs. A new resolution on Kirkuk will also help close the chapter that began with the 2003 invasion, hasten a transition to a more legitimate U.S. role and broaden international engagement in Iraq.

2 Introduction

The situation in Iraq over the past year has been so dynamic that few observers were able to keep pace. Burnt by repeated false hopes and disappointed in most of the leading personalities, a student of Iraq would be forgiven for assuming that nothing will work and that any improvements are bound to be temporary.

However, last year saw tangible progress on many fronts, not only in the area of security following the introduction of the surge. The breathing space provided by improved security is critical for all other developments, but the most remarkable change taking place in Iraq today is at the grassroots level.

As this paper will show, Iraqis across sectarian and ethnic boundaries are taking a stand against extremism of all varieties, alien ideologies regardless of origin, and the chaos and uncertainty of the past 5 years. The public disgust is aimed equally at foreign al-Qaeda operatives and hectoring homegrown clerics, narrow-minded sectarian politicians and corrupt officials.

As Iraqis reject those responsible for the chaos, they turn to those they naturally associate with stability and functioning government. These are not the Baath Party bosses who have been long discredited, but the professionals, the steady hands who kept the state humming while Saddam was busy hatching megalomaniacal plans and writing novels.

The most remarkable "awakening" taking place in Iraq today is that of its one-time efficient bureaucracy. Technocrats and professionals, including military and security officers, are trying to jump-start whatever is left of the machinery of government and restore a modicum of normalcy.

The regime that could emerge from the return of these elites will look different from either the theocracy of al-Qaeda or democratic vision of the political exiles. It could look a lot more like Russia under Putin than Germany under Adenauer.

One of the most remarkable failures of Iraq's observers over the past 5 years has been the selective application of other post-authoritarian and post-totalitarian experiences. Those who wanted to reengineer society from the ground up chose the model of Germany and Japan. Those who saw partition as the solution thought of Yugoslavia as a model. Yet, it is Russia and other post-Communist countries in Eastern Europe and the Former Soviet Union which offer the most pertinent lessons for Iraq—first, that the least likely embers to be found under the ashes of totalitarianism are those of liberal democracy and second, that parts of the old elites and power structures always find their way back to the top.

This is not to say that the people of Iraq are unfit for—or undeserving of—democracy and the right to manage their own affairs, but that having suffered through so much pain for so long, especially over the past 5 years, their priorities and preferences are skewed toward order, security, and normalcy.

The grassroots awakening taking place in Iraq today is very fragile. By definition it is lacking in political direction. It needs power and resources and a benign security environment to be sustained. The extremists and criminals thriving on the war economy will do anything to stop the forces of normalcy.

This paper does not advance a sanguine view about the return of the old elites and the prospects of a Putin scenario in Iraq. It identifies several risks of conflict and reaction that such a course of events may entail, chief among them a conflict in Iraqi Kurdistan. However, the alternatives, short of a permanent surge, are too gruesome to contemplate.

The paper concludes with some recommendations, not only aimed at sustaining the current momentum but also at ensuring that it develops in a more democratic, less violent direction.

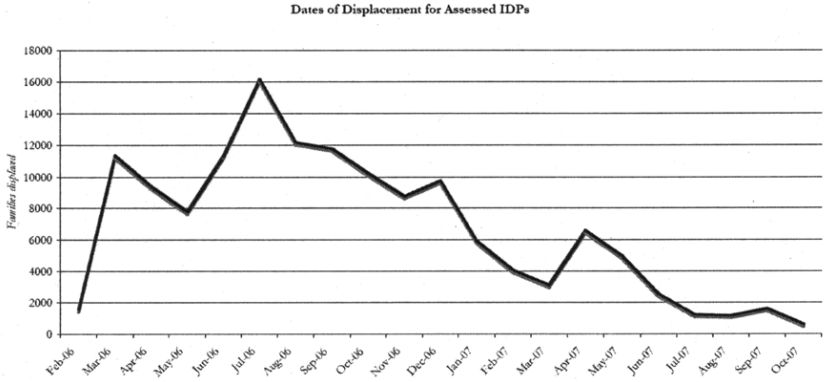
These observations are based mainly on interactions with policymakers and politicians over the past 2 years and do not give sufficient credit to the courageous civil society activists and opinion formers who shaped the public backlash against extremism, sometimes at the cost of their own lives. Dr. Isam al-Rawi, professor of Geology at Baghdad University and a moderate member of the Sunni Association of Muslim Scholars is one of those heroes. He sought to stem the slide into civil war and was the first to condemn al-Qaeda. He was assassinated while trying to stop the carnage working closely with moderate Sadrists through the worst months of 2006.

The following sections will look at the improvement in the security situation and the dynamics that led to it; the changing political fortunes of the various groups and parties forming the Iraqi political scene; and the defunct political process and the crises and fissures it is generating. The paper concludes with possible future scenarios and policy recommendations aimed at mitigating the worst possible outcomes.

3 Security Improvements and the Surge

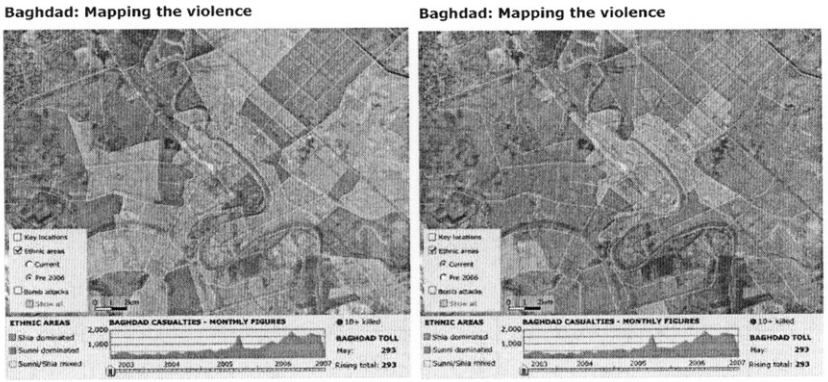
According to Multi-National Force–Iraq (MNF–I) figures the violence throughout Iraq and particularly in its most volatile areas is down to 2005 levels. This is a substantial reduction in comparison to the horrific levels reached in 2006, but 2005 was hardly a peaceful year.

The figures do not reflect the full picture and particularly the perceptions of people on the ground. While many Iraqis assert that there is still a lot of violence particularly crime, their actions speak otherwise. This is not only demonstrated by the anecdotal evidence of revived economic activity, traffic on the streets or the trickle of returnees. International Organisation for Migration (IOM) figures, for example, show a significant decline in displacement rates starting as early as the end of 2006.



Source IOM.

These figures do not only demonstrate the drop in violence but may also help explain the causes. A significant decline in displacement by early 2007, long before the "surge" forces were in place (the deployment of additional brigades was only completed in June 2007), indicates that other factors are at play—among the most important, is the completion of ethnic cleansing in many areas particularly large swaths of Baghdad.



Ethnic segregation in Baghdad before and after 2006 (source: BBC.co.uk).

Much less susceptible to quantification is the public backlash against the excesses committed by almost all parties during 2006. The backlash is not limited to the extremist versions of Islam propagated by al-Qaeda or some Shia clerics. It is also aimed at some of the sweeping changes which coalition authorities and their Iraqi allies sought to push through over the past 5 years. The backlash is forcing most religious leaders, politicians, and warlords to distance themselves from the sectarian, fundamentalists, or radical change rhetoric.

The violence of 2006 seems to have provoked a sense of defiance among Iraqis who felt dragged into a civil war against their will and better judgement. The backlash was propagated through formal and informal civil society networks which survived despite the violence and the chaos. Baghdad University, Iraqi Women's Network, Web sites and blogs like the mysterious Shalsh Al-Iraqi who poked fun at everyone from the Sadrists to the Marines all played a role in affirming the public consensus against the extremism and chaos of the past 5 years.

The events of 2006 and the near collapse of the Iraqi state seem to have also shocked Iraq's neighbours who have either condoned or actively supported many of the combatants over the past 5 years. MNFI and Iraqi Government reports point to a dramatic decline in the flow of fighters and weapons from Syria and Iran during 2007.

A combination of these factors and the strategy adopted by the Multi-National Force under the command of General Petraeus led to the current improvement in the security situation.

The improvement is fragile and fleeting. It could be best described as a truce—an informal complex arrangement bringing together (1) most Iraqi insurgent groups particularly those drawn from former military, security structures and Baathists; (2) the Sadrists and the affiliated Mahdi Army; (3) Iraqi security forces particularly the National Police and affiliated Badr militia; and (4) the MNFI who are also acting as broker and guarantor.

Today, MNFI has more substantive control over the situation in Iraq than at any other time since the beginning of the invasion. This was not achieved by dominating the battlefield, where the troops remain just one of many actors, but by brokering a complex web of alliances and arrangements that put them at the centre.

The first element of the truce began to emerge in mid-2006 long before the surge. The Anbar Awakening Council—a coalition of Sunni Arab tribal leaders declared a campaign to expel al-Qaeda from the province. The Awakening "movement" originated in rivalries between tribes which aligned themselves with al-Qaeda in Iraq, on one side, and those who felt threatened by the group, on the other. What started as isolated skirmishes over illicit revenues, gradually evolved into an anti-al-Qaeda "uprising" uniting the bulk of the insurgency in the Sunni areas. The movement grew out of rising alienation and fear caused by the al-Qaeda and the foreign ideology it represented to most Iraqis, particularly, to the relatively secular former military and security personnel forming the backbone of the insurgency.

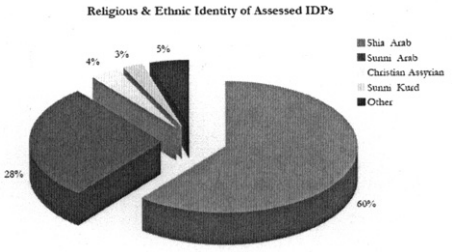
Al-Qaeda and the regime it attempted to establish through the Islamic Emirate of Iraq gradually displaced the occupation as the most immediate threat perceived by most insurgents in Sunni areas. This was as much a result of the group's own actions as the reactions they provoked across the country. Al-Qaeda violence was seen as providing a pretext for both Shia sectarian violence and greater Iranian in-

fluence, seen by many as an existential threat. Large-scale spectacular attacks and day-to-day identity killings, attributed to al-Qaeda, culminating in the bombing of the Askariya Shrine in Samarra in February 2006, unleashed a cycle of sectarian reprisals that threatened to decimate society.

The ensuing civil war involved uneasy and, ultimately, unsustainable alliances along sectarian lines between al-Qaeda and relatively secular and nationalist Sunni insurgents, on one side, and between the Mahdi Army of Muqtada al-Sadr and the new state security services dominated by its arch rival the Islamic Supreme Council and its Badr Organization, on the other.

Both the insurgents and Sadrists condoned and engaged in sectarian violence in the name of protecting their respective communities. Both risked losing their legitimacy and nationalist credentials in the process. The violence, at the end, caused only more pain and suffering to the communities in the name of which, it was allegedly perpetrated. The numbers of displaced people indicate that the suffering was roughly proportionate to all of Iraq's communities (with the exception of Kurdistan).

RELIGION AND ETHNICITY	% of Assessed IDPs
Shia Arab	60.9%
Sunni Arab	28.2%
Christian Assyrian	3.6%
Sunni Kurd	2.6%
Christian Chaldean	1.6%
Shia Turkmen	1.2%
Shia Kurd	0.9%
Sunni Turkmen	0.8%
Other	0.2%



Source: IOM.

The Multi-National Force in Iraq (MNF–I) seized on the opportunity provided by the Anbar Awakening Council, not only by refraining from prosecuting armed groups engaged in the fight against al-Qaeda, but also by providing them with cash and weapons. Coalition forces and Iraqi Army units working under their command provided fire support to the armed groups against the better equipped al-Qaeda. This amounted to an outright alliance and established a relationship of trust among the former adversaries that was to prove invaluable in other parts of Iraq.

In Baghdad and some of the surrounding countryside, coalition forces under Petraeus's command had to break up the complex cycle of violence into its various components in order to allow for the mobilization of efforts by all sides against the extremists in their midst. They achieved this by brokering localised cease-fires and alliances with all but the most extremist groups, be they al-Qaeda, "special groups" or "death squads."

A combination of nuanced rhetoric and the threat of force on the part of the MNFI, for example, allowed the Sadrists to distance themselves from the so-called "special groups" (bands attributed to the Sadrist Mahdi Army which have been carrying out lethal attacks on coalition forces, sectarian and vigilante atrocities) and led, ultimately, to the Mahdi Army cease-fire in August 2007, which was recently extended for another 6 months. Coalition officials and officers go to great lengths to distinguish between the "special groups" and the rank and file of al-Sadr's Mahdi Army.

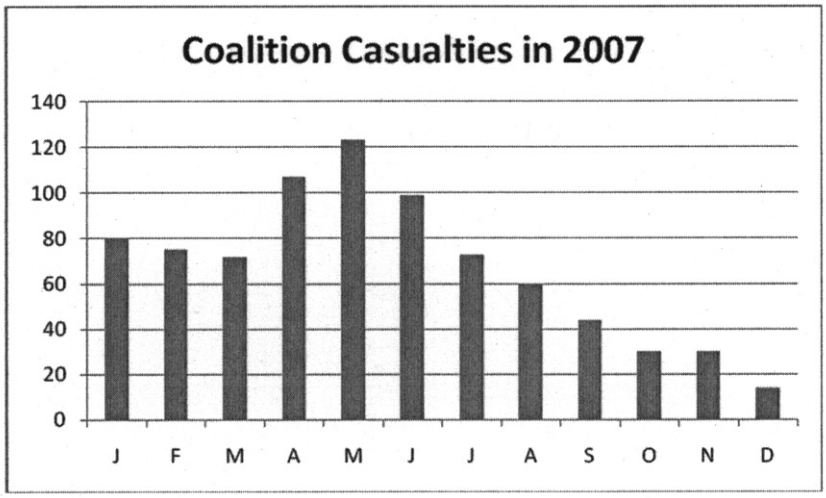
A similar approach is used with Sunni insurgents, rechristened by the MNFI as Concerned Local Citizens (CLC) and Neighbourhood Militias, and distinguished from the foreign led, if majority Iraqi al-Qaeda. This is quite a significant shift, if one takes into account that the insurgents have, for most of the past 5 years, allied themselves with al-Qaeda, and that both they and the Mahdi Army are responsible for the bulk of U.S. casualties.

Coalition forces also pressured the Government in Baghdad to curtail the "death squads" associated with the National Police. Heavy and highly visible coalition presence in the most vulnerable areas provided added assurance to communities and militias, who purported to act on their behalf.

The multinational forces succeeded in gaining the trust of communities by changing the focus of the mission from the prosecution of insurgents to protection of civilians. This is a significant departure from past practices and is a reflection of Petraeus's counterinsurgency philosophy.

U.S. troops were taken out of their fortified basis and placed literally "in harm's way," as evidenced by the spike in U.S. casualties in the initial months of the surge. This was done with the explicit aim of providing protection and assurance to civilians. The troops were often based at Iraqi police stations and carried out police

duties along with Iraqi Army units, which are relatively more trusted by the restive communities than the police. They often brought with them services and reconstruction relief to areas long ignored by the government.



Source: Coalition casualties.

This approach, together with the good will established through cooperation in Anbar, allowed both communities and insurgents to provide the coalition with the main weapon they need to fight al-Qaeda and other extremists—information.

Acting on supplied intelligence, coalition forces are devoting more care than in the past to minimising collateral damage to civilians by relying on skilled Special Operations Forces to carry out pinpoint raids.

This approach, while clearly effective, has its limitations and pitfalls. This is particularly visible in Diyala and Ninawa provinces, where the Awakening model can not be replicated. Unlike Baghdad and surrounding areas, these provinces, in addition to Salah al-Din and Kirkuk have the added complication of the "disputed territories"—areas contested by the various communities. The Kurds have made inroads into these provinces, provoking a hostile reaction by other communities.

In "disputed areas" it has been more difficult to mobilise insurgents to fight al-Qaeda since they perceive the threat from Kurdish expansion as a higher priority. Moreover, the chaotic environment in these areas, pitting the various communities against each other, has produced a level of anonymity in which terrorists have thrived. Al-Qaeda historically dominated these areas even when it used the Anbar as "base camp."

Other limitations of the surge approach emanate from the continued use of indiscriminate measures which affect large sections of the population. The numbers of administrative detainees have soared to an estimated 40,000, in both Iraqi Government and coalition custody (there are 23,000 in coalition custody as of March 2008; source: MNFI). Estimates for those in Iraq Government custody range from 15,000–20,000 thousands (source: Brookings Index). Many have been held for years without charge or trial. There are still numerous incidents of civilian casualties as a result of MNFI actions and those of their contractors. The use of high concrete barriers has turned many neighbourhoods into disjointed enclaves limiting freedom of movement and economic activity.

The mobilization of the insurgents under the Concerned Local Citizens (CLC) banner as well as the permissive attitude toward the Mahdi Army, key ingredients of the prevailing cease-fire, are problematic in the medium and long term. They detract from the already tarnished legitimacy of the official security forces. The use of "neighborhood watch" and militias amounts to a vote of no confidence in the National Police, in particular. With no realistic prospects or any real efforts at demobilization and reintegration, these militias and paramilitary formations undermine the prospects for establishing a state monopoly on the legitimate use of force.

The surge is also creating tensions with erstwhile allies in the Iraqi Government who feel threatened by the new groups, particularly the CLCs. Many CLC commanders are drawn from the ranks of the military and former security services and

some are suspected of human rights violations during Saddam's reign and the past 5 years. They are openly opposed to current Government parties. However, cooperation between the CLCs and the ruling parties is essential if the "political surge" is to be successful.

The entire arrangement is highly dependent on U.S. mediation, financing, and massive troop presence, none of which is sustainable over the long term. More than 70,000 Concerned Local Citizens receive US$300 a month each (or nearly US$300 million a year) from coalition forces (New York Times December 22, 2007). The Iraqi Government has shown little inclination to assume this burden. So far less than 2,000 have been integrated into Iraqi Security Forces (Brooking Index).

The truce between insurgent groups, tribal chiefs, and the Sadrists, on one side, and the MNFI and Government forces and militias, on the other is temporary, dictated by political expedience. The tribes are notorious for the fluidity of their alliances. The insurgents continue to view the U.S. as an occupying force and question the legitimacy of the regime it helped establish. Their own legitimacy and identity is built around resistance to both. Their distrust of the new elites particularly the former exiles runs deep.

Without a clear prospect for a fair political process, which allows all these forces to articulate, pursue, and negotiate their interests, including achieving the end of the occupation, the truce is liable to disintegrate.

4 Public Backlash

The surge has benefited from and fed into: (1) The backlash against extremist ideologies including religious politics of both Sunni and Shia varieties; (2) the backlash against Green-Zone politics—a combination of sectarianism, radical change, and government failure; (3) the resurgence of local politics and community leaders; (4) the resurgence of mid-level prewar elites and structures, particularly military and security personnel and the bureaucracy.

4.1 Parties, groups, and movements

Iraq's convoluted political scene continues to fragment as the ebb and flow of political fortunes produce new fissures and divisions. The "National Unity Government" collapsed in the middle of 2007 with the departure of the Sunni Arab block led by the Iraqi Islamic Party (IIP), the Sadrists and Fadhila, Shia opposition groups and the secular Iraqi List of Iyad Allawi. This left a truncated Shia-Kurdish alliance comprising of the two main Kurdish Parties, the KDP and PUK, the Shia Islamic Supreme Council (ISC, formerly SCIRI) and the fragmented Dawa Party of the Prime Minister Nouri al-Maliki. Division is growing, however, both among and within these groups.

After al-Qaeda, the first victim of the public backlash against extremism was the Association of Muslim Scholars (AMS), a group of Sunni Arab clerics, which at some point represented the political arm of the insurgency. The AMS has all but imploded after failing to come up with a clear condemnation of al-Qaeda and support for the Awakening movement. Moderate members of the association, either left, were co-opted by the government or assassinated. Others fled the country, sometimes under threat of prosecution by the Government, including the head of the organization Sheikh Hareth al-Dhari.

The backlash on the Shia side is less dramatic but, nonetheless, perceptible. The largest Shia movement, the Sadrists, had to back down from confrontation with government forces or risk losing public support in the latest confrontation in Basra. The movement declared a cease-fire in 2007 in a drastic attempt to distance itself from the carnage of 2006. These actions are threatening to splinter the movement among raising accusations to the leadership of a sellout. Allowing U.S. forces free reign in their bastion of Sadr City and "turning the other cheek," if not actively supporting the targeting of "rogue" commanders and "special groups" is a high risk strategy for a movement which lost thousands, building its credibility as a the symbol of "Shia resistance."

Having left the government almost a year ago, the Sadrists today are firmly in opposition. The movement regularly demonstrates its strength through mass protests and challenges to the power of its rivals in the Islamic Supreme Council (ISC), the other main Shia group which controls government both in Baghdad and in the southern provinces. The Sadrists remain the dominant popular movement among the Shia underclass in Iraq, but they are clearly on the defensive.

The backlash against extremism did not translate into support for the "moderate forces," as the groups engaged in the political process like to refer to themselves. Quite the opposite, the mainstream parties are sharing in the backlash.

To most ordinary Iraqis, "Green Zone" politicians were riding the sectarian wave if not actively whipping it up. Continued gridlock along sectarian, ethnic, and party

political lines reveals more to the public about these politicians' intentions than their "national reconciliation" rhetoric. Their credibility is further eroded by failure to deliver improvements in people's daily lives.

The first to lose are the Iraqi Islamic Party (IIP) and their allies in the Accordance Front—a coalition of Sunni Arab parties. They are being squeezed, from one side, by their erstwhile partners in the National Unity Government (Islamic Supreme Council (ISC), the Kurds, and Dawa), who refuse to give them any real power and, from the other, by the Awakening movement, which is challenging their claim to represent Anbar and other Sunni areas at regional and national levels. The IIP is caught between government and opposition neither of whom recognizes it as its own.

The secular (heterogeneous) parties aligned in the disintegrating Iraqi List of former Prime Minister Iyad Allawi are not faring much better, having equally attempted to be both in government and in opposition and ended up in neither. Like the Sadrists, the IIP and the Iraqi List left the National Unity Government almost a year ago. Unlike the Sadrists, they have been seeking a face-saving way back into the Government without much success.

The ruling parties (Islamic Supreme Council, KDP, PUK, and Dawa) are attempting to capitalize on the success of the surge, depicting it as a vindication of their positions and a result of their actions. The Prime Minister, cutting a melancholic figure for most of 2006 and 2007, boldly proclaims "saving the country from civil war."

The ruling parties are trying to use the decline in violence to consolidate their hold on power. Rhetoric notwithstanding, they are showing less flexibility and readiness for compromise on issues of power and resource sharing. They recently (March 2008) held the Second Political National Reconciliation Conference, which was boycotted by all opposition groups both within and outside Parliament (Al-Hayat, March 20, 2008).

The ruling parties' efforts to establish facts on the ground including attempts to subdue the Sadrists and prevarication on overdue Governorate elections, due in 2007, betray a lack of confidence in their own strength and ability to remain in power through an open political process.

Together with other parties led by former exiles, including the Iraqi List the ruling parties are suffering from a backlash against the radical change agenda espoused by these politicians upon the fall of the regime and supported by the U.S. and its coalition partners. Despite differences between them, these politicians, who have dominated since the days of the Governing Council, became associated with developments maligned by a large cross section of Iraq society, regardless of ethnic or sectarian affiliation. Policies like de-Baathification, the dissolution of the military and security structures, economic deregulation and liberalization, administrative decentralization, close association with the West at the expense of traditional regional and international allies, became synonymous in the minds of many Iraqis with the chaos that has engulfed the country since the fall of the regime.

In some respects, Iraq's former dissidents and reformers are facing a similar predicament to that of most of their predecessors in Eastern Europe and the Former Soviet Union. Russian Reformers, Georgian and Azeri Nationalists, Czechoslovak, Polish and Hungarian Dissidents who came to power shortly after the fall of communism have some things in common with Iraq's leaders of today. They sought to impose change faster than their societies were willing to accept. They continued to fight the state and the ghosts of the regime even after its fall. They often failed to meet the basic requirements of government and ended up losing out to a resurgence of former regime elites and bureaucratic structures under new guises (former Communists' parties and party bosses, the KGB). Similarities are particularly strong with Russia and those former Soviet Republics where regime change did not come as a result of a popular revolt and where the public was indifferent to change.

The Islamic Supreme Council (ISC), the main Shia party, which has consolidated its control of both the central government and southern Governorates over the past 5 years, is constantly challenged by a range of actors including the Sadrists, Fadhila Party, local clerics and tribal leaders. These challenges regularly spill into open hostilities and assassinations, with the ISC more often than not on the losing end, despite its nominal control of the security services. The ISC recently attempted to emulate the Anbar Awakening model in Shia areas to mobilize the tribes in the south against the Sadrists and other rivals without much success, exposing even more weakness in the process.

The decline in the ISC popularity seems to have even reflected on the Shia clerical establishment (Hawza) which became closely associated with the group. Representatives of Iraq's Shia Spiritual Leader, Ayatollah Ali al-Sistani are regularly targeted for assassination, which is often explained by their closeness to the ISC.

The past year has seen the religious establishment take a much lower political profile, as a result. Ayatollah al-Sistani routinely refuses to speak out on day-to-day political issues and disputes. Most recently he refused to comment or even receive information on the ongoing discussions about the Iraqi-U.S. Status of Forces Agreement (SOFA).

Faced with such a predicament the ISC seems to be pursuing a twofold strategy. On the one hand, it is seeking to strengthen the Central Government and its institutions, which it dominates (the Ministries of Finance and Interior, for example), and on the other, it continues to support the project of a Southern Federal Region. Support for this idea among the Shia public is not in evidence (ABC Polls, Bookings). Moreover, it is far from a given that ISC will be able to control the emerging region on the basis of free vote. This may explain the on-again-off-again nature of ISC's pursuit of the project. It may be that the ISC is pursuing those strategies as alternate, fall back positions. It may also be an indication of splintering within the group between the Hakim family who seem to be more in favor of the Southern Federal Regions than other prominent party figures. This contradictory approach, however, is further weakening the party and may foretell its disintegration.

The Patriotic Union of Kurdistan (PUK) of President Jalal Talabani, which along with the ISC dominates the Federal Government is pursuing a similar strategy. It has been losing ground in Kurdistan, having ceded control over the regional government to the Kurdistan Democratic Party (KDP). The transition of power from a KDP Prime Minister to one nominated by the PUK has just (early 2008) been delayed. The PUK has instead invested in the strengthening of the central government, expending significant political and human resources in the process. For local political considerations, the PUK is compelled to side with the Kurdistan Democratic Party (KDP) on Kurdish issues, particularly Kirkuk and oil, even if in a more nuanced way. This position has become increasingly difficult to sustain as polarization on those issues intensifies.

In this context, the Kurdistan Democratic Party (KDP) of President Masood Barazani has, perhaps, been the most consistent of all Iraqi groups, having pursued a Kurdish nationalist policy all along. If anything, the KDP seems to be escalating its nationalist rhetoric and actions as evidenced in the hardening of positions on issues of Kirkuk, the oil contracts, the PKK and the relationship with Turkey. This approach, while possibly bearing fruit in terms of strengthening the party's position within Kurdistan, is putting it in an increasingly isolated position within Iraq and contributing to an unprecedented level of Kurdish-Arab tensions.

It is difficult to gauge the true level of support for the two main Kurdish parties and their allies in Kurdistan. The nationalist rhetoric could be interpreted as a way to preempt challenges to their dominance by rivals, particularly the Kurdish Islamists. Rising disaffection with corruption, and human-rights violations, is unlikely to amount to a significant challenge to the entrenched two-party rule. After all, they have produced in Kurdistan what most Iraqis only dream of—security.

Perhaps the clearest winners of the new dynamic are the insurgents, "brought in from the cold" as Concerned Local Citizens. Having earned a legitimacy in the underground, resisting the occupation, its "puppet government" and the "death-squads," they are now given money and weapons by their erstwhile enemies to rid Iraq of the scourge of al-Qaeda. Without much exaggeration, they can claim that the arrangement they have with the MNFI, particularly in Anbar, as a victory.

Numbering an estimated 80,000–100,000, the CLCs are a force to be reckoned with, especially considering their background in the military and security establishment of the former regime. Their political allegiance and interests are neither clear nor coherent. The Islamic fervour of the early days is diminished as part of the backlash against al-Qaeda extremism. Allegiance to the local clerics who have failed to provide a coherent political leadership seems to have given way to tribal fealty, but this too could prove fleeting.

Several attempts, over the past 5 years, to transform the tribes into a political force have faltered on the inherently fractious and parochial nature of these institutions. A tribal alliance in Anbar may hold long enough to dislodge the Iraqi Islamic Party from the Governorate's council but is unlikely to become an effective national political force.

Given their background, a yet to emerge reformed Baath Party, would present a more natural home for the former insurgents. All efforts to reincarnate the Baath party, however, have failed so far. The new groups are either too close to the discredited party leadership or too close to the new regime to represent viable political alternatives to both.

The Awakening movement is emblematic of a broader revival of local politics and economics. In most areas benefiting from the decline in violence, localized economic activity and reconstruction efforts are underpinned logistically and financially by

the MNFI. The Government which still lacks the tools to carry out investments is providing the financial resources in some cases. Provincial Reconstruction Teams are beginning to find their footing after a rocky start.

However, without a legitimate national framework which ties these localized efforts together, coordinates among them and supplies them with resources, they are unsustainable.

The past year also witnessed the resurgence of mid-level elites from the previous regime. The New Iraqi Army is the best example. Officers from the dissolved army account for 70 percent of the new officer corps, including many high ranking officers who had to receive a special exemption from the de-Baathification laws. About 77 percent of the 117 battalions of the New Iraqi Army are assessed by their U.S. trainers to be capable of planning, executing, and sustaining operations independently (Section 1227 Report). MNFI claims that up to 20 percent of current counter-insurgency operations are Iraqi Army led. The recent operation in Basra (March 2008) against the Sadrists demonstrated some of this progress. The army enjoys more credibility and trust among the public. These facts do not only indicate that the Army is one of the better functioning institutions in the Iraq state today but that it is also likely to become a political player sometime in the future.

4.2 Bureaucratic awakening

The most remarkable "awakening" taking place in Iraq today is that of the bureaucracy. A resurgent bureaucracy is seeking to coordinate localized improvements and fill the gap between the vibrant local and dormant national levels of government.

Benefiting in part from the reduction in violence and the relaxation of de-Baathification, this awakening is also an act of defiance by the once efficient machinery of government against political gridlock and incompetence at the top.

The collapse of the regime, destruction of most files and data banks, and the decimation of the middle levels of the bureaucracy under the impact of de-Baathification, emigration, attrition, and cronyism, all but eliminated the Iraqi Government's ability to translate political programs, declarations, and intentions into concrete policies and actions. This is best demonstrated in the repeated failure to implement the investment budget.

The paralysis in the Green Zone, where most ministers work and reside, is allowing technocrats of lower levels to reclaim control of the system. One of the main areas of progress is that of policy implementation and follow-up.

4.2.1 Policy planning and implementation

This problem with policy planning and implementation has deep historical roots which were only exacerbated by the invasion and its aftermath. In the 1960s and 1970s Iraq built its own version of the socialist central planning system. Each line ministry represented a vertical "stove pipe," living and operating in near perfect isolation from other ministries. Bureaucrats' only lines of communications were through their respective ministry's chain of command.

Coordination and planning of "routine" investments was carried out by the Ministry of Planning (MoPDC today) which concentrated in its hands most policymaking, data processing and analytical tools. Major projects requiring cross-departmental coordination, such as the post-1991 war reconstruction, were left to the Revolutionary Command Council (RCC). The RCC was the only institution with oversight of the entire system including the secret budget.

This inefficient—if functional—system, suited best to the needs of war economy, gradually corroded over the eighties and nineties until it was dealt a mortal blow with the invasion of 2003. First, it was decapitated by the removal of the RCC. Then, it was dismembered by the introduction of political and ethnic quotas in the allocation of ministerial portfolios. The quota system further deepened the isolation of the ministries from each other, turning each of them into its own separate fiefdom, belonging to one or the other party. Not even the Prime Minister let alone the Minister of Planning could "instruct" a new minister to follow a certain policy, particularly if it requires sharing of power and resources with other ministries. This situation is further complicated by the greater powers given to the Governorates and regions without a clear coordinating role at the centre.

The dual fuel and electricity shortage is a demonstration of this breakdown. The ministries of oil and electricity (MoO and MoE) have a history of animosity and were only capable of working with each other under RCC duress. Today their lack of cooperation is credited, to some extent, with the persistent shortage of both fuel and power. The MoE refuses to tailor its plans for power generation expansion to coincide with the existing gas and fuel supply network. Instead, the Minister is seeking authority to produce his own natural gas. MoE is also refusing to dedicate

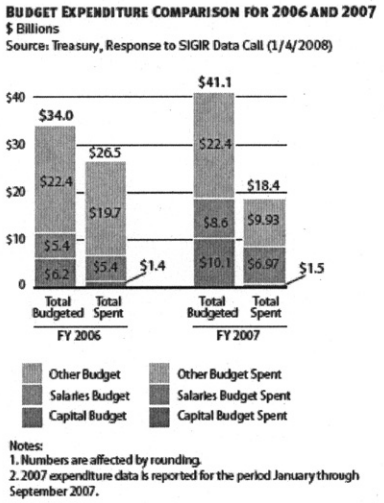
the necessary power to support existing or future refineries. Likewise, the MoO is focused on increasing exports and production of refined products for consumption and refuses to take MoE needs into account in its investment plans. It will never voluntarily cede the prerogative of producing and transporting natural gas to another ministry. To make matters worse, whatever energy and fuel are produced (or imported) are prevented from being efficiently shared by competing regions and Governorates. Refusal by the Governorates to share power is often credited with unnecessary outages affecting all users. Border regions and Governorates often commandeer fuel shipments transiting their territory.

Neither the line Ministries nor the Ministry of Finance (MoF) inherited policy planning and coordination capabilities from the previous regime. Economic and planning functions at the line Ministries were, in reality, accounting and engineering functions. Ministries received detailed instruction from MoPDC which they duly carried out. The MoF was the Government's cashier, releasing funds and ensuring proper accounting but had no analytical or policy planning capabilities.

Within this context, it is no wonder that the budget, now mostly controlled by the MoF, is closer to a cash distribution formula than to a monetary embodiment of a coherent economic policy. The National Development Strategy, meant to serve as the basis for the investment budget is compiled with diminishing rigour by MoPDC and is only taken seriously by foreign donors, if at all. The power to approve donor financing (through the Iraq Strategic Review Board (ISRB)) is one of few residual competencies of MoPDC. Its role has thus been reduced to "donor coordination," a function it is less and less capable of carrying out due to its declining domestic policy coordination role.

Ministries used only to carrying out clearly detailed instructions are simply not equipped to budget and spend multibillion investment allocations. Without proper costing, commercial or even technical justification, the projects underpinning allocations, for example, to MoE and MoO over the past 3 years, were simply declarations by the government of its intent to alleviate fuel and electricity shortages. The situation is even more challenging at the Governorate level, which never had any spending let alone policy planning functions. The doubling of their investment budgets is driven primarily by politics as explained elsewhere in this paper.

Faced with an extremely low level of investment budget execution, estimated at 22 percent in 2006, the past year saw concerted efforts by various actors to address this problem.



Source: SIGIR, January 2008.

Spearheaded by a number of mid- and high-level technocrats, efforts are under way to improve budget execution at various institutions, including the Council of Ministers Secretariat (CoMSec), the National Security Council (NSC), the Prime Minister's Advisory Council (PMAC), Supreme Economic Council (SEC), Parliament and the provinces.

In all these cases, efforts are aimed at building cross-departmental, multidisciplinary and in some cases interregional policy planning, coordination, and review

functions, either at the national program level or around concrete reform and investment projects. Typically, these efforts involve Director General level officials from all the relevant ministries and entities. They are usually authorized to draw necessary resources from the private sector and civil society as well as international donors. Sometimes, they are also authorized to circumvent or expedite spending procedures and decision.

The Supreme Economic Council (SEC) and the National Security Council (NSC) have worked on the International Compact with Iraq (ICI) and the National Security Strategy, both examples of medium-term planning at the national program level. Both have established interministerial policy entities. The Policy Planning Unit (PPU) at the SEC is meant to coordinate, monitor, and review of policies enshrined in the International Compact with Iraq. The PPU is also meant to provide a single point of contact to International Development Partners thus streamlining coordination of donor assistance. The Joint Planning Centre at the NSC is focused on policy planning and analysis but has no monitoring or review functions. Both entities are comprised of Director General level officials from all ministries and government agencies concerned, divided into thematic working groups to address particular issues or projects; e.g., Energy, Human Development, etc.

The Prime Minister's Advisory Council (PMAC) is working in the same vein at the level of discreet projects such as the US$500 million water and agricultural development project. The project involves cross-departmental and interdisciplinary cooperation from the design stage through to implementation and monitoring. They are also working on resolving problems of coordination between the Ministries of Oil and Electricity.

The PMAC is also cleaning up the legislation from dozens of Revolutionary Command Council Orders and other Saddam era laws. Interdisciplinary teams are preparing documentation and legislation which is then used by Parliament to sunset some of these orders and laws.

Other examples of relatively successful project level coordination include the rollout of the Social Safety Net, spearheaded by the Ministry of Labour and Social Affairs and involving a number of ministries and departments.

The Public Expenditure and Institutions Assessment (PEIA) completed recently by World Bank depicts another example of cross departmental cooperation, aimed at improving efficiency of public finances. These efforts are spearheaded by MOF and involve the Central Bank, Trade Bank, Ministry of Planning (MoPDC) and the Supreme Board of Audit. The PEIA draft indicates that Iraq's public finances are not far below the average for the region.

In a related effort, the MoPDC has been assisting the Governorates in the development of Provincial Development Strategies to provide a rationale for the ever growing provincial investment budget allocations.

The Council of Ministers Secretariat (CoMSec) is playing a similar cross-departmental coordination role, focusing on the seemingly trivial but critical issue of follow-up of decisions adopted by the Council of Ministers.

It is too early to assess the effectiveness of all these efforts. The Government claims that investment budget execution more than doubled in 2007 to reach 40 percent (preliminary figures by the U.S. Department of the Treasury indicate a much lower success rate with execution standing at 10 percent by September 2007, SIGIR).

So far these structures have been more efficient in the areas of reporting and analysis and less so in the areas of coordination and review. These are, however, relatively new functions for the officials involved and it should be expected that they will take time to evolve.

The development of Iraqi policy planning and coordination functions and improvement in budget execution is already changing the dynamic of the relationship with foreign donors. There is a growing impatience among Iraqi officials with the donors', hitherto, central role in reconstruction effort. The disconnect is exacerbated by the donors' lack of awareness of many initiatives and their continued dependence on mechanisms built around the Ministry of Planning. High turnover and declining quality of personnel of donor personnel often means that Iraqi officials see little value from the interaction with them.

The bureaucratic awakening offers unmistakeable signs of a machinery of government adjusting to a new reality as it springs back into action. Directors General and experts working in interdepartmental and interdisciplinary teams outside their ministerial hierarchies are taking a leap of faith in their quest to bypass old and new political and procedural bottlenecks. The success of their efforts will depend on the authority and resources made available to them which in turn determines the ability of these teams to make a difference.

As these efforts proliferate, the need will increase for coordination among them in order to avoid overlap and maintain the integrity of the budget process.

The main challenge to such efforts remains the lack of clarity in the allocation of powers and resources across government and between the centre and the regions. As the declining fortunes of the Ministry of Planning reveal, policy planning bodies are only worth as much as the enforceability of their policies.

Like the security achievements of the military surge, the bureaucratic awakening is fragile and fleeting. After decades of abuse and years of chaos this may well be the last chance to fix Iraq's machinery of government. Without clear political direction and the resolution of underlying political differences this surge will ultimately run its course.

5 Defunct Political Process

The surge was meant to create the enabling environment for political dialog and compromise, which in turn would provide the foundation for lasting peace. Yet, the political process seems to be heading in the opposite direction with the deepening of political fissures and the emergence of new cross-cutting faultlines.

Having all but abandoned the notion of a "national unity government," there is a deepening schism between government and opposition, both within and outside Parliament.

The ruling parties are acting more assertively, seeking to capitalize on the improved security environment and consolidate their control of government. Parties engaged in the political process in and outside government have a growing sense of unease about new and emerging actors and are seeking to establish facts on the ground to consolidate their "first mover advantage." All Iraqi actors are growing in experience and confidence and are less susceptible to external influence.

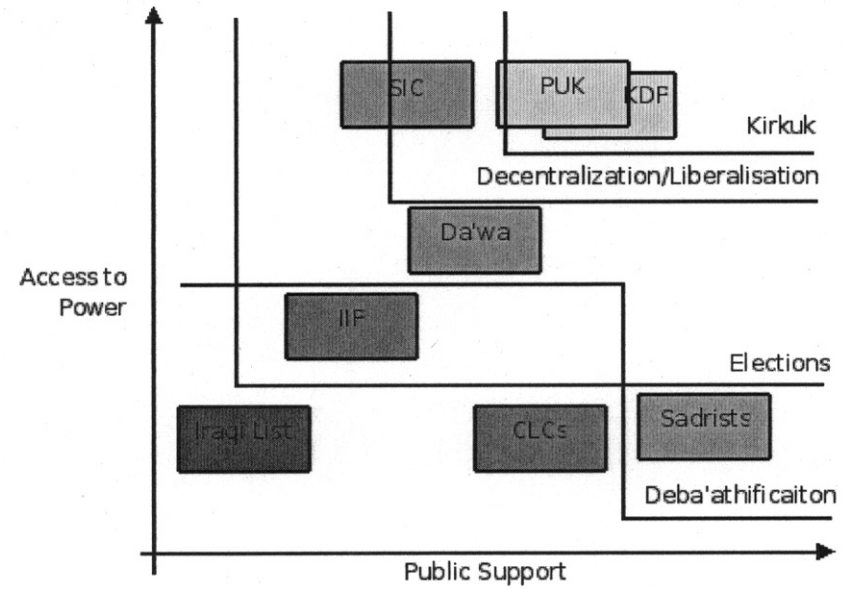
These developments are reducing the scope for compromise even when the improved security environment is opening new opportunities for dialog. Yet, compromise is needed on fundamental issues related to the future of Iraq including: (1) The degree of decentralization; (2) the relative roles of the state and the private sector; (3) the role of religion and the religious establishment; (4) the mechanisms of transitional justice; and (5) relationship with the surrounding region and the wider world.

Both insiders and outsiders share a high degree of distrust in the political process as a platform for the negotiation and resolution of these issues.

The political process, launched with the formation of the Governing Council in July 2003, on the basis of a sectarian and ethnic allocation formula (Muhasasa) remains hostage to that principle despite the succession of elections which have taken place since. With deep mistrust and a historical "tradition" of winner-takes-all, ethnic and sectarian quotas have emerged as the main framework for power and resource sharing.

This framework, however, is more often a cause for gridlock than consensus, especially when the issues in question cut across ethnic and sectarian lines. Thus, Iraqi political leaders remain deadlocked on almost every issue, even when dialog, within the framework of nascent democratic institutions, seems to point to compromise.

Most opposition ministers left the National Unity Government of Nouri al-Maliki in the spring and summer of 2007 protesting the failure of the ruling parties to share power. Attempts at reconstituting the government along "professional" lines have faltered against the sectarian allocation principles at the heart of the process. In the interim the Iraqi Government is run literally by a handful of politicians who have all but monopolized decisionmaking over the past 5 years.



Simplified illustration of tension between position of power and public support for the various groups and the cross-cutting divisions and alignments on slected issues.

It is misleading to interpret the passage of key legislation, such as the Amnesty Law as a sign of compromise. Rather than addressing the key political questions the passed laws either paper over them or reflect the position of the ruling parties.

This is not to say that compromise is impossible but that the search is hampered by the mechanisms and personalities which dominated the political process over the past 5 years.

The recent passage of the budget, amnesty, and provincial powers laws is a case in point. The three laws were passed as a package. Some, including Sheikh Khalid al-Atiya, the respected First Deputy Speaker of Parliament, say that this was done in violation of the Constitution and Council of Representatives Procedures. The laws had to be passed in a package not because all those who voted agreed with each law, but because each of those who voted only agreed with one of the three laws (or even just parts thereof).

The most discussed issue on the budget was not how accurately it reflected agreed-upon policies and priorities but rather the amount allocated to Kurdistan. At the end, an important component of this issue, the allocation to the Kurdish Peshmarga (regional guards), was left to the Prime Minister to decide in consultation with the Kurdistan Regional Government.

There was little discussion about the relevance of an Amnesty Law which excludes most charges related to the insurgency (e.g., terrorism, murder). The Kurdistan Regional Government who's members of Parliament voted for the law has declared that it is not applicable to the region. The Sadrists supported the Governorates' Powers Law, only because it opened the way for provincial elections, which they hope to win.

The laws were passed despite a boycott by all opposition Members of Parliament except the Sadrists with the Speaker casting the tie-breaking vote. The Presidency Council then vetoed the Governorates' Powers Law. This amounted to a breach of trust for the Sadrists who made the passage of the whole package possible by breaking rank with other opposition groups in the hope of getting the regional elections expedited. Later the Presidency was forced to rescind its veto.

The ruling parties continue to pursue decentralization as a way of preempting challenges by existing and new opposition groups, establishing hard to reverse facts on the ground in the process.

The law on the Formation of Regions which comes into effect shortly—May 2008—will make it easy and irreversible to form a Federal Region. If new regions adopt a similar attitude to federalism as the Kurds the state could be hollowed out.

Investment allocations to the Governorates have been doubled again in the 2008 budget and the largely unspent 2007 allocations rolled over. More than 30 percent of the budget is now allocated directly to the regions and Governorates, a process, that will be hard to reverse and that could leave the central government without sufficient resources to carry out its obligations. These measures have been taken in the face of vehement opposition by nationalist opposition parties both within and outside the political process.

5.1 Hydrocarbon legislation

Nowhere is the gridlock caused by the sectarian political process more evident than in the hydrocarbon law discussion. The discussion encompasses many of the fundamental issues determining the shape of the future Iraqi state, from the sharing of power and resources between the center and the regions to the role of the private sector and the protection of minorities.

The discussion is closely correlated with the issue of "disputed territories," relations with neighbors and the wider world. Oil has a symbiotic relation with the modern Iraqi state. It played a determining role in Iraqi economy, politics, and shaped the relationship between state and society. Petroleum nationalization carried out piecemeal in the 1960s and 1970s of the last century is, for many, an integral part of Iraqi national identity.

The negotiations held, formally, between teams representing the Ministry of Oil (MoO) and the Kurdistan Regional Government (KRG) over almost 2 years have become a proxy to competing conceptions of Iraq's past and future.

The MoO sought to establish continuity with the national industry model, giving the state a pivotal role in regulating and managing the sector through the Ministry and the Iraq National Oil Company (INOC). It sought to improve efficiency and prevent abuse by augmenting the system with market and public accountability mechanisms including transparency and power-sharing with the regions. In particular the MoO sought to break with the excessive centralization of the industry by reconstituting INOC, abolished by Saddam in 1987, as an operationally and commercially independent enterprise.

The Kurdistan Regional Government had radically different vision. It sought to abolish the existing system altogether, blaming it, not only for inefficiency and abuse but also, for the tragedies that befell the Kurds at the hands of successive, oil-financed, regimes. What little role they envisaged the state as playing, in the areas of policy and regulation, was largely delegated to the regions. Decentralization and liberalization were promoted, not only as means to harness market forces for the rapid development of the sector but also, to prevent corruption and abuse.

Despite the gulf that separates those two positions, the parties came close to a compromise which combined a high degree of decentralization and liberalization with effective policymaking, coordination, and regulation at the national level.

Emphasizing the constitutional principle of undivided public ownership of oil, the compromise involved a tradeoff, constraining regional powers with national coordination. A separate law establishing a transparent mechanism for revenue-sharing was meant to assure the Kurds and other regions of their fair share of revenues, while allowing for the maximization of revenues through a more coherent management structure.

Most of the public discussions on the hydrocarbon legislation, especially outside Iraq, focused on the role of private sector and the possible use of Production Sharing Agreements as the basis for model contracts. This misses the main point of the negotiations—the distribution of powers between the Federal center and the region.

The compromises encoded in the draft adopted by the Council of Ministers in February 2007 were fragile and vague. The law included many contradictory provisions and papered over unresolved differences. At the end it collapsed under the impact of a series of events including:

(1) A review by the Experts (Shura) Committee of Parliament which spelled out the compromise in a clear language and deleted the reference to ethnic quotas in the formation of the Federal Oil and Gas Council—the highest national policymaking body;

(2) The introduction of an annex by the Ministry of Oil allocating all producing fields to INOC;

(3) The introduction of a draft revenue-sharing (Financial Resources) law which gave the Ministry of Finance nominal control over the oil account;

(4) A parallel development, which was not directly related to the hydrocarbon law discussion but, undoubtedly, affected the political context was the lack of progress and eventual lapsing of article 140 of the Constitution pertaining to the "normalization" of the situation of Kirkuk and the "disputed territories" (see below);

None of the above developments alone represents a clear break with achieved agreements and compromises but together they seem to have intensified the Kurd's mistrust in the intentions of the national government.

(5) The Kurds then adopted their own Oil and Gas Act; and

(6) Signed 15 contracts with independent international oil companies including 12 in a period of 1 month. Some contracts were signed for blocks on "disputed territories," outside the current boundaries of the Kurdistan Region. One contract, given to the Kurdistan Region's own oil company, was for a currently producing field, already under development by the Federal Ministry of Oil.

The right to negotiate and sign contracts, pending review by the Federal Oil and Gas Council is contained in the draft oil legislation. The contracts, however, violate the spirit of the negotiations and also possibly the letter of the pending law since they were awarded through a process that was neither competitive nor transparent and in the absence of an agreed national sector development strategy. Although the KRG claims that the contracts comply with the region's own law and their own interpretation of the constitution, they are clearly in violation of currently prevailing Iraqi laws, having entirely bypassed the national government.

Since then (November 2007) no serious efforts have taken place to resume negotiations. Each side seems determined to proceed according to their own script, establishing facts on the ground in the process. The Ministry of Oil has declared the Kurdish contracts null and void and is "blacklisting" companies who signed them (including OMV of Austria and the Korean National Oil Company). It is proceeding with its own negotiations with five oil majors (including Exxon, Shell, BP, Total, and Chevron) for 2-year Technical Service Contracts on currently producing fields. This could boost output by up to 0.5 million bpd. In February 2008 the MoO completed a short-list of companies for a bidding round which could be held as early as mid-2008 for longer term exploration and development contracts. The outline of the model contracts is still a work in progress. It is expected to be a risk-sharing though not a production-sharing contract since the latter has been all but vetoed by public backlash. The KRG are negotiating further contracts.

The story of the hydrocarbon law demonstrates many of the shortcomings of the emerging political system. A small circle of unelected officials debated a law that touches upon many of the key issues affecting the future of Iraq. Any compromises forged by the technical teams were upturned by the "political leaders." A similar dynamic affected the proceedings of the Constitutional Review Committee, which managed to agree on substantive changes to the constitution, addressing some of its greatest shortcomings, only to be buried by the very same "leaders."

The Kurdish position on the degree of decentralization reveals the depth of their mistrust of the new political system and the checks and balances it is supposed to have placed on the power of the Federal Government. The Kurds explicitly state that government control over the oil industry or over the oil account is unacceptable to them. They are even reluctant to allow the national Parliament to "open" the agreed law or review contracts. They are pushing for a greater role for the private sector to provide an insurance against leaving large parts of the industry in the hands of government (or government-owned entities), which they do not trust.

The difficulty in passing the hydrocarbon law and the tenacity with which the Minister of Oil, Dr. Hussain al-Shahristani, is pursuing his state-centric position is also indicative of the changing political environment.

Al-Shahristani, an independent member of the United Iraqi Alliance, is at odds with many of his colleagues in Government. He is relying instead on support in Parliament, the Shia religious establishment and the broader public. He is openly challenging some of the more radical interpretations of federalism as depicted in the constitutions and is seeking to assert a greater role for the state in economic life than was envisioned in the early days of the new regime. He is not shying away from open conflict with the Kurds, who have been an indispensable powerbroker for most of the past 5 years.

The Ministry benefited from the ongoing campaign by Iraqi oil experts seeking to rationalize the draft law and strengthen the governments capacity to coordinate and regulate the sector. The campaign has the added credibility of including the main drafters of the first version of the law in addition to the most senior Iraqi oil experts.

The Iraqi oil experts' championing for a greater state role is another indication of the backlash against what is widely seen as excessive decentralization, liberalization, and general weakening of the state since the invasion. This backlash cuts across political parties and ethnic groups, perhaps with the exception of the Kurds. This is feeding into tensions between them and the rest.

Persistent U.S. pressure to pass the hydrocarbon law has failed to compel the parties to compromise, revealing the limits of U.S. influence in Iraq today.

5.2 Potential Conflict over Kirkuk

The Special Representative of the U.N. Secretary General to Iraq, Stefan De Mistura recently called Kirkuk a "ticking bomb." This uncharacteristically blunt assessment is a reflection of the gravity of the simmering tensions around the future of Kirkuk and more generally the potential for conflict on all issues related to the boundaries of self determination for Iraq's Kurds.

For most of the past 5 years the two Kurdish parties enjoyed a privileged position on the Iraqi political scene. They were better organized and resourced than most other parties. They had more government experience from managing the Kurdistan Region since 1991. As opposed to most Arab parties, they had a real constituency providing them with a strategic depth and a sense of accountability.

Despite fighting a bloody conflict for most of the 1990s, the two Kurdish parties have maintained a more or less united position on most issues, both inside the region and in Iraq. They also enjoyed good relationship with the U.S., which had to rely on their support especially after Turkey refused to allow the use of its territory for the invasion in 2003.

Their armed forces, the Peshmarga, are by far the best equipped and most disciplined of all military formation operating in Iraq to this date, so much so that they provide close protection to most senior Iraqi officials. Kurds also hold key positions within the army and form the core of key military units.

This has allowed the Kurdish parties, despite their minority status to play the role of the powerbroker, shaping many of the policies of the past 5 years.

The approach of the two Kurdish parties despite the differences between them (described above) is twofold. On the one hand, they are working to expand the boundaries of Kurdish self-determination, politically, economically and geographically, stopping just shy of outright independence. On the other, they are seeking to maintain sufficient influence over the rest of Iraq, to ensure that it does not become a threat to the Kurdish people again. This approach is born out of bitter historical experience as well as the political reality which makes an independent Kurdistan impossible, at the moment.

For most of the past 5 years, the two Kurdish parties succeeded in convincing their key political partners in government that a relatively weak central state formed out of semi-independent regions is a win-win solution for everyone. Former exile parties, which associated the Iraqi state with tyranny, shared this view, at least in theory. This vision was reflected in the political mechanisms developed since the invasion, which placed a heavy emphasis on ethnic and sectarian quotas and gave party leaders more power than government officials. It is also reflected in the Constitution, which vests significant powers in the regions at the expense of the Federal Government.

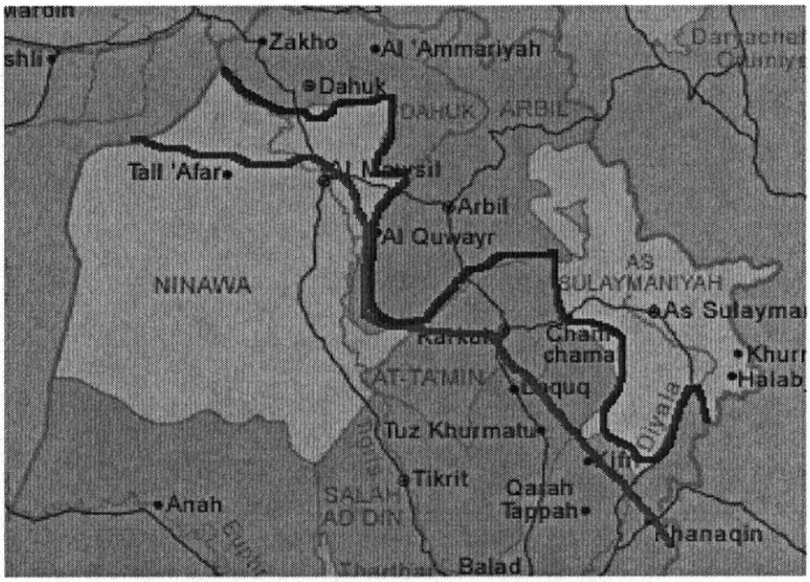
The Kurdish parties' main ally in this pursuit was the Islamic Supreme Council, and by extension the United Iraqi Alliance (the largest coalition of Shia parties). This partnership is showing signs of strain on both practical and political grounds. As Parliament and government proceed to interpret and implement the Constitution, it is becoming clear the Kurdish parties had greater degree of decentralization in mind than everyone else. Federal officials, attending to the day-to-day business of government, are often confronted with the difficulty of managing a state with such a high degree of decentralization. The oil law and budget discussions described above are cases in point. The Governorates' Powers Law, adopted without much Kurdish input, since it does not apply to them, rolls back many of the decentralizing provision of the Constitution. It garnered heterogeneous support in Parliament across sectarian lines demonstrating the emerging tilt toward consolidating state power.

Politically, the United Iraqi Alliance, including the Islamic Supreme Council (ISC) is less committed to the cause of strengthening the regions than their Kurdish allies, particularly since they have much less confidence in their ability to dominate them. Many UIA officials have invested in—and aspire to keep—national political office and would like to see more power and resources at the center.

Although nominally only in control of the three Kurdish Governorates (Erbil, Duhok, and Suleimania) the Kurdistan Regional Government has been effectively in control over a larger area which includes swaths of four other Governorates (Diyala, Salah al-Din, At-Ta'mim, and Ninava). They have been dominating the security structures and Governorate councils in most of these provinces. Kurdish control over these territories is overt and was part of the justification for their claim of 17 percent of the budget instead of the 13 percent understood to be the share of the Iraqi population living in the three KRG provinces.

Perhaps the main case where the win-win narrative falters is Kirkuk and the other "disputed territories" in Ninava, Salah al-Din, and Diyala, where Kurdish gains are increasingly seen as a loss by all the other actors and vise versa. Disagree-

ment on this issue, though barely articulated, is fueling all other disputes. It is increasingly becoming a harbinger of violent conflict.



Approximate map of the disputed territories—between the red and green lines, source: geology.com.

Many Kurds deported forcibly from Kirkuk under Saddam's policy of Arabisation have been allowed to return. There is little evidence of forcible removal of non-Kurdish residents from the disputed areas but the Kurds do not hide their desire to see a transfer of those who were brought in by Saddam back to where they came from.

Article 140 of the constitution was essentially meant to formalize Kurdish control over the "disputed territories," first through a process of "normalization"—population transfer and compensation—and then through referenda to determine which parts of the disputed Governorates will be included in the Kurdistan Region.

Without officially reneging on the agreed upon formula, the government allowed article 140 to lapse at the end of 2007, largely through inaction. The status of the article is unclear, though most including the Kurdish parties are working under the assumption that it has been extended for 6 months.

The issue is so explosive and the differences among erstwhile allies so deep that there has not been a real discussion on it since the drafting of the Transitional Administrative Law (TAL) under Paul Bremer in 2004. Article 140 of the constitution is almost a verbatim copy of article 58 in the TAL.

Arab-Kurdish confrontations over other less explosive issues have been more overt, acting as both proxies for Kirkuk and being exacerbated by it. There were several occasions over the past 18 months where Iraq's fractious Arab political class, including Shia and Sunni parties in government and opposition united against the Kurdish parties. The issues ranged from the relatively harmless ban on the Iraqi flag, imposed by the Kurdistan Regional Government in September 2006, to the dispute over the allocation to the Kurdistan Regional Government in the 2008 budget and the oil contracts. Almost all parties objected to the allocation of 17 percent to the KRG although the same percentage was awarded to the region in the previous two budgets. The subdued reaction by most Arab politicians to the Turkish incursion in pursuit of the PKK is the clearest indication yet of the rising tension.

Together these tensions are creating a new schism which is contributing to government paralysis and threatening Iraq's territorial integrity. If neglected they may very well escalate into a new conflict.

6 Scenarios

6.1 Putin without Putin

The first scenario involves a continued rolling back of some of the excesses of the past 5 years in every respect—religious extremism, reformist zeal, state failure. This process would be coupled with a change in the political leadership. New power structures would be drawn from the former regimes' institutional but not party elites—Concerned Local Citizens commanders, military and security services personnel, mid-level technocrats.

This is similar to the emergence of Putin in Russia at the end of the chaotic Yeltsin era, which brought some of the KGB and other Soviet era structures back to power but not the Communist Party. This dynamic would be fed by a similar public yearning for order after a prolonged period of chaos and uncertainty.

This option will necessarily involve the scaling back of some of the achievements of the past 5 years along with the excesses but is likely to be the least destabilizing in the medium term.

The largest Shia group, the Sadrists, could accept this development as long as no prominent Baathists are involved in the "restoration." The other dominant political groups, including the Kurdish parties and other former exiles, are less likely to accept it.

The holding of elections on schedule and according to new legislation could facilitate a less violent transition. The nature of the political structure that would emerge to lead these constituencies and their relation to the Baath Party will determine the degree of resistance (and violence) engendered by this scenario.

The Kurdish leadership will be the hardest to reconcile with the resurgence of the state under structures associated with the former regime. This may further intensify tensions around Iraqi Kurdistan. Indeed the greatest threat associated with this scenario is a violent conflict a la Chechnya. "Standing up" to the Kurds may become a rallying cry for Iraqi Arab nationalists and the battleground on which they demonstrate their credentials just like Putin used Chechnya to consolidate his grip on power.

6.2 Indefinite surge

Another scenario would see prolonged, substantial U.S. presence to protect the current political leaders, allowing them to hold on to power and resist change. Elections may be postponed or subverted. The ruling parties would continue to dominate government, ignoring and at increasingly suppressing descent while maintaining the appearance of a political process. The recent operation in Basra, could be a harbinger of this scenario.

The main avenue for the current leaders to diffuse challenges by emerging actors is to accelerate the decentralization of government and liberalization of the oil sector—in essence removing the target for any power claims. Substantial moves have been undertaken in this direction, such as the law on the formation of the regions, the accelerated increase in provincial budgetary allocations and the Kurdistan oil contracts.

This scenario will maintain the motivation for parts of the insurgency, especially as they see U.S. forces propping up a regime they do not accept. It could be less violent than before since parts of the insurgency would be co-opted in the process and the momentum from the 2006 civil-war would have been broken.

Without a legitimate and viable central state, the resurgent bureaucracy would likely give up. It will be a race against time whether an entirely new machinery of government, emerges at both national and regional level before total state collapse.

The constrained legitimacy of the emerging regime would continue to pose a threat to Iraq's territorial integrity. Encroachments on Iraqi territory by Turkey and Iran already reveal how vulnerable the Iraqi state has become.

This scenario will require a "permanent surge"—an extensive and prolonged MNFI commitment to protect unpopular leaders from domestic challenges, prevent conflicts between regions and protect an increasingly fragile Iraq from external threats.

While the most peaceful in the short term, as long as significant U.S. presence is maintained, this scenario is likely to be volatile and fragile in the medium and long term.

6.3 Somalia

The worst case scenario would see the "surges," both military and bureaucratic, run their course without achieving their objectives.

Neither the current leaders nor the opposition groups challenging them emerge as clear winners. Al-Qaeda is revived as unresolved political, sectarian, and ethnic

conflicts are reignited. Violence creeps back up completing the collapse of the machinery of government and the exodus of the technocrats and middle classes. Recent up-tick in violence may be an ominous sign of movement in this direction.

The U.S. is eventually forced to withdraw or return to the presurge mode of operation, leaving a Somalia-like vacuum behind. Iraq's neighbors would feel compelled to intervene preemptively to prevent violence from spilling over, carving out buffer zones and entire regions in the process.

Eventually, the international community is forced to intervene to address a growing threat to international peace and security and a spiraling humanitarian catastrophe. The U.S. is again at the forefront as the only nation capable of leading such an intervention and as the party responsible for bringing Iraq to this state.

7 Conclusion and Recommendations

None of these three scenarios would count as "victory" for the U.S., in the sense that none would leave behind a fully fledged democracy in Iraq. The second scenario is only possible if the U.S. is prepared to commit forces at the same level of the "surge" over a long period.

The Somali scenario is not only dire for the Iraqi people but could have dangerous repercussions for the rest of the Middle East, the United States and indeed the world. This kind of stateless "black hole" breeds a kind of predatory political economy in which violence, sectarianism, and crime feed on each other and spread.

That leaves the Putin scenario. Any U.S. or international strategy should focus on the best way to ensure that this scenario does not lead to a Chechnya-like conflict in Iraqi Kurdistan and to moderate likely authritarian trends.

This will require action in four directions.

7.1 A U.N. resolution for Kirkuk

Diffusing the brewing crisis over Kirkuk and the disputed territories will require more than the Iraqi political class has to offer at the moment. The United Nations efforts need to be bolstered by a separate UNSCR under chapter VII. The resolution should not be limited to the disputed geographic boundaries but to the whole package of issues related to extent of Iraqi Kurdistan's self-determination. This will allow for the mobilization of necessary international resources and attention on this set of issues, without neglecting Iraq's other needs.

A UNSCR resolution under chapter VII is justified by the international nature of the problem, involving in addition to Iraq, Iran, Syria, and Turkey and by the real threat of contagion it represents.

It should be possible to persuade the Kurdish leadership of the need of a separate U.N. mandate, both as the only realistic way for nonviolent progress on this issue, and as a way to legally internationalize their cause.

The Iraqi Government should also be able to recognize the need for separate, dedicated international attention to the issue, as it is the weakest party in this conflict.

Another benefit of a separate resolution on Kirkuk is that it offers a path for transition from previous Iraq resolutions. It would allow the rest of Iraq to emerge from the chapter VII framework while keeping the most acute issues under international responsibility.

7.2 A transparent and accountable revenue-sharing mechanism

Resolving the conflict over the oil legislation is a key to unlocking Iraq's development potential. It can help build trust among Iraqis and provide a blueprint for federalism in other areas. Addressing the issue of oil has a complementary relation to efforts aimed at diffusing tensions over Kirkuk. Iraq's oil, however, merits being addressed in its own right as the country's main source of income.

One approach for breaking the deadlock on the oil issue would be the establishment of an efficient, transparent and accountable revenue-sharing mechanism:

(a) Iraq has just declared its commitment to the Extractive Industries Transparency Initiative (EITI), the KRG commitment to this framework is enshrined in the region's Petroleum Act. EITI could serve as the foundation for building trust on the revenues generated by the various parties and the way they are managed.

(b) The next step would be to renew the Development Fund for Iraq's (DFI) arrangement to capture all of Iraq's oil revenues with a fully empowered international oversight mechanism. The DFI arrangement contained in UNSCR 1483 expires at the end of 2008. Iraq has expressed interest in renewal which could be arranged with the help of International Financial Institutions.

(c) Third is a revenue-sharing law, which establishes a robust and transparent mechanism, that does not hollow out the budgetary process. Such law would combine a formula mechanism that assures the regions of their fair share

without rendering meaningless the budgetary process and robbing the Federal Government of the ability to set economic policy vested in it by the Constitution.

These are realistic measures that are in reach of the parties involved, and would be much easier to achieve than current efforts to move on the entire hydrocarbon package simultaneously.

Once a modicum of confidence on the management of revenues is established it may become easier to exchange concessions on the issue of sector management and the role of the private sector.

7.3 Free, fair and timely elections

Emerging forces including the Concerned Local Citizens, the bulk of the Sadrists observing the cease-fire and the awakening bureaucracy need to be introduced into the political process in a meaningful and nonviolent way.

This necessitates the holding of local elections before the end of this year and national elections in 2009. The elections need to take place under new legislation that dispenses with the closed lists, which favor the political parties and their unaccountable bosses. Better assurances against abuse need to be put in place, including a more robust Electoral Commission, civil society, and international monitoring.

The nature of the political structures which would eventually emerge to lead the new constituencies, their relationship to the Baath Party and to other centers of power will determine both how peaceful the transition, and how authoritarian the emerging regime will be. The experience of the surge provides valuable lessons in promoting moderation within all groups and isolating the extremists. The nuanced approach adopted by General Petraeus toward the insurgents and the Sadrists alike needs to be maintained and expanded.

7.4 New legitimate multilateral framework

The U.S. role in Iraq needs to transition into a more legitimate and multilateral framework.

This is not only necessary to remove the stigma of the occupation from the U.S. forces and the new Iraq, but also offers a path toward disengagement. As a Prince Turki al-Faisal of Saudi Arabia once said, "the withdrawal should not be as illegitimate as the invasion."

This transition cannot be achieved through the Iraq-U.S. treaty being negotiated between two outgoing governments. A treaty of this nature, regardless of its merits, will inevitably lack the legitimacy it is meant to confer. It may even further discredit the current government, which few inside and outside Iraq believe capable of negotiating with the U.S. on equal footing.

The UNSCR resolution on Kirkuk proposed above could form the best mechanism for transitioning U.S. role in Iraq from the status of occupying forces it acquired with the invasion. The mandate will authorize U.S. operation throughout Iraq in order to prevent a conflict over Kirkuk which has the potential of engulfing the entire region. Such a mandate would have more legitimacy and appeal to bring more international partners on board.

The experience of Eastern Europe and the former Soviet Union does not only afford sobering insights into the limits of change in countries emerging from tyranny and the possibility of restoration of—at least part of—the old power structures. It also offers hope that over time, old elites will gradually fade from the system, opening the way for new leaders who take their countries into the next stage of development. For this to take place, however, two conditions are essential: Peace and a functioning mechanism for the succession of power. These are the greatest challenges facing Iraq today.

The CHAIRMAN. Thank you.

STATEMENT OF DR. STEPHEN BIDDLE, SENIOR FELLOW, COUNCIL ON FOREIGN RELATIONS, WASHINGTON, DC

Dr. BIDDLE. Thank you. I'd like to start by highlighting the distinction that Senator Lugar drew a minute ago, between top-down and bottom-up approaches to trying to get something that looks like tolerable stability in Iraq.

The top-down approach, emphasizing a national-level deal, in which the leaders in Baghdad of Iraq's Kurdish, Sunni, and Shiite communities come together, mutually compromise, agree on meet-

ing each other's needs, and as a result, produce peace and stability in the country, has produced very, very slow progress. And I think is likely to continue to produce only slow progress in Iraq, because of a variety of structural constraints associated with the distribution of political power in the country and the way the government is wired together.

Given this, I think the kind of slow, non-zero, but very slow progress we've seen in national dealmaking in Iraq, is unlikely to accelerate dramatically any time soon.

By contrast, the bottom-up approach, focusing on local, bilateral, piecemeal negotiated cease-fire deals, in which particular former combatant factions and especially the United States and to some extent the Government of Iraq, reach negotiated agreements, in which the parties standdown and observe a variety of other conditions in exchange for, centrally, a promise that neither will attack the other, and secondarily, but importantly, a promise that the United States will pay the members $300 a person a month, has, I think, produced in a remarkably short period of time, a system of cease-fires that is largely responsible for the reduction in violence that we saw in 2007, which did not come because we had destroyed the enemy, it did not come because the enemy fled the country or because they gave up aspirations to attain their goals by force, and instead, agreed to participate in some sort of peaceful political process.

I think centrally the reduction in violence can be attributed to the negotiation of the series of cease-fire deals between the former combatants. This decentralized, disaggregate, bottom-up approach, I think represents far the more promising of the two, in terms of avenues by which this country might eventually be stabilized.

Now, this raises a whole host of important questions and issues. I'll speak briefly about two of them and we can come back to others in question and answer. The first is, this system of cease-fires, at the moment, is prevalent in western and central Iraq, but is notably absent in the three provinces between Baghdad and Kurdistan, Ninawa, Salah ad-Din, and Diyala. The first challenge we face is extending this system of negotiated standdowns from violence into the holdout areas in which the remnants of al-Qaeda in Iraq, and the remaining Sunni insurgent factions who have not stopped fighting are now concentrated.

There are offensive operations now ongoing in those provinces, that are designed to produce this result. It's not knowable at the moment whether this will succeed or not. There is some chance that it will, there is no guarantee that it will.

The second challenge, however, and one that's been at least as widely discussed, is whether or not the system of cease-fires that we've got at the moment can hold. After all, the people who have agreed to these cease-fires, are in many cases, the same people who were killing us a year ago. They retain their weapons, they retain their organizations, they retain their leaders. In many cases they retain their former ambitions and goals. Given this, many people have expressed concern that these deals are transient and temporary, will soon collapse and these parties that retain their aspirations to eventually take over control of the country will pursue them once again by force after they find themselves in a more

advantageous position after the passage of time. And indeed, that's possible. Cease-fire deals of this kind do sometimes collapse in renewed violence, but they don't always.

Moreover, the situation is not unique to Iraq. Almost any time a civil war anywhere in the world is terminated by a negotiated deal, as opposed to the annihilation of the weaker side, the early stages of that negotiated deal almost always involve wary, distrustful, well-armed former combatants who retain their ability to go back to the war path if they choose, but who are choosing for the time being, voluntarily to standdown and not to pursue their objectives by violence. Any time a cease-fire—a civil war has ever been terminated by a negotiated agreement, it went through a phase not unlike the one we now face in Iraq.

Many of these attempts to negotiate cease-fires fail, some however, succeed. And I would argue that there are at least two key requirements for a condition like that we observe in Iraq now, to proceed into stability as opposed to proceeding into renewed violence. The first is that it be in these cold, hard strategic self-interest of the parties themselves to observe a cease-fire, as opposed to pursuing their objectives by force. If it becomes in their unilateral self-interest to fight rather than to observe a cease-fire, they will do so.

One of the several reasons why I think there's some reason to hope that the system of cease-fires we observe in Iraq today might be stable, is that since the middle of 2006, the underlying self-interested strategic landscape of Iraq has changed dramatically, as a result in large part of happy accidents, especially a series of mistakes by our Sunni—former Sunni and al-Qaeda enemies, especially the bombing of the Samara Mosque in February of 2006, and the subsequent Sunni defeat in the sectarian battle of Baghdad that followed the mosque bombing, which has dramatically changed Sunnis expectations for who would win an all-out war between Sunni and Shia in Iraq if the United States were to leave.

Secondarily, the mistake made by our al-Qaeda in Iraq enemies, whose extraordinary brutality has alienated their coreligionists, in the form of more secular Sunni insurgent groups. These two conditions taken together, significantly change the Sunni community's interest in cease-fire, as opposed to fighting. We then followed with some astute policy decisions, largely by accident, but nonetheless astute, in the form of the surge, which provided the combat strength to exploit the information that realigned Sunnis were willing to provide on the location of al-Qaeda in Iraq, terrorist cells, bombmaking factories, safe houses, and other assets, and which then provided the wherewithal to protect the Sunnis who had realigned from the al-Qaeda and Iraq counterattack that unsurprisingly and inevitably followed from their realignment.

These three developments, two mistakes by our enemies and the availability of protection from the United States, has substantially changed the self-interest of Iraq's Sunnis from warfare into cease-fire. The changing strategic calculus of Iraqi Sunnis, then changed the strategic calculus of Iraqi Shiites, and especially Muqtada al-Sadr's Jayish al-Mahdi. In the interest of time I won't articulate and detail here, although it's done in my written statement. The particular strategic calculus that Shiite militias and especially

Jayish al-Mahdi have followed, suffice to say for the time being, that Muqtada al-Sadr declared a cease-fire, not out of altruism, it's because he needed it, and because he found it in his unilateral self-interest to do so.

So for the first time, I would argue, in Iraq today, the strategic landscape is such that the key parties have a self-interested desire in cease-fire, as opposed to warfare.

The second requirement for going from an unstable transition moment to the kind we see now, to something that looks like persistent stability in the midst of a civil war, is an outside party to act as a peacekeeping force, to police and stabilize the deals that have been reached. The locals don't trust each other with guns, that's the reason we've had a cease-fire in Iraq. For that reason, Iraqi military forces left to their own devices, whether they be subnational or whether they be the Iraqi Security Forces in the hands of the Maliki government, are not sufficient to produce stability in the country.

Some third party, who may not be loved by anyone in Iraq, and in fact we're not, but who's at least not suspected by anyone in Iraq of harboring aims for genocidal violence against them if they were to get too much power in the country, needs to be present in order to reduce the incentives of all the players to respond to spoiler violence with an escalation in the intensity of the killings, and instead, be willing to wait it out, go slow, damp escalatory spirals, and wait to see if the outsider will instead take action.

For the time being, and probably for several years, the only party who's capable of playing that role in Iraq is the United States. If we manage to extend the system of cease-fires, our role in Iraq could change from that of war fighters in a raging counterinsurgency, to that of peacekeepers in a situation that looks more like Bosnia, and less like Vietnam. But some presence by an outside stabilizer is probably necessary for a long time, in order to prevent this system of not inherently stable cease-fires from returning to active violence.

If we do this, the result is not going to be Eden on the Euphrates. A stabilized Iraq, along this model, would look a lot more like Bosnia or Kosovo, and a lot less like cold war Germany or Japan. This is not what the administration had in mind when it launched the invasion of Iraq, and it's a long, long way from an ideal prognosis, or an ideal set of prescriptions for that part of the world.

But, I would argue, it offers at least the possibility—not a guarantee, but a reasonable possibility—that it could stop the violence, that it could save the lives of potentially tens of thousands of innocent Iraqis, who would otherwise die violent and brutal deaths in an escalation of violence if stability fails to obtain in Iraq, and I think it offers some chance of securing America's remaining vital national strategic interest in this conflict, which is that it not spread elsewhere in a part of the world that's terribly important to U.S. strategic interests, and become a regionwide war in the Mideast.

Now again, that's a long way from something that we would have sought back in 2003, but I would argue, it's also a long way from the perfectly plausible worst-case scenario that we could obtain if the United States eventually leaves behind an unstable Iraq. Rea-

sonable people can differ, given the costs and the risks of this program, but I would argue that it may, at least, offer the least bad of the various ways forward available to us in Iraq in 2008.

[The prepared statement of Dr. Biddle follows:]

PREPARED STATEMENT OF DR. STEPHEN BIDDLE, SENIOR FELLOW FOR DEFENSE POLICY, COUNCIL ON FOREIGN RELATIONS, WASHINGTON, DC

What will happen to Iraq as the recent surge in U.S. troop strength subsides? Violence fell in late 2007; will this trend continue, or was this merely a temporary lull created by an unsustainable U.S. troop presence? The last week saw a major spike in fighting as the Maliki government launched an offensive against militia fighters in Basra; is this a harbinger of future violence? And what do the answers imply for the U.S. posture in Iraq? Should we extend the ongoing troop reductions? Or should these be slowed or even reversed?

In fact the violence reduction was more than just a temporary lull. It reflected a systematic shift in the underlying strategic landscape of Iraq, and could offer the basis for sustainable stability if we respond appropriately.

But this will not yield Eden on the Euphrates. A stabilized Iraq is likely to look more like Bosnia or Kosovo than Germany or Japan. And like Bosnia and Kosovo, a substantial outside presence will be needed for many years to keep such a peace. If U.S. withdrawals leave us unable to provide the needed outside presence, the result could be a rapid return to 2006-scale violence or worse. Nor can we afford to hold out for a less Balkanized Iraq that could control its own territory without us in the near term: Pushing too hard too soon for the ideal of a strong, internally unified Iraqi state can easily undermine the prospects for a lesser but more achievable goal of stability per se.

This is because the violence reduction of 2007 was obtained from the bottom up, not from the top down. Instead of a national political deal, the military defeat or disarmament of the enemy, or their conversion into peaceful politicians in a reconciled, pluralist society, violence fell because most of the former combatants reached separate, local, voluntary decisions to stop fighting even though they retained their arms, their organizations, their leaders, and often their ambitions. These decisions were not accidental or ephemeral—they reflected the post-2006 strategic reality of Iraq, which for the first time gave all the major combatants a powerful self-interest in cease-fire rather than combat. This new self-interest in cease-fire creates an important opportunity for stability. But the decentralized, voluntary nature of these cease-fires means that peace would be fragile and would need careful and persistent U.S. management to keep it from collapsing, especially early on. The required U.S. presence would change from war fighting into peacekeeping, and U.S. casualties would fall accordingly. But a continued presence by a substantial outside force would be essential for many years to keep a patchwork quilt of wary former enemies from turning on one another—if we try to exploit the violence reduction to take a peace dividend by bringing American troops home too quickly, the cease-fire deals we have reached would likely collapse. And if we try to replace this patchwork quilt of local cease-fire deals with a strong central government that could monopolize violence in Iraq and allow us to leave, the result is much more likely to be the collapse of today's cease-fires without any effective central government to put in their place.

This is not what the administration had in mind when it invaded Iraq. Reasonable people could judge the costs too high and the risks too great. But an Iraq stabilized from the bottom up in this way nevertheless offers a meaningful chance to stop the fighting, to save the lives of untold thousands of innocent Iraqis who would otherwise die brutal, violent deaths, and to secure America's remaining vital strategic interest in this conflict: That it not spread to engulf the entire Middle East in a regionwide war. No options for Iraq are attractive.[1] But given the alternatives, stabilization from the bottom up may be the least bad option for U.S. policy in 2008.

I advance this case in four steps. First, I assess the causes of the recent decline in violence, and attribute this to a series of voluntary local cease-fires—not national political reconciliation, the destruction or elimination of the enemy, an exhaustion of violence potential as a result of sectarian cleansing, or improvements in Iraqi Government forces. Second, I discuss the chances for these cease-fires to hold. If vio-

[1] I address withdrawal alternatives and their consequences in greater detail in "Evaluating Options for Partial Withdrawals From Iraq," testimony before the Committee on Armed Services, Oversight and Investigations Subcommittee, United States House of Representatives, First Session, 110th Congress, July 25, 2007.

lence is down because the combatants have chosen to stop fighting, will they choose otherwise when the surge brigades come home? I argue that while voluntary cease-fires are inherently reversible, they do not always collapse. The new strategic landscape in Iraq creates an opportunity for a lasting cease-fire that outlives the surge, but does not guarantee this by itself. Third, I argue that to realize this opportunity requires a continuing military presence by an outside peacekeeper. This does not mean open-ended war fighting or the U.S. casualties that go with it, and it may not require the surge's troop count. But peacekeeping is labor intensive nevertheless—and the right posture for stability maintenance in Iraq is thus the largest force we can sustain in steady state for an extended stay. Finally, I assess the alternative of strengthening the Iraqi state to enable it to monopolize violence, control its own territory, and replace U.S. or other foreign troops with Iraqi security forces. I argue that for the foreseeable future, any attempt to replace local cease-fires with centralized state security is far likelier to destroy the gains bought at such cost in 2007. Iraq may eventually mature into a workable federal state. But this is a generational goal, not an immediate one. For a long time to come, stability in Iraq will require settling for what we can get, not holding out for what we once sought.

I. WHY DID VIOLENCE DECLINE?

The original idea behind the surge was to reduce the violence in Baghdad in order to enable Iraqis to negotiate the kind of national power-sharing deal we thought would be necessary to stabilize the country. Chaos in the capital, it was thought, made negotiated compromise impossible; by deploying more U.S. troops to the city and assigning them the mission of direct population security, it was hoped that a safe space could be created within which the national leaders of Iraq's Sunnis, Shiites, and Kurds could afford to take the risks inherent in compromise.

The violence came down, but the compromise did not follow. Although some slow, grudging political progress has been made, the pace has lagged far behind the original intentions of the surge's designers. Many, prominently including the Democratic leadership on Capitol Hill, were prepared to declare the surge a failure given its inability to produce the reconciliation deal that was the whole point originally.

In the meantime, however, a completely different possibility arose—one that was neither planned nor anticipated nor intended when the surge was designed, but which has nevertheless become central to the prospects for stability in Iraq. This "Anbar Model" or "bottom-up" approach began with a group of Sunni tribal Sheiks in Anbar Province, then quickly spread to Sunnis elsewhere in Iraq and now to many Shiites as well.

This model is built not around a national compact, but instead a series of bilateral contractual agreements in which particular groups of local Iraqis agree not to fight the United States or the Government of Iraq, and to turn their arms instead on common enemies—initially al-Qaeda in Iraq (AQI), and increasingly rogue Shiite militias as well. These local groups further agree to wear distinguishing uniforms, to patrol their home districts, to limit their activities to those home districts, and to provide coalition forces and the Iraqi Government with biometric data (e.g., fingerprints and retinal scans), names, and home addresses for all members. In exchange they receive recognition as legitimate security providers in their districts, a pledge that they will not be fired upon by U.S. or Iraqi Government forces as long as they observe their end of the agreement, and a U.S.-provided salary of $300 per member per month. (They do not, however, receive arms or ammunition from the United States—we are not "arming the Sunnis," as many have alleged. Cease-fire participants use their own weapons and ammunition, of which they have plenty without our help.)

The parties to these local cease-fire deals have been variously termed "Awakening Councils," "Sons of Iraq" (SOI), or "Concerned Local Citizen" (CLC) groups. As of March 2008, membership in these CLC organizations had grown from a baseline of essentially zero in early 2007 to more than 95,000 Iraqis under more than 200 such contracts across much of western and central Iraq. By way of comparison, the entire active strength of the British Army worldwide is about 100,000—the growth in CLC membership in just a few months has been truly extraordinary.

For now, the CLC groups are disproportionately, though not exclusively, Sunni (about 80 percent of CLC members were Sunnis in January 2008). Many of the principal Shiite combatants, however, are observing their own cease-fires. In particular, Muqtada al-Sadr directed his Jayish al-Mahdi (JAM), or "Mahdi Army" militia to stand down from combat operations following an altercation with the rival Shiite Badr Brigade in Karbala in August 2007.

The result is that as of early 2008, most of the major combatants on both the Sunni and Shiite side were all observing voluntary cease-fires.

One would expect this rapid spread of local cease-fires to have an important effect in reducing violence in Iraq, and indeed it did. In fact it has been largely responsible for the dramatic reduction in violence by late 2007. In effect, most of the combatant factions that had been fighting the Americans and the government voluntarily agreed to stop. Moreover, the remaining hardcore AQI and rogue militia holdouts had been seriously disadvantaged by the defection of their erstwhile allies: Without the safe houses, financial support, intelligence and concealment provided by their coreligionists, AQI and militia rogues were exposed to U.S. firepower in ways they had not been previously. Guerillas survive by stealth—their key defense from destruction by better-armed government forces is the government's inability to distinguish fighters from innocent civilians. When their former allies agreed to finger holdout guerillas for U.S. engagement, AQI's military position in western and central Iraq thus became largely untenable and they were forced to withdraw into the limited areas of Diyala, Salah ad-Din, and Ninawa provinces where CLC deals had not yet been reached. The net result was a dramatic reduction in opposition, a dramatic reduction in the number of enemy-initiated attacks, and a corresponding reduction in U.S. casualties, Iraqi civilian deaths, and ISF losses.

The violence reduction was not, by contrast, caused by our killing the enemy or driving them out of Iraq. AQI's casualties were heavy in 2007, but AQI was never the bulk of the Sunni combatant strength, and violence in 2006 was increasingly attributable to Shiite militia activity. Neither of the latter has suffered nearly enough losses to explain a radical reduction in violence, nor have many such combatants fled the country.

Nor is the violence reduction attributable to sectarian cleansing. Many have argued that violence fell because there was no one left to kill: Baghdad's once-mixed neighborhoods are now purely Shiite, they claim, removing the casus belli that once drove the violence. Yet significant Sunni populations remain in Baghdad—many fewer than in 2005, but significant all the same. More important, the relative incidence of mixed and pure, or Sunni and Shiite, neighborhoods in Baghdad correlates very poorly with the scale of sectarian violence. The killing has always been concentrated at the frontiers between Shiite and Sunni districts, where, typically, Shiite militia fought to expand their control and Sunni insurgents fought to hold them off. As this unfolded, Sunnis were often forced out and city blocks would fall under Shiite control, but this simply moved the frontier to the next block, where the battle continued unabated. Cleansing thus moved the violence, but it did not reduce it. This can be seen in the casualty statistics for 2006, which hardly fell as the city's Sunni population shrank: All estimates show increasing civilian fatalities over the course of 2006, not the opposite. The only way this cleansing process could explain a radical drop in violence is if the frontiers disappeared as a result of Sunni extinction in Baghdad—but this has not occurred. And it is far from clear that even a total Sunni eviction from Baghdad would end the violence: The frontier would simply move on to the "Baghdad Belts," the ring of heavily Sunni towns and suburbs that surround the city. In fact this had already started in 2006–07: Both Sunni and Shiite combatants maneuvered extensively to improve their positions for continued warfare beyond the city by contesting control of key outlying towns. The violence did not simply run its course and ebb for lack of interest; regrettably, there remains an enormous potential for continued sectarian bloodletting in Iraq.

Nor is the violence reduction attributable to improvements in Iraqi Government security forces. The ISF is better than it was, but its leadership, training, equipment, and logistics remain very uneven. Its key shortcoming, however, remains its politics rather than its proficiency. Predominantly Shiite or Kurdish ISF units are often distrusted by Sunnis and have great difficulty functioning effectively in their neighborhoods. Even Shiite ISF formations can have difficulty functioning in Shiite neighborhoods controlled by rival Shiite factions, as the recent fighting in Basra demonstrates. A few ISF units have established a reputation for even-handedness and can in principle act as nationalist defenders of all, but too few to secure the country. Much of the ISF, in effect, thus operates as the CLCs do: They defend their own. Local communities, whether Sunni or Shiite, accept defense by coreligionists they trust, but not by others—hence Iraq today is increasingly a patchwork of self-defending sectarian enclaves, warily observing the others but for now declining to use violence as long as they are left alone.

II. CAN THE CEASE-FIRES HOLD?

Of course, a voluntary decision to stop fighting can be reversed. CLC members retain their weapons. Many are essentially the same units, under the same leaders, that fought coalition forces until agreeing to stop in 2007. Many retain fond hopes to realize their former ambitions and seize control of the country eventually. The

JAM has mostly stood down but not demobilized; they, too, could return to the streets. Many have thus argued that these cease-fire deals could easily collapse. And indeed they could.

But this is not unusual for cease-fires meant to end communal civil wars such as Iraq's. These typically involve very distrustful parties; they often begin with former combatants agreeing to cease-fires but retaining their arms; and they are always at risk of renewed violence. Many fail under these pressures. But some succeed: In Bosnia, Kosovo, Liberia, Sierra Leone, Mozambique, and Zimbabwe, for example, cease-fires of this kind have held and led to persistent quiet, if not warmth or deep reconciliation, between the former warring parties.

At least two requirements are needed to translate fragile deals into persistent stability. First, peace has to be in the perceived strategic self-interest of all parties. If one or several see warfare as superior to cease-fire, then any deal is temporary and will collapse at a more tactically opportune moment.

Until recently, Iraq failed this criterion. Sunnis feared Shiite domination, but believed they were stronger militarily than the Shiites; if only Sunnis could drive the Americans out, then a weak Shiite regime would collapse without its U.S. protectors and Sunnis could seize control. Hence fighting made sense for them. Shiites, by contrast, feared a Sunni restoration and saw warfare against Sunni insurgents as necessary to avert a takeover. Initially most Shiites were willing to let the government and its American allies wage this war for them. Eventually, however, they began to lose faith in either actor's ability to protect them, and thus turned to Shiite militias to wage war against the Sunnis on their behalf. Militia warfare offered Shiite civilians protection against Sunni violence. Fighting also offered Shiite militia leaders—and especially Muqtada al-Sadr—a power base they could not obtain otherwise, and a possible route to political control via military victory over the Sunnis, and eventually, over the Americans (who opposed Shiite warlord autocracy in favor of an unacceptable multisectarian compromise with the rival Sunnis). Shiites, too, thus preferred warfare.

Events in 2006 and early 2007, however, changed this strategic calculus fundamentally for both Sunni insurgents and Shiite militias. The key to this was the Sunni's military defeat in the sectarian Battle of Baghdad that followed the Askariya Mosque bombing of February 2006. Until that time, Shiite militias had fought mostly defensively and often stood on the sidelines in Sunni-U.S. combat. But when AQI destroyed the shrine, the Shiite militias entered the war in force and on the offensive. The result was a year-long wave of sectarian violence in Baghdad pitting Sunni insurgent factions and their AQI allies against, especially, Muqtada al-Sadr's Jayish al-Mahdi. At the time, this wave of bloodshed was seen as a disaster—and in humanitarian terms it clearly was. The United States tried to stop it. But in retrospect, it may prove to have been the critical enabler of a later wave of cease-fires by changing fundamentally the Sunni strategic calculus in Iraq.

Before the mosque bombing, Sunnis could believe they were the stronger side and would win an eventual all-out war. The Battle of Baghdad, however, provided a window into what such a war would mean for Sunnis, and they did not like what they saw. To Sunnis' surprise and dismay, the battle produced a decisive Sunni defeat: What had once been a mixed-sect city became a predominantly Shiite one as the JAM progressively drove the Sunnis out and shrank their remaining strongholds in the capital. With the Americans playing no decisive role, Shiites overwhelmed Sunni combatants in neighborhood after neighborhood. Sunnis who had harbored fond hopes of ruling the country by defeating the Shia in open warfare were now unable to call relatives in traditional Sunni strongholds because the JAM had driven them from their homes and replaced them with Shiite squatters. Neighborhoods that had been Sunni homeland for generations were now off limits, populated with and defended by their rivals. In a head-to-head fight, the Sunnis had been beaten by Shiite militias they had assumed they could dominate.

A second major development was a series of strategic errors by AQI. Americans have no monopoly on error in Iraq, and AQI's leadership seriously overplayed their hand in 2006. Al-Qaeda in Iraq is exceptionally violent, and not only against Shiites and Americans. Fellow Sunnis whom AQI's leadership felt were not sufficiently devout or committed were also targeted with extraordinary brutality—including delivery of children's severed heads to the doorsteps of Sunni Sheiks who failed to follow AQI preferences. The smuggling networks that many Sunni Sheiks in Anbar province had relied upon for generations to fund tribal patronage networks were appropriated by AQI for its own use. Before the Battle of Baghdad, most Sunnis tolerated these costs on the assumption that AQI's combat value against Shiites and Americans outweighed their disadvantages. As defeat in Baghdad became clearer, however, it also became clear that AQI could not deliver real protection. By late 2006 AQI's inability to prevent defeat in Baghdad and the costs it imposed on coreli-

gionists had thus convinced many Sunnis that they needed to look for new allies. And the only possible choice was the United States.

At the same time, the surge made this realignment with the United States much easier and safer. Americans had sought political accommodation with Sunni insurgents for years; attempted openings to Sunni leaders had been a major component of U.S. policy throughout Zalmay Khalilzad's tenure as Ambassador, when the U.S. tried to broker compromise from both sides. These efforts made little headway, however, with a Sunni leadership that expected to rule Iraq if it instead held out and won the ensuing war. By 2007, however, Sunnis had become much more interested in American protection. And with the surge, Americans had more protection to offer. Any Sunni contemplating realignment against their nominal AQI allies surely realized that a massive AQI counterattack awaited them—no organization with AQI's reputation for brutality would stand back and watch while its allies changed sides and betrayed them. And, in fact, the initial wave of Sunni tribal disaffection in Anbar was met with an immediate campaign of bombings and assassinations from AQI against the leaders and foot soldiers of the rebel tribes. Previous rumblings of Sunni tribal disaffection with AQI in Anbar had been reversed by such counterattacks. Now, however, the rebel tribes approached American forces whose strength in Anbar and Baghdad was growing, and whose mission was changing to emphasize direct U.S. provision of population security through aggressive patrolling and persistent combat presence (as opposed to the previous mission of limiting U.S. exposure while training Iraqis to take over the fighting). After much initial wariness, the Americans decided to support this realignment and joined forces with the tribes against AQI in Anbar. With American firepower connected to Sunni tribal knowledge of who and where to strike, the ensuing campaign decimated AQI and led to their virtual eviction from Anbar province. The result was a provincewide cease-fire under the auspices of the Anbar Awakening Council and the U.S. military.

This outcome provided a model for similar cease-fires elsewhere. Sunnis outside Anbar understood their Baghdad defeat's military implications at least as well as the western Sheiks had. As the arrival of U.S. surge brigades and their extension of American security capabilities made it possible, more and more local Sunni leaders thus opted to standdown from combat against the Americans and to make common cause with them instead, enabling their new allies to hunt down AQI operatives, safe houses, and bomb factories. The result was a powerful synergy: The prospect of U.S. security emboldened already-motivated Sunnis to realign with the U.S.; Sunni realignment as CLCs enhanced U.S. lethality against AQI; U.S. defeat of local AQI cells protected realigned Sunni CLCs; local CLC cease-fires with the Americans reduced U.S. casualties and freed U.S. forces to venture outward from Baghdad into the surrounding areas to keep AQI off balance and on the run.

Cease-fires with Sunnis in turn facilitated cease-fires with key Shiite militias. These militias began largely as self-defense mechanisms to protect Shiite civilians from Sunni attack. But as Sunni insurgents ceased offensive operations and as AQI weakened, the need for such defenders waned and the JAM in particular found its support base among Shiite civilians weakening. This loss of support was exacerbated by the growing criminality of many militia members, who had exploited their supporters' dependency by preying on them with gangland control of key commodities such as cooking fuel and gasoline for economic extortion. Rising criminality in turn created fissiparous tendencies within the militias, as factions with their own income sources grew increasingly independent of the leadership and Sadr in particular. Meanwhile the American military presence was strengthening with the arrival of the surge brigades in Sadr's home base of Baghdad, and those Americans were increasingly freed of the need to fight Sunnis by the growth of local cease-fires, posing an increasing threat to JAM military control in the capital.

Taken together, this created multiple perils for Muqtada al-Sadr. In previous firefights with the Americans, he had sustained heavy losses but easily made them up with new recruits given his popularity. But Shiites' growing disaffection with his increasingly wayward militia, coupled with declining fear of Sunni attack, threatened his ability to make up losses with new recruitment. At the same time, tensions with other Shiite militias, especially the Badr Brigade in southern Iraq where JAM was weaker but where much of Iraq's oil wealth was concentrated, posed a threat from a different direction, and his weakening control over rogue elements created a danger of the organization gradually slipping out of his hands. When Shiites were unified by a mortal threat from Sunni attack and the Americans were tied down with insurgents and AQI, these internal problems could be managed and Sadr could afford to keep the JAM in the field and killing Sunnis and Americans. But as the Sunni threat waned, Shiite support weakened, the JAM splintered, and the Americans strengthened, Sadr's ability to tolerate a new battle with the U.S. Army was thus progressively diminished. Of course, Sadr is notoriously hard to read, and it

is impossible to know exactly why he does what he does. But at least one plausible hypothesis is that the effect of Sunni cease-fires added to other mounting internal pressures to persuade Sadr that he had to standdown himself rather than taking another beating from the Americans. Hence the new circumstances drove the JAM, too, to observe a cease-fire.

The result was a major change in incentives for both the Sunni insurgency and the key Shiite militia. Of course, this decline in violence is still far from a nationwide cease-fire—hard fighting remains, especially in parts of Diyala, Salah ad-Din, and Ninawa provinces where AQI's remnants have taken refuge and where the CLC movement is still taking shape. But if the strategic logic described above holds, then there is at least a chance that the local cease-fires of January 2008 could continue to expand to cover the remaining holdouts. This does not mean sectarian harmony or brotherly affection in Iraq. But it does mean that cold, hard strategic reality increasingly makes acting on hatred too costly for most Sunni insurgents and Shiite militias—which has translated into a rapid spread of local cease-fires in accordance with the new interest calculus.

Yet this has not produced national reconciliation among Iraq's elected representatives in the capital. Why not?

In time it may. For now, however, the Maliki government's incentives differ from Muqtada al-Sadr's. Sadr needs peace to avoid further deterioration in his internal position and to avert casualties he cannot replace in a costly battle with the Americans. Maliki, by contrast, is not fighting the Americans—the surge is no threat to him. On the contrary, U.S. reinforcements and weaker Sunni opposition reduce the cost of continued warfare for Maliki's ISF. For Maliki, moreover, peace is politically and militarily riskier than war. Reconciliation along American lines requires dangerous and politically painful compromises with rival Sunnis: Oil revenue-sharing with Sunni provinces, hiring of former Baathists, Anbari political empowerment, and other initiatives that Maliki's Shiite allies dislike, and which Maliki fears will merely strengthen his sectarian enemies militarily. A predominantly Sunni CLC movement adds to these fears. Sadr needs peace because war now risks his political status; Maliki, conversely, runs greater risks by compromising for peace than by standing fast and allowing the war to continue. Thus the Shiite government makes little progress toward peace even as Shiite militias standdown in cease-fires.

Worse, Maliki may have an incentive to overturn pledged cease-fires in order to seek political advantage against internal rivals. For most of his tenure, Maliki had been dependent on the Sadrist movement for his legislative majority. Recently, however, Maliki has realigned with Abdul Aziz al-Hakim's competing Shiite Islamic Supreme Council of Iraq (ISCI). ISCI has been competing with Sadrists for control of the Shiite south, and especially the oil production and export centers around Basra and Umm Qasr. ISCI now controls much of the local government and police there, but Sadrist gains among the region's dispossessed Shiite poor threaten this control, and the upcoming provincial elections scheduled for this fall could realign power in the south to Sadr's benefit and Hakim's disadvantage. Maliki now enjoys an unusual freedom of maneuver for his ISF by virtue of the combination of Sunni cease-fires and U.S. surge brigades. This offers him a potential window of opportunity to use the ISF to weaken Sadr in the south under the guise of suppressing illegal militias. By pressing an offensive against JAM elements in Basra now, Maliki has a chance to kill or arrest Sadrist gunmen who might otherwise be available to intimidate voters in the fall, arrest Sadrist officials, ransack Sadrist offices, and intimidate potential Sadrist voters. The ISF offensive in Basra that began on March 25 may well have sprung from such motives, though its apparent failure suggests that the government's ability to achieve such ends is very limited. Of course, events in Basra are ongoing and too little is yet known to establish with any confidence just what is happening or why; I discuss the possibilities in more detail in section IV below. But there is reason for concern that the Maliki government may now have less interest in cease-fire than its opponents do. If so, it is imperative that the United States act to prevent the Government of Iraq from overturning cease-fires without being able to replace them with real security of its own (see section IV). And either way, the government has limited incentives to pursue costly, risky programs for national-level reconciliation via compromise.

This is not to deny any progress by the government. It has been distributing revenue to Sunni provinces even without a Hydrocarbon Law to require this. It recently passed a new de-Baathification law making it easier to hire Sunnis into some government jobs, and had been doing such hiring anyway even without a legal mandate. The result has been a modest degree of grudging movement toward compromise. Perhaps this will eventually produce an accommodation sufficient to resolve Iraq's communal differences politically.

But it is also entirely possible that the near to mid-term future could see a weak central government unable to monopolize violence, control its territory, or do much more than distribute oil revenue while the real dynamic of Iraqi security devolves to localities, where a patchwork quilt of local cease-fires in response to the shifting incentives of combatants in the field meanwhile produces an end to the fighting—for a time.

III. WHAT IS TO BE DONE?

This brings me to the second requirement needed for cease-fires to hold long enough to end communal civil wars. An outside party is typically needed to serve as a peacekeeper to enforce the deals.

This is because such deals are neither self-enforcing nor inherently stable. Even where peace is in the mutual self-interest of the majority on both sides, there will still be spoilers who will seek to overturn the cease-fire and renew the war. Rogue elements of Shiite militias, for example, profit from the fighting and will seek to restore the instability within which they flourish. And AQI has no interest whatever in stability. Though hurt badly and on the ropes in Iraq, AQI is not annihilated and even small numbers of committed terrorists can still bomb selected marketplaces or public gatherings.

Such spoilers hope to catalyze wider violence by spurring the victims to take matters into their own hands and retaliate against the historical rivals that many will blame for such attacks. In an environment of wary, tentative, edgy peace between well-armed and distrustful former combatants, even a few such attacks can lead to an escalatory spiral that quickly returns the country to mass violence and destroys any chance of stability.

Alternatively, the central parties to the cease-fire may try to expand their area of control at the expense of neighboring CLCs or militia districts. Ambitious Sunnis with dreams of Baathist restoration may use the lull to build strength, probe their rivals for weakness, then launch a new offensive if they discover a vulnerability. Shiite militia leaders unsatisfied with a limited role in a weak government could push the limits of their accepted status at the expense of Sunnis or rival Shiite warlords.

In this context, outside peacekeepers play a crucial role in damping escalatory spirals and enforcing cease-fire terms. As long as the underlying strategic calculus favors peace, then an outside military presence allows victims of spoiler attacks to wait rather than retaliating—they can afford to delay and see whether the Americans will take action against the perpetrators rather than jumping to immediate violence themselves. This enables their historical rivals, in turn, to stand back from preempting them the first time a bombing takes place. The peacekeepers' ability to enable victims to wait and see thus reduces the virulence of the escalatory dynamic in the aftermath of the inevitable bombings and terrorist strikes.

Similarly, if CLC leaders and militia commanders know that a U.S. combat brigade is going to enter their district and arrest any leader whose followers violate the terms of the agreed cease-fire—and if the provision of biometric data and locating information for all CLC members means that the Americans know who the violators are and where to find them—then the underlying mutual interest in cease-fire is less likely to be tested. And if the victims of a rival's expansion know they can call on a U.S. combat brigade to penalize their assailants they will be less prone to retaliate themselves and incur the cost of unnecessary fighting and casualties to their own followers.

This is not war fighting. It does require troops who can fight if they have to. And some fighting would be needed, especially early on, to punish spoilers and cease-fire violators and thereby to discourage further violence. But success in this mission means that the parties quickly understand that continued wary tolerance suits their interests better than renewed warfare, making the foreigners' role one of maintaining a cease-fire rather than waging a war. Soldiers are needed—but the casualty toll of combat should not be.

Peacekeeping of this kind is, however, labor-intensive, long term, and would almost certainly have to be a U.S. undertaking, especially in the early years of a cease-fire. We are the only plausible candidate for this role for now—no one else is lining up to don a blue helmet and serve in a U.N. mission in Iraq. We are not widely loved by Iraqis; among the few things all Iraqi subcommunities now share is a dislike for the American occupation. Yet we are the only party to today's conflict that no other party sees as a threat of genocide—we may not be loved, but we are tolerated across Iraq today in a way that is unique among the parties. Nor are Iraqi attitudes toward Americans fixed or permanent: Sunni views of the U.S. role, for example, have changed dramatically in less than a year. Marine patrols in Falluja

that would have been ambushed a year ago are now met with kids mugging for photos from marines carrying lollipops along with their rifles. Of course, what goes up can come down; attitudes that change quickly for the better can change just as quickly for the worse, and one should not misinterpret friendly words in English for real attitudes expressed only to intimates in Arabic. But it is at least possible nevertheless that the United States could play this role, whereas it is very unlikely that any internal party within Iraq could. And it is just as unlikely that any international actor other than the United States will agree to do so any time soon.

Whoever does this is going to have to do so for a long time: Perhaps 20 years—until a new generation, which has not been scarred by the experience of sectarian bloodletting, rises to leadership age in Iraq. A U.S. role will clearly be important for at least part of this time, but it may not be necessary for the United States to do this alone the entire time. If 2–3 years of apparent stability makes it clear that the Iraq mission really has become peacekeeping rather than war fighting then it is entirely plausible that others might be willing to step in and lighten the American load, especially if they can do so under a U.N. or other multinational banner rather than a bilateral agreement with the United States or the Government of Iraq. So we need not assume a 20-year U.S. responsibility alone. But a long-term presence by outsiders of some kind will be needed. And it would be imprudent to assume that we can turn this over to others immediately.

The number of troops required could be large. The social science of peacekeeping troop requirements is underdeveloped, but the common rules of thumb for troop adequacy in this role are similar to those used for counterinsurgency: Around one capable combatant per 50 civilians. For a country the size of Iraq, that would mean an ideal force of around 500,000 peacekeepers—which is obviously impossible. But some such missions have been accomplished with much smaller forces. In Liberia, for example, 15,000 U.N. troops stabilized a cease-fire in a country of 4 million; in Sierra Leone, 20,000 U.N. troops sufficed in a country of 6 million. It would be a mistake to assume that such small forces can always succeed in a potentially very demanding mission; but it would also be a mistake to assume that because the United States cannot meet the rule-of-thumb troop count that the mission is hopeless.

Some now hope that lesser measures will suffice to stabilize Iraq's cease-fires. The U.S. leadership in Baghdad, for example, hopes that it can create a financial incentive for CLCs to behave by making them Iraqi Government employees with the Maliki regime paying their salaries. The regime, however, is resisting this, and it is far from clear that Sunni CLC leaders would trust Maliki to pay them if the U.S. withdrew most of its troops. Nor would this solve the problem anyway: Spoiler violence is inevitable even if the CLCs behave themselves, and without U.S. troops in sufficient force to respond effectively such attacks would be dangerously destabilizing.

Perhaps financial incentives alone will suffice all the same; certainly they would help. But to rely on them in the absence of a robust peacekeeping presence would be very risky. The strongest assumption is thus that more is better when it comes to the post-surge U.S. troop posture: The larger and the longer term the peacekeeping presence, the greater the odds of success; the smaller and the shorter term the presence, the weaker the odds. And this in turn means that if the United States reduces its troop levels in Iraq too quickly or too deeply, the result could be to endanger the stability prospects that have been bought at such cost in lives and treasure. We cannot afford to keep enough troops in Iraq to provide the ideal peacekeeping force. But to leave Iraq without an outside power to enforce the terms of the deals we have reached is to make it very likely that those deals will collapse in the face of inevitable spoiler violence, ambition, and fear. The right troop count depends on the technical details of just what the United States can sustain in Iraq given the demands of equipment repair, recapitalization, troop rest, retention, and recruitment. But the right number is the largest number that we can sustain given these constraints.

IV. OVERREACHING FOR A CENTRALIZED IRAQI STATE

This is clearly not an ideal prognosis. Americans want to bring the troops home, not maintain a peacekeeping mission of unknown duration and considerable cost in Iraq. It is widely hoped that a more effective Iraqi Government with an improved security force can take the reins and enable American troops to withdraw. As the President once put it, as they standup, perhaps we can standdown. To do this, however, would require a real monopoly of force and the ability to assert control over substate militias. The U.S. has in the past encouraged the Maliki government to do

just this—to use the ISF to suppress and ultimately disarm Iraq's various militias, and especially the Shiite Jayish al-Mahdi.

For this reason, some Americans, including the President, applauded Maliki's recent offensive against JAM elements in Basra and elsewhere. As I note above, this offensive is ongoing and its ramifications are as yet unclear. There are ways in which it could indeed enhance stability in Iraq. But it could also upset the system of cease-fires that largely produced the violence reductions of the last year. Even if well-intentioned, this offensive is a dangerous gamble. And it may not be well-intentioned. Either way, it illustrates the danger of overreaching in pursuit of a strong, centralized Iraqi state that is unattainable for now.

The administration and the Maliki government have described this offensive as aimed only at criminal, renegade elements of the JAM who have failed to observe Sadr's announced cease-fire. If so, then this operation is nothing more than an extension of longstanding U.S. and Iraqi Government efforts to crack down on "rogue JAM" cells that had broken away from Sadr's control. These efforts have killed or captured large numbers of rogue cell leaders over the last year, and contribute to stability by eliminating factions unwilling to make peace, thereby rendering the JAM as a whole more amenable to a controlled cease-fire under Sadr's command. Sadr has tacitly accepted such strikes in the past, as this actually benefits him as much as it does the U.S. or Maliki. And Sadr's muted reaction to Maliki's offensive suggests that he is, so far, interpreting it as aimed chiefly at rogue elements beyond his control: Not only did Sadr not order the mainstream JAM to war, he recently ordered it explicitly to standdown from combat with the government or the Americans, effectively reinforcing his prior commitment to cease-fire. All of this is consistent with the notion of a limited offensive meant only to target rogue JAM in support of Sadr's cease-fire.

It is also possible, however, that the Basra offensive's motives may have been less pure or limited. As I noted above, the combination of upcoming provincial elections, Sunni cease-fires, and U.S. surge brigades created a potential incentive for the Maliki government to press a temporary advantage in order to weaken the mainstream Sadrist movement in Basra to the benefit of Maliki's political allies in the competing ISCI bloc. If so, this would represent an empowered government unilaterally breaking a cease-fire with the JAM in order to exploit a window of opportunity for partisan internal political advantage.

If the ISF were actually strong enough to crush the whole JAM, such an offensive might offer an alternative route to stability in Iraq: A monopoly of force under the Maliki government. After all, the JAM has been Iraq's strongest internal military force—it was largely the JAM that defeated the alliance of Sunni insurgents and AQI in the Battle of Baghdad. If the ISF could defeat the JAM, and if Maliki's political interests now motivated him to fight them (which he had been unwilling to do heretofore), then perhaps the ISF would now be strong enough to beat Iraq's other internal armies, too, and to centralize power accordingly.

But the evidence in Basra suggests otherwise. By all accounts, the ISF has been unable to defeat the JAM. After nearly a week of fighting, press accounts were reporting that less than a third of Basra was in ISF control. Even with coalition air and artillery support and reinforcement by U.S. Special Forces teams on the ground, the ISF still proved unable to oust the JAM and secure the city. The ISF is apparently still not able to monopolize violence in Iraq—even with active coalition support in the critical sector, and the passive support of 18 brigades of U.S. ground forces elsewhere to free ISF troops for offensive action in Basra. Stability under a strong central state is thus not forthcoming any time soon in Iraq.

Worse, a failed attempt to monopolize violence under Maliki could now have grave consequences for the entire country. Hopes for stability in Iraq today rest chiefly on the system of local cease-fires in which former combatants have voluntarily stopped shooting in exchange for a pledge that they will not be shot. But if the Maliki government is now seen as ignoring these deals and attacking piecemeal those who now observe them, starting with the JAM in Basra, then all such commitments will evaporate. Any faction who waits quietly until the ISF finishes off the others one by one before getting around to them is either foolish or suicidal; a truce that only one side observes will soon be observed by no one. The result would be a rapid return to the violent days of 2006 and early 2007—but with declining U.S. troop levels, not increasing ones.

If we are to stabilize Iraq from the bottom up, via local cease-fires among willing factions, then we must be prepared to observe the terms ourselves and to compel the Iraqi Government to do so, too. And that means accepting the continued existence and security of the local factions that agreed to stop fighting—unless they break the cease-fire terms themselves. To change the terms in the middle of the deal by trying to centralize power involuntarily over the objection of armed factions

who cannot be destroyed at tolerable cost is to invite a return to mass violence as each strives to defend itself by attacking its neighbors once more. Bottom-up stability and the pursuit of a powerful, centralized state by force of arms are thus incompatible.

We can and must strive to persuade Iraqi factions to join a unified Iraqi political process peacefully. In the long run this process may succeed. But if we try to shortcut a glacial process of peaceful accommodation by disarming militias involuntarily in the meantime—or if we permit an Iraqi Government to try this itself for whatever motives it may hold—the result could be a return to mass violence with neither bottom-up nor top-down reconciliation in the offing.

CONCLUSIONS AND IMPLICATIONS

Iraq's system of local cease-fires may thus offer an opportunity to stabilize the country and avert the downside risks of failure for the region and for U.S. interests. To realize this opportunity will not be cheap or easy. And it will not produce the kind of Iraq we had hoped for in 2003. A country stabilized via the means described above would hardly be a strong, internally unified, Jeffersonian democracy that could serve as a beacon of democracy in the region. Iraq would be a patchwork quilt of uneasy local cease-fires, with Sunni CLCs, Shiite CLCs, and Shiite militia governance adjoining one another in small, irregularly shaped districts; with most essential services provided locally by trusted coreligionists rather than by a weak central government whose functions could be limited to the distribution of oil revenue; and with a continuing need for outside peacekeepers to police the terms of the cease-fires, ensure against the resumption of mass violence, and deter interference from neighbors in a weak Iraqi state for many years to come.

Moreover there are many ways in which such a peace could fail even if the United States and the key Iraqi factions play the roles described above. Long term peacekeeping missions sometimes succeed, but peacekeepers can also become occupiers in the eyes of the population around them. If the U.S. presence is not offset or replaced in time by other tolerable alternatives under a U.N. or other multinational banner, nationalist resistance to foreign occupation could beget a new insurgency and a war of a different kind. If spoiler violence or early challenges to the peacekeepers' authority are not met forcefully and effectively, then the volume of challenges could overwhelm the availability of enforcement and the effort could collapse into renewed warfare. If ongoing operations do not keep AQI from regrouping, or if today's growth of negotiated cease-fires does not ultimately spread through the remainder of Iraq, then the U.S. mission could remain that of war fighting without any peace to keep. If Sadr eventually loses patience with the Maliki government's offensive in Basra, or if he loses control of enough of the JAM splinter groups now under assault, then today's entire system of local cease-fires could unravel.

There are no guarantees in Iraq. And given the costs and the risks of pursuing stability, a case can still be made for cutting our losses now and withdrawing all U.S. forces as soon as it is logistically practical.

But none of the options are cost or risk-free in Iraq, including withdrawal. A U.S. departure from an unstable Iraq risks an escalation in violence, the prospect of regional intervention, and a much wider war engulfing the heart of the Mideast's oil production—any responsible proposal for troop withdrawals in Iraq must contend with their risks, which are substantial. All U.S. options in Iraq thus remain unattractive.[2] But we must choose one all the same.

And the case for cutting our losses in Iraq is weaker today than it was a year ago. The rapid spread of negotiated cease-fires and the associated decline in violence since then has improved the case for remaining in Iraq and paying the price needed to maximize our odds of stability. It will not be cheap, and it is hardly risk-free. But in exchange for these costs and risks we now have a better chance for stability—not a guarantee, but a better chance—than we have seen for a long time.

Senator LUGAR. Thank you very much.

The Chairman has asked me to recognize Mr. Rosen.

STATEMENT OF NIR ROSEN, FELLOW, NEW YORK UNIVERSITY, CENTER ON LAW AND SECURITY, NEW YORK, NY

Mr. ROSEN. Good afternoon, thank you for having me.

[2] See Biddle, "Evaluating Options for Partial Withdrawals From Iraq," for a more complete discussion of withdrawal alternatives.

I've spent most of the last 5 years in Iraq, especially with Sunni and Shia militiamen in mosques and powers of center, other than the Green Zone, so I hope to give you a different perspective.

I left last—last left Iraq in last February, a month ago—a little over a month ago. The Bush administration and the U.S. military have stopped talking of Iraq as a grand project of nation-building. The American media has obeyed this, as well, and they also abandoned the larger narrative presenting Iraq as a series of small pieces. And just as Iraq is being physically deconstructed, it's also being intellectually deconstructed.

It's no longer a state undergoing an occupation and a civil war in a transition, but small stories of local heroes and villains, and well-meaning American soldiers, of good news here, and progress there, but the whole is much less than the sum of its parts.

Iraq is basically Somalia, leaving aside Kurdistan—when I talk about Iraq, I'm not referring to Kurdistan—you have warlords and militias controlling fiefdoms. Most of the experts who give their opinion on Iraq, such as Fred Kagan for the American Enterprise Institute—people who don't speak Arabic, who go around on babysit tours with the American soldiers—the view they present of Iraq is false, and it's very dangerous to rely on them, and they've done you a disservice.

There is no shortage of Iraqis—I applaud you for bringing Mr. Said—Iraqis who can speak for themselves, and journalists who spent much of their time there.

I know it's true that fewer Americans are dying in Iraq, and perhaps from a purely American point of view, that's a success. But less Americans are dying in Iraq, because no longer—the dominant story is no longer a resistance to a foreign occupation—it's no longer a war of national occupation.

Less Americans are dying because Iraq has been in a civil war. That's why less Americans are dying, because Iraq is now a battle for control between various Iraqi factions. And the proper standard for judging progress in Iraq isn't the number of American deaths, but the quality of life for Iraqis, and unfortunately for most Iraqis, life under Saddam was better. Even opponents of Saddam are saying this, and I was just a few weeks ago, the people from the Mahdi Army, asking them, after 5 years, was life better for you, under Saddam? And they said, yes, it was.

Iraq doesn't exist today. It has no government, it's in control of warlords, as I said, and events in the Green Zone have never mattered, and still don't matter. It's always been a theater. The people who control power in Iraq, the militia leaders, have never inhabited the Green Zone. And therefore, focusing on laws passed in the Green Zone, and political deals made in the Green Zone or the international zone is a distraction, and a dangerous one.

Since the escalation of American soldiers began last year, hundreds of thousands of Iraqis have continued to flee their homes, mostly from Baghdad, and Baghdad has become virtually a Shia city, leaving aside a few Sunni pockets.

So, one of the main reasons why less Iraqis are dying, are because there are less Iraqis to kill. The civil war was very successful in achieving the goals of the various parties. This is a key to understanding the drop in violence. Shias were cleansed from Sunni

areas, and Sunnis were cleansed from Shia areas. This is bound to stop, eventually, the violence was logical, and it achieved its logic, it achieved its goals. The enemy's population was displaced. And if war is politics by other means, then the Shias won, and they now control most of Iraq.

Fortunately, for the planners of the surge, events are working in their favor internally, in the Iraqi civil war. The Sunnis have lost, and beginning in 2006, when I interacted with Sunni resistance leaders in Iraq, and Syria and Jordan, they began to realize, "Oh my God, we've lost, what do we do now?" There were internal recriminations, they blamed Sunni clerics in 2003, who had issued fatwas prohibiting Sunnis from joining the Iraqi Government. They began to wonder what they should do next, and they realize that, from their point of view, their main opponent might have been the same main opponent that the Americans had—Iran. And they may have begun to pursue that route, and they hope that Americans would realize that they had this common enemy, although it took awhile for them to come on board.

In many ways, they were shocked how they became the enemy. They thought they were the rightful rulers of Iraq, and they would have been very happy to accommodate an American presence, and you heard Iraqi resistance leaders saying this throughout the years, as long as they were the ones in power, these mostly Sunni men.

Now, the Americans arm both sides of a civil war, and this is also basically allowed for some temporary stability. How are you arming both sides in the civil war? The Iraqi Security Forces, majority Mahdi Army, of course, and now you're allowing for Sunni militiamen to arm themselves, or to use money that they've been given by Americans, to arm themselves. David Kilcullen, the influential counterinsurgency adviser, defined this as balancing competing armed interest groups.

Now, supporters of the war and the surge tie this to the success, but they forget that tens of thousands—hundreds of thousands, perhaps—of Iraqis have been killed, millions displaced, and thousands of dead and American wounded, have also been a price. Just so that the violence can go back to the horrifying levels it was a couple of years ago.

And much of the violence doesn't get reported. American officers underreport the violence—much of the violence that occurs outside of the sight of the American military, or of the media. When I was living in Baghdad these last few months, several times there were dead bodies in front of my house. This didn't make the media. A guy was shot in the head on his way to work—he was an Interior Ministry official—these sorts of things happen all the time, they don't get reported. Although it's true that violence is down a little bit.

Now, at the same time the Sunnis are realizing they lost the civil war, Muqtada al-Sadr realized that his militia was out of control, he had lost control of many of his men, they were no longer merely resisting the Americans, or protecting areas from Sunnis, but they were establishing their own mafias, they were terrorizing civilians. And he fears that clashing with the Americans and with Sunnis who were being empowered, would threaten his own power. And he

knew that, within the context of the surge, he was one of the main targets—or his militia was.

So, he imposed a freeze, which is often mistranslated as a cease-fire, so that he could reform his troops, so he could consolidate his control over them—he could take out the bad ones, and sort of wait the Americans out. Because, like the Sunnis, he knew that the Americans were bound to leave, eventually.

The Mahdi Army freeze, which began in late August of last year, coincided immediately with a huge drop in violence which, among other things, shows us just how responsible they were for the recent violence.

At the same time, the Sunni militias imposed, basically, their own cease-fire. They've been battling the Americans, the Shias, and al-Qaeda, and they've failed on every front. Resistant to the occupation, have not succeeded in liberating Iraq from the Americans, or in seizing power, or overthrowing the Iraqi Government, the Shia militias have won the civil war.

And Sunnis are being purged from Baghdad, purged from the Iraqi state—physically purged, and also purged from ministries. The majority of the Iraqi refugees outside of Iraq were Sunni. They had initially allowed al-Qaeda elements to enter the areas to protect them from the Americans and from the Shias, but while this has been a temporarily successful tactic, al-Qaeda began to impose its own reign of terror in Sunni areas, establishing its own mafias, often times—this would be familiar to inner-city Americans, teenagers, stealing cars, calling themselves al-Qaeda because it sounds cool, makes you sound tough.

But they're out of control, these young men, undermining traditional authorities, undermining traditional smuggling routes, and something had to be done. As a result, Sunni militiamen began to cooperate with the Americans against al-Qaeda. Members of the Sunni resistance who fought the Americans, and engaged in organized crime, just couldn't take it any more.

These new militias—called the Awakening groups, or Sons of Iraq, or Concerned Local Citizens, critical infrastructure security guards, Iraqi security volunteers—are for the most part, former members of the resistance. I spent a lot of time with them in Baghdad and elsewhere. Members of the 1920 Revolution Brigade, the Islamic Army of Iraq, Army of the Mushadin, and other groups.

Now, the tactic of the U.S. supporting these armed groups worked best in the Anbar province. It's partially worked in Baghdad, though many Iraqis in Baghdad and elsewhere fear that al-Qaeda has imposed its own cease-fire, sort of waiting out the surge, as well, and that they're lying low.

Now, in the very violent Diyala province and Salah ad-Din, the Anbar model has so far not succeeded at all. And like the Mahdi Army, the Sunni militia's hope to wait for the Americans to reduce their troop levels, before they resume fighting the Shia militia.

Joining these American-backed militias has given them territory in Baghdad and elsewhere that they now control. This was their dream—to seize power in as many areas as possible, and from there, eventually seize control of the Iraqi state. These Sunni militias also have political goals, and are attempting to unite to become a larger movement that will be able to regain Sunni territory, and

effectively fight the Shia militias, in a Shia-dominated government, which they refer to as an Iranian occupation.

So, they say we have a temporary cease-fire, a hudna, with the Americans, so we can fight the Iranian occupation of Iraq, which to them means the Shia-dominated government, the Shia militias.

And I have actually accompanied, a few weeks ago, members of some of these Sunni militias from South Baghdad, from Durra, to Ramadi where they paid homage to Abu Risha, the brother of the slain Awakening leader that President Bush met, and they hope to join his movement. They didn't view themselves as security guards, they view themselves as a—to make some political movement, we have achieved military success, now we're going to translate that into some sort of political success. And to them, the main enemy is the Iraqi State. They're very explicit about that, at least when the American soldiers are not around.

These Awakening groups are paid by the U.S. military, and operate in much of the country, and they employ former fighters and they are empowering them. And this is much to the consternation of the Shia-dominated government, as well as the Shia militias, who thought they had defeated the Sunnis, just to see the Americans let them come into Baghdad, through the back door.

So, the militias were the main problem in Iraq, we just created new ones. American soldiers, officers, call this the "Iraqi solutions for Iraqi problems," but it's really quite a very frightening scenario when you have more militias in a country that's been terrorized by militias.

By accepting money from the Americans, the Sunni militiamen have ridden themselves, from their point of view, of an onerous American presence. The Americans think they've purchased Sunni loyalty, but the Sunnis think that they've purchased American loyalty. They think they've gotten the Americans off of their back, for a little while, so they can rebuild their power, rebuild their strength, and eventually take on the Shias once again. And they're very open about this when you talk to them.

Now, in both cases, Sunni and Shia militia, the militiamen are chaffing under the restrictions based on them. The Mahdi Army fighters are losing power on the street—they're no longer out there with their guns, either the Americans are there, or Awakening groups are there. Crime is increasing in these areas, because the Mahdi Army was preventing some source of crimes, and they're very frustrated, and they were for awhile, that the Americans are still targeting them, still arresting them, and that the Iraqi Army is targeting them. And they're very frustrated with what they see, as al-Qaeda guys who were killing us a few months ago, now being empowered and paid by the Americans.

Many Mahdi Army groups, of course, have ignored the cease-fire, and are rejecting Muqtada al-Sadr's commands, they view him as a sell-out—he's over there in Iran, living the good life, we're over here—in fact, his followers are much more radical than he is, these days. And there have been demonstrations lately in Baghdad where they're chanting that he's basically betrayed them.

Now, Sunni militiamen are also very frustrated, the Awakening groups. They were promised 20 percent of them would be integrated into Iraqi Security Forces, that's not happening, it's clear

that it won't happen. Those who have tried to go, many of them complain that they're treated as suspects, they're harassed, they're abused by the Shia-dominated security forces, and they also complain very often that the Americans are late in paying them, they frequently threaten to quit in protest, they feel very humiliated, they threaten to resume fighting—it's well-known that the American military cannot sustain its numbers there, in the same levels, for very much longer.

It's going to be forced to reduce its numbers, and when this occurs, there's going to be increased space for Sunni militias to operate, for Shia militias to operate, they have not abandoned their political goals, their ideological goals.

The Government of Iraq is dominated by sectarian Shia Islamist Parties. They also dominate the security forces, and they often target Sunni civilians for cleansing. The government and the security forces worry about the empowered Sunni militias that they will have to fight one day, again.

As we saw last week, rival Shia militias are also bitter enemies, and when I was in Baghdad, in Sadr City, there were displaced Iraqis who had moved up from Karbala and from Diwaniyah, because their families had been Sadr supporters, and they complained that militias, or the security forces loyal to the Supreme Council, the Badr organization, had targeted them. And they distributed videos of dead children and dead families, houses that had been burned, et cetera, and they were very bitter, and they also threatened to resume fighting.

Now, it's wrong to view the clashes in Basra last week as between the Mahdi Army bad guys and the Iraqi Government good guys. They were between rival militias for control over resources, over voters, and the Iraqi Security Forces themselves are divided in their loyalty, hence the Iraqi Army units that fought in the south, were recruited from the south, and they were loyal to the Supreme Council. Elsewhere, we saw that the Iraqi police units—most of them who are loyal to the Mahdi Army—refused to fight. And many of the soldiers are also loyal to the Mahdi Army.

As we saw, were it not for the American military and Air Force, the Iraqi Army could not have stood up to the Mahdi Army, and the Mahdi Army would have had no reason to sue for peace, as it did.

Muqtada al-Sadr's movement is the most popular movement in Iraq today, and the most powerful one. The Sadrs started a large humanitarian organization in Iraq, as well. They provide the most aid to the most people—their supporters, mostly, but that's true, nevertheless.

The one bright spot you could see in the recent fighting in the south is that this inter-Shia fighting means that there's no longer a united Shia block that can purge Sunnis. The Badr organization, the Mahdi Army, had worked together quite closely in expelling Sunnis from Baghdad and elsewhere, and killing them and operating as death squads. That's not going to happen anymore, now that the rivalry between them is so intense. And the hatred between them is intense, and it's real.

So, as a result, we might see cross-sectarian alliances between different militias, Sunni militias aligning with Shia militias, such

as the Sudras, when it comes to issues of federalism, when it comes to the elections in the future, and perhaps that means that at least the most frightening scenario of a Sunni/Shia war spreading throughout the region, is no longer as realistic.

Many Americans are unaware, and this hasn't come up in today's meeting, as well, that the American military is not a benign presence in Iraq. While things aren't—the occupation isn't as brutal as it once was, it's still very brutal. And a foreign military occupation is a systematic position of violence and terror on an entire people. American soldiers are not in Iraq as peacekeepers or policemen, and they're also not helping the Iraqi people. The numerous and routine raids that Americans engage in, terrorize an entire population. I've gone on many of these raids, and I've experienced that terror myself.

Tens of thousands of Iraqi men are arrested, the majority of them are innocent, they're never charged with anything, they're never tried, their homes are destroyed, their families traumatized. Children watch their fathers being taken away for a day, for 2 years, and perhaps eventually they're released.

At least 24,000 men are still in American-run prisons in Iraq. At least 900 of those are juveniles. Now, even when the Americans hand over a fraction of the Iraqi prisoners to Iraqi authorities, if Iraqi authorities find them innocent, the Americans can still hold them, these are called "on-hold cases," and there are 500 cases of Iraqis who are being held by the Americans after they were found innocent of anything, of committing any crime by Iraqi authorities.

Now, of course, the international human rights organizations are loathe to make the recommendation that the Americans hand their prisoners over to the Iraqis, because it's well known that it's much better to be held by the Americans than to be held by the Iraqis. And I have witnessed a situation where Sunni leaders in an area complained to the American officers in the area, "Why did you let the Iraqi Police arrest them? Why can't you arrest our men?" Because at least they know they won't be executed when they're being held in American detention. The conditions in the Iraqi prisons are really horrifying, and the women's prison in Kadhmiya, the female prisoners are routinely raped by their Iraqi prison guards.

And conditions in the Iraqi prisons got much worse during the surge, because the Iraqi system couldn't cope with the massive influx of prisoners.

I visited, while I was there, numerous Iraqi ministries and government offices. This is the Muharram Month, the Shia holy month, during which they have Ashura celebrations, ceremonies are held. In all of the government buildings I visited, there were Shia religious banners on all of the walls, Shia flags on top of the buildings, radios and television stations inside these government buildings were tuned in to Ashura ceremonies, the Karbala. And this creates the impression among Sunnis that there's a Shia ownership of the government. And Sunnis, who feel that they are excluded and unwanted, which is true—this sort of reinforces that.

But, in truth, the government is irrelevant, anyway. It provides no services, not even the fundamental monopoly on the use of violence. So, the focus we have here on the government, on laws being passed, it's a distraction, because power is really in the hands of

militias in the street, and these militias are very small—local, neighborhood militias that sometimes are formed from local soccer leagues, local gangs from before the war, where the gang leaders became Mahdi Army leaders, or resistance leaders.

I met Iraqi National Police officers while I was in Baghdad who complained to me that all of their men were loyal to the Mahdi Army, and that many of their commanders were loyal to the Badr organization. And if they were suspected of disloyalty, then their own men would turn them into Shia militias. And Mahdi Army commanders had come into police stations, and threatened Shia police officers who were suspected of not being sufficiently loyal to the Mahdi Army.

I was actually in the neighborhood of Washash, which is close to the Mansour neighborhood, it's a Shia slum adjacent to the rich Mansour neighborhood, and I was filming over there for a documentary, and it's controlled by the Mahdi Army, but sort of a rogue Mahdi Army group that's disliked by other members of the Mahdi Army, and they were complaining to me about how the Iraqi Army abuses them in a sectarian in their area.

And as I was filming, the Iraqi Army came in, because they were upset that there was a journalist there. So, the Mahdi Army said, "Don't worry, we'll smuggle you out through the back, we'll take you to the Iraqi police." And behind one of the concrete blast walls, there were a couple of Iraqi National Police vehicles. And the men said, "Don't worry, these guys are with us."

The Iraqi Police were with the Mahdi Army, so I was handed by the Mahdi Army to Iraqi police to protect me from the Iraqi Army. This sort of stuff is quite common.

You mentioned, in closing, a few recent developments, reconciliation, the de-Baathification law—the de-Baathification law served to only alienate more Sunnis, because it was perceived as actually being more Draconian that what had previously been in place.

There have been many recent steps—legal steps—that alienated Sunnis further. The release of two Health Ministry officials, who are widely known to be members of Shia death squads was a huge insult to Sunnis.

The reconciliation—to the extent it's occurring—is occurring between Iraqis and the Americans, not between Iraqis and one another. There's zero political reconciliation, zero reconciliation between the communities, they're more and more divided, they're separated by concrete blast walls, and within these communities that are being created—these sort of "city states" throughout the country—everything that is essential for life is available there. So, we're creating power stations there that are separate from the national power grid, we're creating neighborhood advisory committees, district advisory committees, that are separate from the government, sort of independent institutions, further undermining the Iraqi state.

It appears to me that the future of Iraq, in the best case scenario, is a Somalia-like situation, where powerful warlords are able to consolidate control, at least over some territories, and I imagine that those warlords who are in control of areas that are rich in resources, will receive foreign backing from the Americans, from

the Saudis, et cetera, but it's also quite possible that civil war will be reignited.

There's a key flashpoint in East Baghdad, Adhamiya, where the Abu Hanifa Mosque is, the most important Sunni mosque in Baghdad. Hundreds of thousands of Sunni pilgrims used to go there, Abu Hanifa is a theologian who was sacred to many Sunnis around the world. The Mahdi Army has been trying to hit that mosque with mortars for a long time, in retaliation for the Samarra attack. It's the last Sunni stronghold in East Baghdad. If that mosque were to fall to Shias, you could see Sunnis throughout the whole region being galvanized. There are many flashpoints, and the violence that we saw last year, could really reignite tomorrow, it could happen at any moment.

[The prepared statement of Mr. Rosen follows:]

PREPARED STATEMENT OF NIR ROSEN, FELLOW, NEW YORK UNIVERSITY, CENTER ON LAW AND SECURITY, NEW YORK, NY

The Bush administration and the U.S. military have stopped talking of Iraq as a grand project of nation-building, the American media have dutifully obeyed, and they, too, have abandoned any larger narrative, presenting Iraq as a series of small pieces. Just as Iraq is being physically deconstructed so, too, is it being intellectually deconstructed, not as a state undergoing transition but as small stories of local heroes and villains, of well-meaning American soldiers, of good news here and progress there. But the whole, in this case, is less than the sum of its parts.

In May 2002 the newly arrived American proconsul for Iraq, Paul Bremer, promulgated an edict that unceremoniously disbanded the former ruling Baath Party as well as the Iraqi Army, police, and other security services. Hundreds of thousands of men were left jobless and Iraqis began to perceive the Americans as occupiers, not liberators. The ideologues behind this war believed Iraq was a state in which Sunni Muslims ruled Shiite Muslims. Most Muslims in the world are Sunnis. Shiites, a majority in Iraq and Iran, descend from a dispute over who should lead the Muslim community. Iraq has no history of serious sectarian violence or civil war between the two groups, and most Iraqis viewed themselves as Iraqis first, then Muslims, with their sects having only personal importance. Intermarriage was widespread and indeed most Iraqi tribes were divided between Sunnis and Shiites. The Baath Party which ruled Iraq for four decades had a majority Shiite membership. And the Iraqi Army, though a nonsectarian institution that predated the coming of the Baathists, was also majority Shiite, even in its officer corps.

But the American ideologues who saw themselves as liberators needed an evil worthy of their lofty self-image. To them the Baath Party was a Sunni Nazi Party that ruled Shiite Jews. They would de-Baathify just as their role models had de-Nazified. Sunnis were suspect of loyalty to the former regime and as a result the American military adopted a more aggressive posture in majority Sunni areas, resulting in clashes in places like Falluja that indeed led to the formation of a powerful popular resistance. Sunnis were weakened by the fact that Saddam, a Sunni himself, from attaining too much popularity or power, to avoid rivals. Sunni Muslims also lacked any charismatic religious leaders who could represent the community. Shiite Islam on the other hand has an established hierarchy with only a few key clerical leaders that Shiites can follow.

Today Iraq does not exist. It has no government. It is like Somalia, different fiefdoms controlled by warlords and their militias. I have spent most of the last 5 years since April 2003 in Iraq, with Iraqis, focusing on their militias, mosques, and other true centers of power. Events in the Green Zone or International Zone were never important, because power was in the street since April 2003. When the Americans overthrew Saddam and created a power vacuum, massive looting followed. That first month of occupation there was enormous hope, but the looting created an atmosphere of pervasive lawlessness from which Iraq never recovered. The entire state infrastructure was destroyed and there were no security forces, Iraqi or American, to give people a sense of safety. They quickly turned to inchoate militias being formed, often along religious, tribal, and ethnic lines. Those same militias dominate Iraq today. This would have happened anywhere. If you removed the government in New York City, where I am from, and removed the police, and allowed for the state infrastructure to be looted and then you dismissed the state bureaucracy you

would see the same thing happen. Soon Jewish gangs would fight Puerto Rican gangs and Haitan gangs would fight Albanian gangs.

The most powerful militias belong to Shiites who rallied around populist symbols such as Muqtada al-Sadr. The Americans then fired the entire state bureaucracy, and for some Shiite leaders, this was an opportunity to seize control. While many Sunni clerical and tribal leaders chose to boycott the occupation and its institutions, many of their Shiite counterparts made a devil's bargain and collaborated. The Americans maintained their sectarian approach, unaware that they were alienating a large part of Iraqi society and pitting one group against the other. Most of the armed resistance to the occupation was dominated by Sunnis, who boycotted the first elections, effectively voting themselves out of Iraqi politics. Radical Sunni militants began to attack Shiites in revenge or to provoke a civil war and disrupt the American project. Sectarian fundamentalist Shiite parties dominated the government and security forces and punished Sunnis en masse. By 2005 the civil war started. Later that year the Americans realized they had to bring Sunnis into the fold, but it was too late, the Shiites in power saw no reason to share it.

Millions of refugees and internally displaced Iraqis fled their homes, while tens of thousands died in the fighting. But by 2007 it was clear the Shiites had won. The Americans began to realize they were empowering the Iraqi allies of Iran, the next target in their plans for a "new Middle East." They also felt the pressure from Sunni Arab dictators in Egypt, Jordan, and Saudi Arabia, the so called "moderates," who feared Iran's populist and antiimperialist message, its support for groups such as Hamas and Hezbollah who resisted Israel and made the "moderates" look like sell outs.

The Bush administration was also feeling pressure on the home front. The war was unwinnable and unpopular. Victory was an empty and undefined term and the motives for the war were constantly changing. In 2007, when most reasonable observers were calling for a reduction of American troops and an eventual withdrawal, the Bush administration decided to increase the troops instead. The immediate impact was nothing, and since it began nearly 1 million Iraqis fled their homes, mostly from Baghdad, and Baghdad became a Shiite city. So one of the main reasons less people are being killed is because there are less people to kill. This is a key to understanding the drop in violence. Shiites were cleansed from Sunni areas and Sunnis were cleansed from Shiite areas. Militias consolidated their control over fiefdoms. The violence in Iraq was not senseless, it was meant to displace the enemy's population. And if war is politics by other means, then the Shiites won, they now control Iraq. Fortunately for the planners of the new strategy, events in the Iraqi civil war were working in their favor. The Sunnis had lost. They realized they could no longer fight the Americans and the Shiites, and many decided to side with the Americans, especially because many Sunnis identified their Shiite enemy with Iran, America's sworn enemy as well. The Americans armed both sides in the civil war. David Kilcullen, the influential Australian counterinsurgency adviser, defined it as "balancing competing armed interest groups." Though supporters of the war touted the surge as a success, they forgot that tens, if not hundreds, of thousands of Iraqis who have been killed, the millions displaced, and the thousands of dead and wounded Americans just so that violence could go back to the still horrifying levels of just a couple of years ago.

At the same time that the Sunnis were realizing they had lost the civil war, Muqtada al-Sadr realized his militia was out of his control, and he feared its clashes with Americans, Sunnis, and fellow Shiites would threaten his own power. Moreover he knew that his militia was the main target for the increased American troops. So he imposed a "freeze"—often mistranslated as a cease-fire—on his powerful militia so that he could "reform" it. The Americans had declared that the Mahdi Army would be targeted so the Mahdi Army largely withdrew to wait for the eventual reduction in American troops. The Mahdi Army was also ill-disciplined and out of control, so Muqtada took advantage of the opportunity to consolidate control of his men and root out the unruly ones. When the Mahdi Army Freeze began there was an immediate and huge drop in violence, which shows just how responsible they were for the violence.

At the same time the Sunni militias imposed their own cease-fire. They had been battling the Americans, the Shiite, and al-Qaeda and failed on all fronts. Resistance to the occupation had not succeeded in liberating Iraq or in seizing power or overthrowing the government. The Shiite militias had won the civil war and Sunnis were being purged from Baghdad and from the Iraqi state. Most of the Iraqi refugees were also Sunnis. Al-Qaeda, which initially had been useful in protecting Sunni areas from the Americans and the Shiites was now out of control, imposing a reign of terror in Sunni areas. As a result Sunni militiamen began to cooperate with the Americans against al-Qaeda. Members of the Sunni resistance who fought the

Americans and engaged in organized crime grew weary of the radicals in the Anbar province who undermined traditional authority figures and harmed their smuggling routes and highway robbery and rebelled against them. These new militias, called Awakening groups, Sons of Iraq, Concerned Local Citizens, Critical Infrastructure Security Guards, and Iraqi Security Volunteers are largely former insurgents who have shifted tactics. This tactic worked best in the Anbar province and has partially worked in Baghdad, though many Iraqis fear that al-Qaeda has imposed its own cease-fire and is lying low to avoid its enemies. In the very violent Diyala and Mosul provinces the Anbar model has so far not succeeded. Like the Mahdi Army, the Sunni militias hope to wait for the Americans to reduce their troop levels before they resume fighting Shiite militias. Joining these American backed militias has given them territory in Baghdad and elsewhere that they now control. These Sunni militias also have political goals and are attempting to unite to become a larger movement that will be able to regain Sunni territory and effectively fight the Shiite militias and the Shiite-dominated government, which they call an "Iranian Occupation."

These Awakening groups are paid by the U.S. military and operated in much of the country, employing former fighters and often empowering them, to the consternation of the Shiite-dominated government as well as the Shiite militias, who thought they had defeated the Sunnis, just to see them trying to regain power through the backdoor. So although militias and an irrelevant central government were among the main problems in Iraq, the Americans were creating new militias. They called it "Iraq solutions for Iraqi problems." By accepting money from the Americans, Sunni militiamen rid themselves of the onerous Americans as well. The Americans think they have purchased Sunni loyalty, but in fact it is the Sunnis who have bought the Americans, describing it as a temporary cease-fire with the American occupation so that they can regroup to fight the "Iranian occupation," which is how they refer to the Shiite-dominated government and security forces.

In both cases, the militiamen are chafing under the restrictions placed on them. The Mahdi Army fighters are losing power on the street since they have withdrawn. They are frustrated that the Americans still target them for arrests and that security forces loyal to rival Shiite militias such as the Badr militia are also targeting them. They worry about the creation and empowerment of new Sunni militias. Some Mahdi Army groups ignore the cease-fire or reject Muqtada al-Sadr's command, others merely grow impatient and hope to confront the Americans and the Sunnis once again. Sunni militiamen were promised that 20 percent of them would be integrated into the Iraqi Security Forces. This has not happened. Instead they clash regularly with Iraqi Security Forces and are rejected by the Government of Iraq. Often the Americans are late in paying them as well. They increasingly feel humiliated and threaten to resume fighting. The American military cannot for much longer sustain the increased number of troops it has in Iraq. It will be forced to reduce its numbers. When this occurs and there is increased space for Sunni and Shiite militias to operate in, they will resume fighting for control over Baghdad and its environs. The Government of Iraq is dominated by sectarian Shiite Islamist parties. They also dominate the security forces which often targeted Sunni civilians for cleansing. The Government and Security Forces also worry about the empowered Sunni militias who they will one day have to fight again. As we saw last week, rival Shiite militias are also bitter enemies. The clashes throughout Shiite areas of Iraq were not between the Mahdi Army bad guys and the Iraqi Government good guys. They were between more nationalist and populist, and popular, Shiite militias who reject the occupation and are opposed to federalism and on the other side the Shiite militias such as Badr who collaborate with the Americans and are competing for power, territory, resources, and votes with the Mahdi Army. The Iraqi security forces are divided in their loyalties and hence the Iraqi Army units that fought in the south were recruited from areas where they were more likely to be loyal to the Iraqi Supreme Islamic Council, formerly the Supreme Council for the Islamic Revolution in Iraq, and its Badr militia. As we saw, were it not for the American military and air force, they could not have stood up to the Mahdi Army anyway. Muqtada's Sadrist movement is the most popular movement in Iraq today and his militia is the most powerful one. The one bright spot in the recent increase in violence between Shiite militias is that it marks the end of the Sunni-Shiite civil war. There will no longer be a Shiite bloc united in fighting Sunnis as there was in the past, when Badr and the Mahdi Army collaborated to expel and kill Sunnis. Now we may start to see cross sectarian alliances between militias.

Now thanks to the Americans, the Sunnis, formerly on the run, are once again confident, and control their own territory. The Mahdi Army is consolidating its forces, ridding itself of unruly elements and waiting for the inevitable reduction in American troops. Iraqi Security Forces will also be able to once again operate with

impunity when there are less Americans present. Both sides are getting ready to resume fighting. Refugees International is concerned that when violence resumes there will be fewer options for displaced Iraqis. Syria and Jordan, the main safe havens for Iraqis in the first round of the civil war, have now virtually closed their borders to new Iraqis. Additionally, 11 of Iraq's 18 provinces have closed their borders to internally displaced Iraqis. There will be nowhere to run to and as a result large-scale massacres may occur.

Iraq remains an extremely unstable and failed state, with many years of bloodshed left before an equilibrium is attained. There is no reconciliation occurring between the two warring communities, and Shiites will not allow the territorial gains they made to be chipped away by Sunnis returning to their homes, or Sunni militias being empowered. Violence is slightly down in Iraq in large part because the goal of the violence, removing Sunnis from Shiite areas and Shiites from Sunni areas, has largely succeeded, and there are less people to kill. Baghdad and much of Iraq resemble Somalia. Warlords and their militiamen rule neighborhoods or towns. In many cases displaced Iraqis are joining these militias. There is no serious process of reconciliation occurring between the communities. Armed groups are preparing for the next phase of the conflict. Shiites will not allow the gains they made to be chipped away by returning Sunnis and the ISVs or Sahwa are intent on fighting the "Iranians," which is how they describe the government and virtually all Shiites.

The Americans have never grasped the importance of ideology and of the idea of resisting an occupation. They have insisted that Iraqis joined militias and the resistance for the money, and so they believe that they are now joining the American-backed Sunni militias for the money too. The Sunnis the Americans are paying joined the resistance not for money but out of a desire to fight the occupation, to protect themselves, to seize power, to kill Shiites and "Persians," and for an array of other reasons, none of them related to money. Likewise men don't join the Mahdi Army, which does not even provide salaries, for the money, but out of loyalty to the Sadrist movement, to Muqtada and his father, out of solidarity with their dispossessed Shiite brethren, out of fear of Sunni attacks, resentment of the American occupation and other reasons.

Most embedded journalists, just like embedded politicians and embedded members of think tanks on Washington's K Street or Massachusetts Avenue, lack language skills and time on the ground in Iraq—and since they are white, they cannot travel around Baghdad without attracting attention and getting kidnapped or killed. They know nothing about Iraq except what they gain through second- or third-hand knowledge, too often provided by equally disconnected members of the U.S. military. Recently we have seen positive articles about events in Iraq published by so-called experts such as Anthony Cordesmen, Michael O'Hanlon, Kenneth Pollock, Fred Kagan, and even former members of the Coalition Provisional Council such as Dan Senor. These men speak no Arabic and cannot get around without their babysitters from the American military. But it seems that the more they get wrong, these and other propagandists for the war, such as Thomas Friedman, manage to maintain their credibility.

They should ask Iraqis, or those journalists who courageously risk their lives to spend enough time with Iraqis to serve as their interlocutors—such as Leila Fadel of McClatchy, Ghaith Abdel Ahad of the Guardian or Patrick Cockburn of the London Independent—what is actually happening in Iraq, rather than continue to deceive the American people with the fantasy of "victory." It is true that fewer American soldiers are dying today, but that is not the proper metric for success. Of course less Americans are dying. In 2006 the conflict in Iraq stopped being a war of national liberation against the American occupation and became chiefly a war between Iraqis for control of Iraq. The proper standard for judging Iraq is the quality of life for Iraqis, and sadly, for most Iraqis, life was better under Saddam.

There is no reconciliation occurring between the various sects and ethnic groups, the warring communities, and Shiites will not allow the territorial gains they made to be chipped away by Sunnis returning to their homes, and they are determined to keep the Sunni militias out of power. Violence is slightly down in Iraq in large part because the goal of an earlier stage of the conflict—removing Sunnis from Shiite areas and Shiites from Sunni areas—has largely succeeded, and there are fewer people to kill. There may be many years of bloodshed left before equilibrium can be attained.

Many Americans are also unaware that a foreign military occupation is a systematic imposition of violence and terror on an entire people. American soldiers are not there as peacekeepers or policemen, they are not there to "help" the Iraqi people. At least 24,000 Iraqis still languish in American-run prisons. At least 900 of these are juveniles, some of whom are forced to go through a brainwashing program called the "House of Wisdom," where American officers are arrogant enough to lecture

Muslims about Islam. The Americans are supposed to hand over Iraqi prisoners to Iraqi authorities, since it's theoretically a sovereign country, but international human rights officials are loath to press the issue because conditions in Iraqi prisons are at least as bad as they were under Saddam. One U.S. officer told me that 6 years is a life sentence in an Iraqi prison today, because that is your estimated life span there. In the women's prison in Kadhmiya prisoners are routinely raped.

Conditions in Iraqi prisons got much worse during the surge because the Iraqi system could not cope with the massive influx. Those prisoners whom the Americans hand over to the Iraqis may be the lucky ones, but even those Iraqis in American detention do not know why they are being held, and they are not visited by defense lawyers. The Americans can hold Iraqis indefinitely, so they don't even have to be tried by Iraqi courts. A fraction are tried in courts where Americans also testify. But we have yet to see a trial where the accused is convincingly found guilty and there is valid evidence that is properly examined, with no coerced confessions. Lawyers don't see their clients before trials, and there are no witnesses. Iraqi judges are prepared to convict on very little evidence. But even if Iraqi courts find Iraqi prisoners innocent, the Americans sometimes continue to hold them after acquittal. These are called "on hold" cases, and there are currently about 500 of them. And the Americans continue to arrest all men of military age when looking for suspects, to break into homes and traumatize sleeping families at night, and to bomb heavily populated areas, killing civilians routinely. Most recently the Americans killed civilians while bombing Tikrit and now 5 years into a war allegedly to liberate Shiites the Americans are bombing Shiite areas, serving as the air force for the Dawa party and the Badr militia.

I visited numerous Iraqi ministries and government offices in January and February. It was the Shiite holy month of Muharram and Shiite flags and religious banners covered these buildings. Radios and televisions in government offices were tuned in to Shiite religious stations. This creates the impression of Shiite ownership of the government among Sunnis, a feeling that they are excluded and unwanted, which is true. But the government is irrelevant anyway, it provides no services, not even the fundamental monopoly on the use of violence. So the focus we have back in Washington on laws being passed is flawed, power is in the hands of militias whose leaders are not in the Green Zone, so events there are a distraction.

Driving to the Amriya district in western Baghdad last month, my friend pointed to a gap in the concrete walls the American occupation forces have surrounded this Sunni bastion with. "We call it the Rafah Crossing," he laughed, referring to the one gate to besieged Gaza that another occupying army occasionally allows open. Iraqi National Police loyal to the Mahdi Army had once regularly attacked Amriya and Sunnis caught in their checkpoints which we drove through anxiously would not long ago have been found in the city morgue. Shiite flags these policemen had recently put up all around western Baghdad were viewed as a provocation by the residents of Amriya. Our car lined up behind dozens of others which had been registered with the local Iraqi Army unit and were allowed to enter and exit the imprisoned neighborhood. It often took 2 or 3 hours to finally get past the American soldiers, Iraqi soldiers, and the "Thuwar," or revolutionaries, as the Sunni militia sanctioned by the Americans to patrol Amriya was called. When it was our turn we exited the vehicle for Iraqi soldiers to search it as an American soldier led his dog around the car to sniff it and I was patted down by one of the Sunni militiamen. Not knowing I was American, he reassured me. "Just let the dog and the dog that is with him finish with your car and you can go," he laughed.

We drove past residents of Amriya forced to trudge a long distance in and out of their neighborhood past the tall concrete walls, because their cars had not been given permission to exit the area. Boys labored behind push carts, wheeling in goods for the shops that were open. One elderly woman in a black robe sat on a push cart and complained loudly that the Americans were to blame for all her problems. Amriya had been a stronghold of the Iraqi resistance since the early days of the occupation, and after Falluja was destroyed in late 2004 resistance members as well as angry displaced Sunnis poured in. Shiites were attacked, even if they were former Baathists, their bodies found lying on the streets every day, and nobody was permitted to touch them.

Forty percent of Amriya's homes were abandoned, their owners were expelled or had fled and over 5,000 Sunni families from elsewhere in Iraq had moved in, mostly to Shiite homes. Of those who had fled to Syria, about one-fifth had returned in late 2007 when their money ran out. This Ministry of Migration, officially responsible for displaced Iraqis, did nothing for them. The Ministry of Health, dominated by sectarian Shiites, neglected Amriya or sent expired medicines to its clinics. There was no hospital in the area but Amriya's Sunnis were too scared to go to hospitals outside, because Shiite militias might kidnap and kill them. Like elsewhere in Iraq,

the government run ration system, upon which nearly all Iraqis had relied upon for their survival, did not reach the Sunnis of Amriya often, and when it did most items were lacking. Children were suffering from calcium shortages as a result. Over 2,000 children were made orphans in Amriya in the last few years. This is Baghdad today. Fiefdoms run by warlords and militiamen. The Americans call them gated communities. In various Sunni and Shiite neighborhoods I found that displaced Iraqis were overwhelming joining militias. They were said to be more aggressive than locals.

Around the same time I was smuggled into the Shiite bastion of Washash, a slum adjacent to the formerly upscale Mansur district. Unusually for a Shiite area, Washash was walled off as well. "We are like Palestine," one local tribal leader told me. I first visited Washash in April 2003, when its unpaved streets were awash with sewage and the nascent Shiite militia of Muqtada Sadr, the Mahdi Army, was asserting itself. Not much had changed but the Mahdi Army now firmly controlled the area and had brutally slaughtered or expelled nearly all the Sunnis. Mahdi Army raids into neighboring Mansur to fight al-Qaeda or otherwise terrorize locals had prompted the Americans to surround Washash with walls, wiping out its markets which had depended on the surrounding districts for their clientele. Washash's Shiites complained that the Iraqi Army had besieged them and the commander of the local unit was sectarian, punishing them collectively. The Mahdi Army provided what services they had, and as Mahdi Army men gave me a tour and I filmed them on the main intersection and by the walls that kept them in, somebody alerted the Iraqi Army and its soldiers came in looking for me. Mahdi Army men smuggled me out through a small exit in the concrete walls, handing me over to Iraqi National Police for protection from the Iraqi Army. "They are from our group," meaning from the Mahdi Army, the Shiite militiamen assured me when they handed me over to their comrades in the police.

I met Iraqi National Police officers who complained to me that all their men were loyal to the Mahdi Army and their commanders were loyal to the Mahdi Army or the Badr militia. If they were suspected of disloyalty to the Shiite militias their own men informed on them and the Mahdi Army threatened them with the knowledge of their superior officers.

The CHAIRMAN. Very encouraging. [Laughter.]

I'm being a bit facetious, but let me ask you—we'll do 7-minute rounds. Based on what you've—and you've had obviously extensive experience, you demonstrate and with—I'll not make a judgment whether it was good or well-founded reasons that you point out all the other so-called experts don't speak the language, haven't been on the ground, don't—haven't walked the walk, as I would say—that you've walked. But, based on what you've said, there's really no hope, we should just get the hell out of there right now, right? I mean, there's nothing to do. Nothing.

Mr. ROSEN. As a journalist, I'm uncomfortable in advising, sort of an imperialist power, about how to be a more efficient imperialist power. And I don't think that we're there for the interest of the Iraqi people, I don't think that's ever been a motivation.

However, I have mixed emotions on that issue. Many of my Sunni friends, beginning about a year ago, many of them who were opposed to the Americans, who supported attacking American troops in Iraq, began to get really nervous about the idea of the Americans leaving Iraq. Because they knew that there would be a massacre. It could be Rwanda the day the Americans leave.

And the creation of these Sunni militias—the Awakening groups—militates against that kind of a massacre of civilians occurring, because now there are actually Sunni safe zones, and thousands of Sunnis from Shia areas are inhabiting territories that are controlled by the Sunni militia.

But, I do believe if the Americans were to withdraw, then you would see an increase in violence—at least temporarily—until some sort of equilibrium is reached——

The CHAIRMAN. But the good news is, we wouldn't be imperialists anymore in Iraq, from your perspective.

Mr. ROSEN. Only elsewhere in the region.

The CHAIRMAN. Only elsewhere in the region. [Laughter.]

I'm sure glad we invited you, let me tell you. [Laughter.]

Mr. ROSEN. There's really no—there's no positive scenario in Iraq these days. Not every situation has a solution.

The CHAIRMAN. Gotcha. No, no—I'm not suggesting that there is a solution. I—it seems as though that you've made a—from your testimony it's pretty clear that there is no solution. And the status quo's not a good thing. There's no political solution. You make the case very compellingly that there is good reason for the bad guys in the central government not to want the Sunnis there, because the Sunnis only want to gain power in order to take power, and to deal and go after the Iranian occupation agents, who are the present—the government, et cetera, so I don't see any mix there that, where there's any political ground upon which to settle disputes intra-Shia/Shia or inter-Sunni/Shia, or for that matter, the Kurds.

So, I'm not taking issue with your description, I'm just—want to make sure I understand what you're saying. And that is that there doesn't seem to be any solution, except possibly our continued presence may mitigate in the direction of allowing one side or other to build up more capability, so that when we do leave, they will be better positioned to be able to have their grievances—better able to be dealt with, because they're more powerful.

Mr. ROSEN. Yes.

The CHAIRMAN. That's a pretty—OK.

Gentlemen, to the nonimperialist side of the witness stand——

[Laughter.]

The CHAIRMAN. Let me ask you, you both talk about the idea that there is—there is some progress made, there is some relative optimism about the politics, but it seems to depend on the continued presence of a large American military force.

First of all, is that premise correct? Listening to both of you, both of you believe that there's a need for continued large American presence for some time. And that seems to fly in the face of what we heard from the previous panel this morning, three Generals, and an analyst who—basically stating not their opinion, but their judgment—that this is over. The idea that we're going to be able to sustain a large American presence in Iraq for the next 2, 3, 4, 5 years is not possible.

And so the real question I have—what, if anything, can we do to positively influence the politics, and political compromise that you believe is necessary to be able to leave something stable behind in the context of what many observers believe is an inevitability of significant and continued drawdown of American military forces in Iraq? That's my question, and then I'll yield to my colleagues.

Either one of you, if you would.

Mr. SAID. Yes, the answer to your question is yes, I think that the progress, I think even Nir agrees that there has been some progress, that there has been some reduction in the violence.

Mr. ROSEN. Yes.

Mr. SAID. He attributes it mostly to the fact that ethnic cleansing has taken place, and I agree that this is a big part of the picture. But I do think that some of the policies that have been employed by the U.S. forces, and by General Petraeus have worked. The localized cease-fires, the new ones that the——

The CHAIRMAN. They've worked in the sense that they've reduced violence.

Mr. SAID. Reduced violence. They've worked in the sense of reducing violence, which means saving lives.

The CHAIRMAN. Right.

Mr. SAID. Which means that thousands of Iraqis are alive today that wouldn't have been, otherwise. It's a very big difference.

They have actually worked, and I think in this case, inadvertently, in producing the beginning of a political solution. But the political solution is not an amicable one, it's not one that is negotiated in the Green Zone, and in this respect, I fully agree with Nir—that the negotiations in the Green Zone are meaningless.

But political solutions and things are crystallizing, in terms of identifying political constituencies, that's going to eventually come to power, and want a more or less coherent Iraqi state.

Now these forces are not necessarily very pretty. These are not the nice dissidents, democrats who came with the United States into the Green Zone. And these are not the typical sort of Kurdish Sunni/Shis leaders, but some of these people are in the Awakening movement, and some of these people are within the Sadrists, some of these people are within the technocrats that are emerging today.

And this is one area, by the way, where I would disagree with Nir, because it's the area where I have worked most in Iraq, which is with the state machinery. I think there is an Awakening that can buy into this machinery of the state. The things, matters, on the bureaucratic level, within the Ministry of Finance, within the Ministry of Oil, I mean some of the critical junctures of the Iraqi Government are beginning to stir, beginning to work more efficiently. Iraq has produced $41 billion of money last year, of oil. Growth is expected to be 80 percent, this year.

So, there is some real progress. It's very minute, and it's not reflecting—and this I agree—that it's not reflecting an improvement of the daily lives of Iraqis, but there is progress, there are signs of hope.

But the political solution, and again, I emphasize here, is about importance of maintaining succession, what the United States could do in terms of a guardian, in terms of a peacekeeper between now, and a year or two from now, is not guard an ethnic segregation, a la Bosnia, but to ensure that the political process proceeds as envisioned by law. That we have elections in October——

The CHAIRMAN. But how does that occur?

Mr. SAID. It does not occur by, for example, there will be attempts between now and the elections in October and the elections next year, by those who are entrenched in power by the Skiri, by some of the Kurdish parties, to circumvent the political process, by going to a very decentralizing policy of federalism. By setting up regions in the south——

The CHAIRMAN. But that's part of their Constitution, so you—it's interesting, and I'll end with this. I'm amazed by you guys when

you come and testify. You pick the parts of the Constitution you like. You want the law to apply, but the portion of the law that you want to apply is selective. You want the law to apply on provincial elections, but you do not want the portion of the Constitution, which calls for the ability to set up regions. And it was supposed to be implemented within 6 months after the Constitution was put in place, but you all say, "No, that's a very bad idea. Having federalism here, man, that's a bad idea, we can't let that happen." Yet, that's what the Constitution calls for.

Mr. SAID. I think that should happen after the elections, I think we have a caretaker——

The CHAIRMAN. That's not what the law says, though. Let's just get it straight. Let's make sure we understand what the law, the law you keep invoking, the Iraqi Constitution does not prioritize it. It says from the get-go, any one of the governorates could chose to vote by a majority vote to become a region. A region can write its own constitution, and have its own domestic security, local security, and join with another governorate, or not.

Now, I don't understand, you know, we get criticized for interfering, and for not interfering. And we interfered in the sense of saying, "We don't think that's a good idea." So we kicked that can down the road, we used our influence to make sure it got kicked down the road, it kicks in now. April the 15th or 17th.

But I assume, if any one of the governorates wanted to have that vote now, you'd probably encourage us not to let them have that go forward, no?

Mr. SAID. No, I would not call for such interference in the political process. But, if the Iraqi Government does what seems to have happened in Basra recently, which is an attempt to prepare the ground to make sure that the vote in Basra goes the right way——

The CHAIRMAN. Right.

Mr. SAID [continuing]. As in—as they want.

The CHAIRMAN. I agree with you.

Mr. SAID. Then we should not be—at least the United States must not be part of that.

The CHAIRMAN. OK. Well, I'm over my time by 3 minutes here, so let me yield now to the chairman.

Senator LUGAR. Thank you very much, Mr. Chairman.

I'm struck by the fact that, your suggestion, Mr. Rosen, that conceivably Iraq might turn out to have some of the characteristics of Somalia, with warlords, and all of the aspects of that. But, what I'm wondering, if that is the case, and this would require an extension of the power of Somalia in one way or another—what does this mean with regard to the region?

Is it conceivable, for instance, being the devil's advocate for a moment, that a situation that had all the governmental frailties of Somalia, but simply there in Iraq, does not make that much difference, with regard to Iran, or with regard to Saudi Arabia, Syria, Turkey. Or, does the fact that that you have a Somalia situation mean that they have increased difficulties, or that they perceive difficulties, in such a way that they prey upon this "new Somalia." What is your reading of that situation?

Mr. ROSEN. I think it's in the interest of all of Iraq's neighbors that Iraq be a stable country, and that this civil war end. None of

the countries are promoting that kind of instability, because it's against their best interests, economically, but certainly in terms of their refugee flows. I don't think that there's a very high likelihood of a regional war. I think we've seen that the Iranians and the Saudis, when they had their proxies in Lebanon, for example, come to blows, the Iranians and Saudis very quickly come to the table. There's a great fear in the region of the Iraq war drawing them in.

I think that what you'll see, of course, is that Iraq's neighbors will support their own proxy militias, but not that they'll be drawn in significantly, but with the one lesson that everybody's learned from this, that nobody wants to be a foreign military presence in Iraq.

And the Iranians, certainly, as close as some of the Shia militias are to them, the Sadrist movement is very hostile to Iran, very suspicious of them, and they were only pushed into some of them seeking shelter in Iran out of a real necessity, of a sense of persecution, no where else to go.

But, Iran being the main concern—no other country in the region—other than Turkey—can really intervene militarily. The Syrians don't have that capability. Certainly, the Saudis and the Jordanians won't. The Saudis will use their money, just as they're using Saudi money now to support the creation of Sunni militias in Lebanon. So, too, if the Americans were to stop paying the Sunni militias, the Saudis would take over that role.

I don't see the threat of a regional war—which is a relief. I think that the refugees—the continued presence of refugees in Syria and Jordan could undermine the stability of those countries. In many ways, people in the region perceive that as a second Palestinian refugee problem, but yet more extreme—much more significant in numbers, but also with more ties to militias back home.

All of the countries in the region, of course, are pretty fragile themselves. No shortage of Sunni radical opposition in Jordan and Syria that could link up with dissident Sunni militias from Iraq, with the same ambitions of retaking Baghdad. But, I think those are long-term problems, and not ones that we're likely to see in the next few years.

Senator LUGAR. Let me just ask, last year I made a suggestion in a speech on the Senate floor that it would be advisable for the United States, which was on the threshold of inviting all of the countries that surround the country—and maybe others, in the European community, or the United Nations or anybody else—to sort of meet, side by side in the Green Zone and sit around a table and discuss each others' interests as they discussed Iraq.

Such a conference, obviously, never occurred. There were a couple of attempts to bring together parties in various regions and then smaller meetings on specific issues—border security, displaced persons and refugees, and energy—but they met perhaps once each in the past year and dissipated in due course. The International Compact is a grander, 5-year vision for economic independence, but would such a regular meeting forum be effective in reinforcing efforts, or would it be a contribution the United States could make? Would this be a construction maneuver, or an imperialist one, if you perceive it?

Mr. ROSEN. Well, the Iraqis are always resentful, and they could complain, "Why are foreign countries being brought in to negotiate our fate?" The conflict in Iraq is between Iraqi groups, and while the neighbors have a role, I think it's also an exaggerated—I think, especially the role of Iran within the conflict in Iraq is exaggerated.

I think it would be a very healthy step for the United States to engage Iran and Syria and not treat them as enemies, and recognize that they have legitimate interests when it comes to Iraq, but I don't think that engaging Iran and Syria would make much of a difference when it came to Iraq, because the conflict—it's not even a Bosnia-like situation, where you can bring Milosevic and Tudjman to the table, and Izetbegovic to the table—you don't have three leaders in Iraq, you have so many small militias, that at this stage, those types of leaders haven't emerged.

So, it wouldn't matter what the leadership in Iran said, and Syria said. The guys on the ground in the small neighborhoods aren't going to obey that, they're going to look out for their own interests of their constituencies.

Senator LUGAR. Mr. Said.

Mr. SAID. Yes, I think there is an opportunity, actually, coming up, to allow not only for a more legitimate, international legitimate United States role in Iraq, but also for expanding international participation in that. And the fact that the U.N. Security Council authorization for U.S. forces, for the multinational forces, expires this year, and there is intention to proceed along a different line.

And in this respect, I think the treaty that is being discussed today between the Iraqi Government and the United States Government is not necessarily the right way to proceed. I think what is needed is something with international legitimacy.

Now, there's one conflict in Iraq that we haven't spoken about yet, which is nearing boiling point, which is the conflict over Kirkuk. And the special representatives to the Secretary General have recently called it a ticking bomb. And I think there is an opportunity there for the International Community to come together with a special United Nations Security Council Resolution for Kirkuk, in an attempt to preempt or to prevent a conflict, that will allow the United States to cast its role in Iraq from a different perspective—not as an invader, but as a peacemaker, but also to bring in other parties to the table, other partners, to multilateralize efforts in Iraq in a way that hasn't been possible before.

And I think this is something that will deserve an attention in the coming months. The status of Kirkuk that was supposed to be resolved in December has lapsed, they have made an extension until June, but there is no progress on that, and the Iraqi politicians are incapable of resolving that by their own.

Mr. ROSEN. If I could just bring up Kirkuk—people have been talking about Kirkuk as a powder keg, as a spark for civil war since 2003, and that hasn't been the case. And that's because it's so firmly in the hand of Kurdish security forces that there's no other force that can challenge their control of Kirkuk. And, it's basically a fait accompli—they own Kirkuk. Occasionally you can have a suicide car bombing, or something, but they dominate it, and I don't think that were they to seize it, it would—you would

have some demonstrations in Baghdad, but there's nobody who could really confront them on that.

And many of the Turkmen who previously had feared the Kurdish hegemony, and Kurdish nationalism—they now view life in the Kurdish-controlled area as better for them, many of them are quite wealthy in Kirkuk, better for them than living under, sort of, the rest of Arab Iraq, where life is much more dangerous. So, I don't think that Kirkuk is the powder keg, as it's often portrayed to be.

Senator LUGAR. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Kerry.

Senator KERRY. Thank you.

Mr. Rosen, I know you have written extensively, lived in and researched these conflicts—the elections in Afghanistan, Pakistan, Somalia, Iraq, obviously, Jordan—looking closely at the madrasahs and the Taliban and Zarqawi and his evolution, and so I ask if would share with us, using a little color, if you will—how do you get to go on these raids? And how do you assure your own safety in that context?

Mr. ROSEN. You need a good smile.

Senator KERRY. Say again?

Mr. ROSEN. You need a good smile.

Senator KERRY. That's the trick?

Mr. ROSEN. Yes. [Laughter.]

People of every faction are very eager to get their point of view across, especially those who don't have access to——

Senator KERRY. So, in your capacity as a journalist, you felt relatively able to move around?

Mr. ROSEN. Yes, admittedly, the last year in Iraq was much more difficult, and I've benefited in the ways—the media has benefited from the control, the increased control that warlords have over parts of Baghdad, because as a guy, you can call them up, and he'll guarantee your safety.

Likewise, the Red Cross and other agencies are also benefiting from this, because like in Somalia and Afghanistan, they can now deal with the guy in charge with the gun.

Senator KERRY. Based on all of this research that you've been able to do, and obviously you've drawn a lot of lessons, I assume, from the cultural divide, and the problems that exist. Let me ask you first, as a threshold question—did you hear the testimony this morning of the generals?

Mr. ROSEN. I did not.

Senator KERRY. If I told you that three generals sat here this morning and told us that it is inevitable, in their judgment, that troops are going to drawdown, do you agree with that?

Mr. ROSEN. I do, certainly. I think that's the unanimous opinion of most Americans.

Senator KERRY. Do you all agree?

Mr. SAID. That seems to be the mood, in this country, to withdraw. I'm not saying that this would be the right thing for Iraq.

Dr. BIDDLE. Withdrawal is the policy of everyone, including the administration, I think the question is, How far and how fast?

Senator KERRY. Let me probe that for a moment.

Let us assume that there is an inevitability that the current levels of troops have proven to be inadequate to maintain, and we know we're coming back to the level we were at last year when the violence rose. The escalation, by definition, was temporary—it ends this summer. It's over. We're facing the reality that there are going to be fewer troops. We can't sustain this current level, according to our generals. There will be testimony tomorrow, to that effect, and it's been in the newspapers lately. Everybody reads the newspapers, so the bad guys know, as well as we do, that we're under this constraint and they can play to that, incidentally. It's not a very good way to manage security or other choices, but that's where we are.

In that light, is it also inevitable that the fundamental forces driving the divide between Sunni and Shia and the Kurds, and that there will be sectarian violence of some level, no matter what we do. Is that not inevitable?

Dr. BIDDLE. Yes.

Senator KERRY. Dr. Biddle.

Dr. BIDDLE. I think the level of sectarian violence can get down to the point where it will no longer be on the front pages of American newspapers, which it actually did over the whole course of the last 6 or 8 months.

Senator KERRY. By what means, absent political reconciliation on these fundamental differences? By what means?

Dr. BIDDLE. By the means of the local bilateral cease-fires that we've seen over the course of the last 6 to 10 months.

Senator KERRY. By bilateral cease-fires. So, we're going to have to buy out each individual group, and each individual group will, in essence, be in power within their own little area?

Dr. BIDDLE. I think our payments to them is actually a secondary——

Senator KERRY. Then leave the payments out of this. Take this reality—that such groups are going to have power within their own areas, which are highly decentralized?

Dr. BIDDLE. Absolutely.

Senator KERRY. Yet that works completely contrary to the fundamental strategy of this administration, which is to have a central government of Iraq, an Iraqi national identity, and a functioning national government?

Dr. BIDDLE. The original—the explanation of our policy that the President continues to make—as he did, for example, in describing Maliki's offensive in Basra, would not be the one I would choose, for example. I don't think stability in Iraq through top-down reconciliation is realistic. I don't think that means that stability is impossible, I do think that mechanism is unlikely.

Senator KERRY. But that stability is only going to be maintained so long as we're there, as a dampening force.

Dr. BIDDLE. And that's precisely the heart of the primary prescription I would offer to the committee.

Now, the question of how many troops we keep there, and for how long, and with what mission, is yet to be determined.

Senator KERRY. So, you're in the 100-years-war school?

Dr. BIDDLE. No, no—I'm not, for a variety of reasons.

Senator KERRY. Then where do you draw the line?

Dr. BIDDLE. Well, I think you draw the line much the way we've drawn it, for example, in the Balkans.

Senator KERRY. Ad hoc?

Dr. BIDDLE. Well, the objective, if we're going to take a bottom-up approach, as opposed to the top-down approach, is we're going to try and keep the violence down, keep the country stable long enough for very long-term, slow political processes——

Senator KERRY. Can the United States responsibly support $10 to $12 billion a month until that happens?

Dr. BIDDLE. I would hope and assume that as our mission transitioned out of war fighting and into peacekeeping, both our casualties, and our expenditures, and our troop count, could all come down. Could any of them come down to zero in Iraq without the violence escalating? I think that's very unlikely.

Senator KERRY. Mr. Said.

Mr. SAID. I think it could be, I think a high level, a significant level of troops could be drawn down within 2 years if—I don't think there's a dichotomy between a bottom-up and a top-down approach. I think the bottom-up approach has to coalesce into a national approach.

Senator KERRY. But you talked about people conceivably coming to power, and rising to the surface here, that would not necessarily be either our choices or particularly pleasing to us.

Mr. SAID. Yes.

Senator KERRY. And that smacks of what I've been hearing from certain sectors, that we may even see the appearance of a strongman—one strongman, two—one in Shia, one in Sunni—is that what you're talking about?

Mr. SAID. I'm talking about, definitely Iraq looking more like Russia under Putin.

Senator KERRY. Is that what our troops ought to be doing? Is that what they went over there to die for, and that we're paying for?

Mr. SAID. It will be better than Saddam Hussein, Putin is better than the Communist Party in the Soviet Union, Azerbaijan is better than it was under the Soviet Union, and the most important thing is, that Iraq will not become a hotbed for al-Qaeda, will not become a source of instability——

Senator KERRY. Well—I haven't met an Iraqi who has suggested to me that if we weren't there al-Qaeda will find any rationale to exist. Average Iraqis hate them. They don't want foreign jihadists in their territory. Particularly, if we weren't there, one or the other is going to fight to run the show. Sunni or Shia.

Mr. SAID. And the Sunni militia got rid of it very easily——

Senator KERRY. Excuse me?

Mr. SAID. The Sunni militias got rid of al-Qaeda quite easily throughout Iraq recently, when they head out.

Senator KERRY. Absolutely. And if they don't find a rationale into welcoming them into their community, i.e., they serve their purpose, to stir up the Shia waters, or the United States—to keep us on edge of the knife—they're not going to stay around.

Mr. SAID. No.

Senator KERRY. The issue of al-Qaeda—the administration and everybody else has to drop it as a rationale for anything that's hap-

pening in Iraq. This is instead a question of how do you resolve the Kurd, Sunni, and Shia interests, is it not?

Mr. ROSEN. I think al-Qaeda is a distraction, it's not a significant presence in Iraq, it never was——

Senator KERRY. But, Dr. Biddle, you nonetheless hear it as a rationale from this administration?

Dr. BIDDLE. Speaking as this witness, I would say, certainly al-Qaeda in Iraq is not the issue, Sunni, Shia, and Kurd and the various subfactions among those are the issue, and the concern for the United States, as opposed to Iraqis—other than the humanitarian issues at stake which are important—is we don't want to have a situation, not a guarantee, but a possibility in Iraq in which—like Lebanon, a civil war metastasizes into a larger conflict that draws in the neighbors.

Senator KERRY. We all agree with that, but it seems to me there are options that have been significantly unexplored, which you touched on, with respect to Syria, Iran, regional diplomacy, and other interconnected interests in the region—of which there are many, none of which have been sufficiently leveraged and put on the negotiating table—that would allow the United States to address many of those concerns.

Dr. BIDDLE. And which, I doubt at the end of the day will be sufficient, absent the U.S. presence, to keep the situation——

Senator KERRY. But nobody—the Democratic proposals, and I use this term, because we've often heard such proposals characterized as withdrawal—has been planning, really, how to finish the job of training and standing up the Iraqi forces so they, among other duties, finish the job of combating al-Qaeda and protecting American forces and facilities? These are not bad missions.

Dr. BIDDLE. The central disagreement I have with that mission is, I think, that relying on the ISF—whether we build them up and advise them, or not—is a dangerous prospect in Iraq, as——

Senator KERRY. Well, when can we rely on them?

Dr. BIDDLE. As this recent offensive in Basra, I think, suggests——

Senator KERRY. But when you say relying on them—if you're there as a backstop, if you're there for emergencies to prevent chaos, but they're on the front line, isn't there a point of transition? That's the only way to begin to withdraw, is it not?

Dr. BIDDLE. Well, I think for many years—5, 6, I'm reluctant to give you a specific month figure—but for many years, we're going to be required as more than a backstop. Iraqi Sunnis do not trust the government security forces.

Senator KERRY. I understand that, but if you did some of the diplomacy along the lines that Senator Biden and I and others embraced on the floor recently, in strongly bipartisan vote, with respect to how you put in effect the Constitution of the country itself, then you could provide empowerment and security to Shia, provide empowerment and security to Sunni, and likewise to the Kurds, and create the stability we want with far less expenditure of money and treasure. We aren't even trying to do that.

Mr. SAID. Yes, I just wanted to comment on two things, and this is the main message that I would like to say. And I think a decision that goes along sectarian lines will produce—will require a

stronger and longer U.S. engagement than less. Because, unless the Iraqis have a national regime that keeps the peace——

Senator KERRY. Well, we're not talking about Iraqis not having it under that. They would have a national regime.

Mr. SAID. Because, if you would have these little statelets, the United States will have to stay forever to protect them from each other, and from incursions from the outside.

Senator KERRY. You have given us nothing that indicates any encouragement at all for how you fundamentally avoid them playing to those very sectarian desires and needs right now.

Mr. SAID. I think we heard two stories today, first of all, the story of Basra, that shows that actually they are—Iraqis are divided along different lines from the ethnic, Shia, and Kurdish thing.

Senator KERRY. We've all known that.

Mr. SAID. There are political coalitions that could be made there, for example, the Iraqi Army—which I actually disagree here—has been a rising star within the Iraqi state administration, that they enjoy much more trust within the Sunni community than the police. They have shown—regardless of how you interpret Basra, they have shown very good progress in Basra, and actually the community there has been much more reluctant to see them attacked—so there is progress on that issue.

If the Army becomes a tool for political advancement of interests of one group or the other, that's a problem. But if we can manage to keep—and the United States have done a good job with the Iraqi Army, in terms of trying to keep it neutral and give it credibility, I think it offers hope for the future.

Senator KERRY. Mr. Chairman, I went over, I apologize.

The CHAIRMAN. Well, that's OK.

Senator KERRY. Mr. Chairman, I thank you for the time.

The CHAIRMAN. I know this is—we could all—it would be useful if we had the time to each of us do a half an hour, and I understand.

But, Senator Murkowski.

Senator MURKOWSKI. Thank you, Mr. Chairman.

Thank you, gentlemen, for your testimony here this afternoon.

Dr. Biddle, in your written testimony and in an article that you provide us, you focus on how you're defining stabilizing Iraq from the bottom-up. And I am trying to discern how we identify a stabilized Iraq. And in reading through your testimony, and then listening to Mr. Rosen and Mr. Said—I'm sorry that I wasn't able to hear your oral testimony, but I have gone through your written—how can we agree on what a stable Iraq is? Can we?

Dr. BIDDLE. Well, I can tell you what I think it is, and see if anyone else agrees. My definition of stability is an end to large-scale violence. And I define it that way, in part, because I think that meets our two central interests in the country, at this point. That we not allow—to the extent that we can prevent it—needless deaths of tens of thousands of innocent Iraqis, and that we reduce, to the degree that we can, the risk that the war spreads.

I think if we end large-scale violence in Iraq, we secure those two critical interests.

Senator MURKOWSKI. And we do that through this bottom-up approach that you're suggesting?

Dr. BIDDLE. I think that's a much better bet than from the top down, yes.

Senator MURKOWSKI. Mr. Said.

Mr. SAID. I think the bottom-up approach has almost reached its limit. It has been very effective so far, but it has reached its limits. We see those limits—as the other speakers have pointed out—in the areas where the situation is more complex—like Diyala province, Kirkuk, and Maysan—where the threat of Kurdish expansion and Kurdish incursion into the disputed territories have prevented Sunni insurgents from turning their guns on al-Qaeda.

And that is why I'm emphasizing the danger of the situation in Kirkuk. Kirkuk itself may not become a point of the conflict, but the whole issue of the disputed territories along the borders of Kurdistan, is going to be a problem for advancing, or for addressing the bottom-up approach.

The other thing I'm trying to say, is the bottom-up approach is not enough. The Concerned Local Citizens and the Sadrists now have stuck to the cease-fire, and all of those groups who have agreed to lay down their weapons, or to turn their weapons on the enemies of the Iraqi people, need to have the other shoe to drop.

And the other shoe is, for them to feel empowered politically. For them to have jobs. For them to have a say in the country's future. And therefore, we need to fix the political process, which has been, so far, closed. The political process has not been an open one, it has been very exclusive. We need to make sure that the political process proceeds as per book, and that these people can contest elections, can contest power, and can present their own vision of the country's future, which is distinct from what is presented from the Green Zone today.

Senator MURKOWSKI. So, this is the same type of a plateau that was discussed this morning in the earlier panel—that you get to a point, and we're no longer making the progress that we would like to have seen, and it seems this all hinges on what we can do with a political solution.

Mr. Rosen, how do you define stability?

Mr. ROSEN. Well, I certainly agree that it means less violence, and ideally, some sort of a central government that is able to impose its will on the entire country, and that Iraqis respect. While I don't see that occurring, I think tragically, although the United States has an immense moral obligation to solve things in Iraq, given that we broke it, I don't see any actions that the United States can take, and I think in the end it's going to be up to the Iraqis to reach accommodations, and I think that eventually they will.

And, at a minimum, they've been demanding, for a very long time, from the beginning, some sort of a timetable, a date of a United States withdrawal, even if we find an immediate withdrawal, Iraqis are united in their wish for the Americans to leave sooner rather than later, and united in their belief that they can solve their own problems, and that their fate is theirs, and that they should be the ones who determine it.

Senator MURKOWSKI. So, this plateau that we are—I'm assuming you agree, also, that we're at a place where we're not making the progress that we had been making, and that we must do something different. And your solution to that, then, is for the United States to withdraw, and for, basically the Iraqis to assume leadership?

Mr. ROSEN. I would—the one point I would disagree on, is when you say that we're not making the progress that we had been making, I'm not sure which period of progress you refer to, but I don't think there's been any. But, yes, I think that they should withdraw as soon as possible.

Senator MURKOWSKI. Insofar as how you advance the political resolution or reconciliation, from where we are right today, what is the first thing that you would do, Mr. Said?

Mr. SAID. Well, as I said, it's very important that the elections take place in October, that the local elections——

Senator MURKOWSKI. You're talking about a very real likelihood of delay to that, what does that do?

Mr. SAID. That's a big problem. As I said, the people who have laid down their weapons, and the people who have stopped attacking American forces, and stopped attacking Iraqi forces, needs to be—need to have an option, need to have a way to express their political interests, and their grievances, and their aspirations. And this is not something they could do in the enclaves that the surge has created for them, this is something they need to do by contesting local elections, by contesting federal elections, by participating in referenda—if they would happen—about the formation of regions.

By determining—what happened is—and this is part of the discussion I had with the Senator—is the Constitution was passed at a certain political moment, reflecting a consensus of a certain group of people that is no longer actually true today, and we have additional players in the picture, we have new players that have emerged, that need to have a say in the way that Iraq is governed and run. And if they have a peaceful way of expressing and achieving their interests, of negotiating their interests with the others, then we will have less conflict.

But, if that tool is withdrawn, whether it's elections or referendum, or whether it's subverted through falsification or abuse, then we will have conflict, and there's no alternative to conflict.

Senator MURKOWSKI. How important is it that the economy be stronger? That people feel a sense of optimism within their economy? You still have unemployment at very, very high levels, so you've got an opportunity to express yourself through the electoral process, but life is still not good at home. Have you really been able to advance the political reconciliation, then, if you don't have——

Mr. SAID. Iraq has lots of money. Iraq has no shortage of resources to prove a very good living standards for its citizens. The Iraqi budget, with the a similar population, has 10 times the budget of Afghanistan, with the same number of population. So, Iraq has enough resources, the resources are mismanaged. And the resources are mismanaged, because the political process is dysfunctional, and because we have a government that is not very competent.

So, as a matter of fact, the political process, allowing new forces to contest and to come up—whether it's the technocrats that are working, actually, quite valiantly to fix the machinery of the state, or some of the other forces—that will help address that issue, too. It's not an issue of a dysfunctional economy, but really of a dysfunctional government that is not managing, to use economic resources properly.

Senator MURKOWSKI. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator.

Senator Feingold.

Senator FEINGOLD. Thank you, Mr. Chairman.

And I thank the panel, very much.

And, since Mr. Rosen mentioned timetables, and a view of the Iraqi people about timetables, let me ask the whole panel, is there a chance that setting a timetable for the redeployment of the United States forces from Iraq will create an incentive for Iraq's neighbors, the Iraqi Government, and Iraqi factions to come to the table and negotiate? What are the key diplomatic steps needed to ensure that Iraq's neighbors are engaged to deal with the challenges that they will face as our troops redeploy?

Dr. Biddle.

Dr. BIDDLE. I think it's clearly a good thing to have Iraq's neighbors engaged, and moreover, I think most of the participants in the debate over Iraq would agree.

I think the problem has to do with how much leverage they can actually exert. At the end of the day, Iraq is a problem that's internal to Iraq. The problem is a serious security dilemma within Iraq, in which each of the major parties, and many of the factions within them, are scared to death of the others.

In an environment where they're scared to death of each other, and they see the stakes as potentially genocidal, the kinds of leverage that the neighbors can bring to bear, I suspect, are insufficient to resolve the problem, until and unless the parties within Iraq reach a decision that it's in their self-interest to obtain a cease-fire. Which, I think has been happening, actually, over the course of the last year.

If we get that precondition, then the neighbors at the margin can make a helpful difference. If we don't get that, I don't think the neighbors can make the difference.

Senator FEINGOLD. Mr. Said.

Mr. SAID. I think a timetable for withdrawal has always been a good idea, I think it will set a very clear and a very firm indication that the United States is not there, is not in Iraq as an occupying force for a long term, does not have any long-term views on staying in Iraq, so it's always good to defang al-Qaeda or any of the other groups, and remove any additional reason for violence.

I think it should take place within an international, legitimate framework. I think Prince Turki al-Faisal, who used to be Ambassador of Saudi Arabia here, mentioned once that the withdrawal should not be as illegitimate as the invasion. And I think this is a very important, very important point.

And I think a timetable for withdrawal will provide incentives, if it was within a negotiated framework, and as a matter of fact, this is what I suggested, is to negotiate a new Security Council res-

olution for Iraq, probably centered around the package of issues that are coming to a head around the borders of Kurdistan, and that involve Iraq's neighbors, and that could be a much more uniting platform—that will be a platform that could attract other forces to be engaged with Iraq.

But, where I agree with the speaker here, is that Iraq will need an international presence, of one sort or the other, including, probably a strong U.S. military compound, because the United States is the most capable to safeguard the cease-fires that have existed, and to chaperone the political process for the next steps that will bring a more legitimate, and a more rooted, and a more connected government.

Senator FEINGOLD. Mr. Rosen.

Mr. ROSEN. Well, I think certainly on the humanitarian side, there should be an attempt to encourage Jordan and Syria to reopen their borders, to be aware that the potential for greater displacement can still occur, should the United States withdraw—and even should the United States not withdraw and some continued plan should be created for that, there should be safe havens, perhaps.

Certainly the infrastructure in Jordan and Syria is not sufficient to handle the refugees they already have, and something should be done to support that. I know steps are being taken, but certainly there's a lot more that can be done to deal with the humanitarian impact of a withdrawal, and at least a temporary flare in violence that I would predict would follow that, sort of gradual withdrawal.

I think the Syria regime is unique among countries in the region, in that it's managed to maintain a good relationship with all of the actors in Iraq—Kurds and Arabs and Sunnis and Shias. And the United States has been alienating Syria, and I think that's been a tragic era, but they're in a position where they have the era of Muqtada, they have the era of the Dawa Party, Maliki himself was in exile there, Talibani formed his party in Syria—many of the Sunni resistance groups are now basing themselves in Syria—the leadership, at least, or people go to Syria for treatment when they've been wounded in attacks against the Americans, or just for some R&R.

Jordan used to be sort of the dados for the resistance, but Syria is more that location, a place where they can think about what the next steps are, what do we do now?

So, if any country can, at least, have a positive influence on Iraqi actors, certainly Syria would be that country. But the United States has been very focused only on the refugee issue, and has refused to discuss other issues with them, in fact, we treated them with a great deal of hostility on most other issues—they have no incentive, obviously, to——

Senator FEINGOLD. Let me ask you something else, Mr. Rosen, I'd like to ask you about the current strategy of working with the Sunni local militias, more commonly known as Concerned Local Citizens, as you discussed in your testimony.

Does such an approach promote reconciliation and legitimate integration in national political structures, or does it deepen fragmentation of the Iraqi political system?

Mr. ROSEN. Well, it's had a positive and negative response, or reaction, I'm sorry. Certainly, Sunnis are very appreciative, in many cases, of these new Sunni militias. Sunnis in Amirya, in western Baghdad, now feel safe. In the past they not only were afraid of Americans and al-Qaeda, but the Iraqi police used to go up to their neighborhoods and open fire on their houses—likewise in Dora—and many of the Sunnis fled. Admittedly, they also killed Shias in that area.

But now you have Sunni refugees from all over Iraq who are seeking safe havens—shelter—in the areas that are controlled by the Sunni militia. So, they're certainly grateful, and for them it's a very positive development. They no longer fear al-Qaeda, they no longer fear the Shia militias, and for the moment, they also don't fear American raids, as much.

But, long term, the creation of new militias obviously militates against any sort of stable Iraq. These militias aren't being integrated into the Iraqi Security Forces, it's quite clear that that's not going to happen.

On the other hand, the creation of these militias also strengthens the Sunnis and makes it more difficult to envision a Rwanda-like scenario where Shia militias just overrun Sunni neighborhoods and finish them off—which was a real possibility.

So, it's had a positive and negative effect, and it really depends on what point of view you're looking at. But, from a Shia point of view, this is horrifying. These are the guys who were killing us a few months ago, and now the Americans have empowered them. And they will often point, and name specific individuals, "This guy in the Fidel neighborhood is famous for beheading Shias, and now he's wearing an American badge, and being paid by the Americans." So, they're quite upset about it.

At this point, I think it's too early to tell, indeed, if these militias, the Sunni militias, join into a political movement, and it's quite clear that they want that—one could envision that they would be able to reach some accommodation with rival Shia parties. Once you have a larger Sunni block, it's much easier for the two sides in Iraq to strike some sort of a deal, rather than you have a Sunni leader in each little neighborhood, who's clashing with the Shia rivals.

Senator FEINGOLD. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Isakson.

Senator ISAKSON. Thank you, Mr. Chairman.

I'd like to ask one question of all three of you, and it's going to be a summary of what I've heard in almost a full day of testimony today.

This morning, General Scales said that the surge had brought us to what they refer to in the military as "the culminating point," meaning you're at a point where you make the next-step decision, and conditions on the ground can destroy this moment very quickly. So, this culminating point is time-sensitive.

Mrs. Flournoy said there are three options: Conditional engagement, unconditional engagement, or unconditional disengagement. All of the generals—the best I heard them, even General Odom—said, yeah, conditional engagement is where we are, because unconditional engagement is not where we are right now, without an

end, and disengagement immediately would be a disaster. I think Mr. Said said a good bit about that as well.

So, we're at a culminating point, conditional engagement, according to everyone's testimony. And then Dr. Biddle made the comment, if I understood it correctly in your testimony that, we were at a point, given the bottom-up cease-fires and what's been taking place, where maybe an outside peacekeeper could maintain peace for a period of time while the political situation developed. You said that we had the credibility to be the peacekeeper—I thought I heard you say that. At least, we're the most trustworthy of the other alternatives.

That being the case—conditional withdrawal which has conditions upon which we stay, is the best place to be, and we are at a culminating point.

And taking you—Dr. Biddle, what you said about the peacekeeping role—if we said, we're going to remain, our role is going to be maintaining the peace, and the conditions for doing that are, the Iraqi Government has to do "x", what are those things that should be the conditions, that are the predicate for the peacekeeping?

Dr. BIDDLE. I don't think conditional engagement, in the sense that we tell them if things don't come together, we leave, is the right way to get leverage.

Senator ISAKSON. You tell me, I want you to tell me what you think is the right way.

Dr. BIDDLE. I think there's several better sources of leverage than that.

The first is the Iraqi Security Forces itself. The Iraqi Security Forces today amounts to Nouri al-Maliki's militia. He values it deeply, for a variety of reasons. I don't believe that it's the central route to security in this country, however, because I don't think it's trusted by Iraqi Sunnis, and I think it's deeply divided within itself—there are variations between its elements, of course, but I think it's deeply divided, especially in the National Police.

Given that, our degree of willingness to support the operations of, and the expansion of, the Iraqi Security Forces are a substantial point of potential leverage with the Maliki government, and for that matter, with other parties in Iraq, whose stakes are affected differentially by the growth and the increase in efficacy of the Iraqi Security Forces. That would be my No. 1 choice for prospective leverage over Iraqi players, in general, and the Iraqi Government, in particular.

Others include the particulars of the legal basis on which the U.S. presence either continues or doesn't continue. This is a situation, too, in which the Iraqis have interests, we have interests, there's an ongoing negotiation in which they would like things from us, we have the ability to offer them or withhold them.

We've been talking for a long time about using questions of aid and assistance—whether in the form of advising, either to the Iraqi military, or to ministries of the Iraqi Government, or financial aid. We tend not to use these conditionally as sources of leverage. We tend to offer them in a blanket way, in the hopes that somehow it will render Iraq capable of governing itself—those are also poten-

tial sources of leverage to the United States in trying to get better behavior out of key Iraqi actors.

If, instead, we say the only form of leverage we're going to use with the Iraqis is a threat to depart, wholesale, and if we accept—as, apparently, some of the witnesses did this morning—that total disengagement would be a disaster, what we're doing is threatening suicide in order to get Iraqis to behave. And I don't think that's a credible threat. I think there are far more credible threats than that available to us, and I think they have, potentially, a good deal more leverage opportunity than we've exploited.

Senator ISAKSON. Mr. Said.

Mr. SAID. Yes, I think the United States has very little leverage in Iraq, with a threat or without a threat or with any of the tools that other speakers have just pointed out.

The United States is playing, currently in Iraq, the role of enabler. They have created a level of security through the surge and with other dynamics, that allows the political process to move in certain direction. And I think, as an enabler, as a provider of a certain service—which is security service—the United States could accept—should accept that at least the political process proceeds, as advertised. Elections, local elections at the end of this year, national elections at the end of next year. I think these are the main benchmarks I would be looking at, and to make sure that the state institutions that are being built—whether it's the Army or the police—are not used as political tools, are not used as militias.

And this is an area where the United States has been relatively effective, by working with the U.S. Army. And I think there are opportunities there, with the state institutions. But otherwise, I do agree, there's very little in terms of leverage.

Just one point, I do think it's the way of proceeding through a treaty, through ratifying the U.S. presence in Iraq next year through a treaty, rather than the U.N. Security Council Resolution, is very dangerous. It's an outgoing administration here, and it's an outgoing Government in Iraq. And it will have—the Government in Iraq will have very little legitimacy to sign any long-term agreement with the United States. As a matter of fact, no matter what the merits of an agreement are, they're going to be used against the Iraqi Government—they will be treated as some sort of a surrender of sovereignty, as sort of a backing off, because nobody has trust that this government will be able to negotiate on equal footing for the United States, so it's a very dangerous route to go.

Senator ISAKSON. Mr. Rosen.

Mr. ROSEN. I can't think of many examples—on the question of whether threatening to withdraw must get leverage, when the majority of Arab-Iraqis, at least, want the United States to withdraw, I don't think they would perceive that as a threat.

On the local level, leaving aside the Iraqi Government, the United States has a great deal of leverage when it comes to dispensing money to local actors, and one of the reasons why areas like Durra are temporarily peaceful, is because we're just tossing contracts for construction, and other stuff, at actors on both sides. And the United States is going to become a commodity—at lease temporarily—people want to take as much as they can. And officers

on the U.S. side who are engaged in this are certainly very aware that we're sort of buying people off with contracts, temporarily.

The Government of Iraq, of course, doesn't need United States money, it has a surplus, it just isn't able to spend it. But I don't think you need leverage—I think the Iraqis are united in wanting peace, and I think that they'll eventually reach that commendation on their own. And I trust that, left on their own, they'll be able to do that. Eventually, although initially, as I said, I think the fighting will continue.

Senator ISAKSON. I know my time is up, but Mr. Said made a point that I'd just like to comment on. You were referring to Article VII of the U.N., under which we now operate in Iraq, versus when this authority expires at the end of this year, and you refer to a future treaty or agreement.

I think I agree with what you said—a treaty would be problematic, I think you said. But some people are calling an agreement a treaty, and it's not. My understanding is that the predicate for those agreements are that they are cancelable by either party at any time, which is anything but a treaty, I think.

It's an interesting point that you made about leverage. You all said, "Well, we don't have any leverage," in one way or another—except, you said, that maybe that agreement may, in fact, provide a forum by which we could actually get to some conditions, with regard to the relationship between the two countries. Did I hear that right?

Mr. SAID. I don't think negotiations between the—because the point is, the current set of political leaders in Iraq face a real threat of being deposed from power, through either the political process, or through violence. And the only reason they want the U.S. troops is to protect them and to keep them in power. As a matter of fact, this is part of the rationale behind the treaties—to, what they call, "protect the constitutional order," which to many Iraqis, when I read that, I see that saying, "Keep me in power." And that is something that is going to severely jeopardize the legitimacy of the government, and reduce the efficiency of state institutions, including the Army.

So, it's a very dangerous route to go, regardless of the possible concessions one might log. But, at the end of the day, they will not give the United States any concessions that would have a chance to leave power, because then—why negotiate the United States staying in? I mean, these political leaders only want the United States to keep them in power.

If the condition is for them to allow for a process that will take them out of power, then they won't—they won't agree.

Dr. BIDDLE. By way of clarification, I think we have a great deal more potential leverage than we have used, or exploited, to date. I don't happen to think a threat of withdrawal is the best source of it, but I do think there is potential leverage to be had.

Senator ISAKSON. I know I'm over time—I would love for you to send me a quick note on what you think that is. Would you do that for me?

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

And by the way, for the record, treaties all have unilateral withdrawal clauses in them, as well, requiring no bilateral agreement.

But anyway, Senator—Chairman Boxer.

Senator BOXER. Thank you, Chairman Biden.

The CHAIRMAN. Is this easier than global warming, or harder?

Senator BOXER. They're both extremely daunting tasks, as you know.

Let me say that this panel has been really interesting, and shocking. You shocked me, many of you, with what you said.

Maybe I didn't hear it right, Dr. Biddle, so correct me if I'm wrong. But did you just say that Maliki uses the Iraqi Security Forces as his militia? Did you say that?

Dr. BIDDLE. Yes.

Senator BOXER. OK.

Well, that's unbelievable, Mr. Chairman. If that's true, and Maliki uses the Iraqi Security Forces as his militia, as opposed to it being a force to bring about peace and security in the country, that's scandalous. And the fact that we would have paid $20 billion to train a force that is supposed to be securing peace in the country, and somebody who's a so-called expert says it's a militia, is really shocking.

Now, Mr. Rosen, it seems to me out of everyone here, and I may be wrong, but you have spent more time in Iraq than our other witnesses in the last year? Is that accurate?

Mr. ROSEN. I suspect if you say, I spent more time—born there.

Mr. SAID. I spent 6 months over the last year.

Senator BOXER. Six months over the last year?

And you, sir?

Mr. ROSEN. OK, most of the last 5 years.

Senator BOXER. You've spent most of the last 5 years there. So, you've spent a lot of time in Iraq.

Now, this is the picture you painted for us. Please tell me if I'm overstating it, or understating it in any way.

I heard you say in your description of what's going on, and it took you quite a while, and you gave us a lot of detail, that the picture of Iraq today is a bloody, lawless place, run by militias. It's a place that has undergone ethnic cleansing—and the Shia won that battle, basically—and now there's Shia on Shia violence, and the Sunnis are basically hanging on, because we have given them this payment, and they're able to, in some ways, secure what's left of their population. And that is what I took away from your description. Am I missing something? I also took away that the U.S. presence there is only putting off the day that the Iraqis will find their own way. Is that pretty much accurate?

Mr. ROSEN. Yes; that's correct. I'm surprised that you would find it shocking that the Iraqi Security Forces operate as a militia, because they're notorious for this, over the last 2 years.

But, the one point I would disagree about with Mr. Biddle is that, I don't think they're Maliki's militia. I think that would actually be a better case scenario, that at least there would be one united militia. Unfortunately, they're vociferous like everything else in Iraq, and——

Senator BOXER. OK, well, let me tell you why I'm surprised. I'm surprised, because that's not what General Petraeus tells us. He

tells us he's proud. He's proud of the Iraqi Security Forces. That's what Condi Rice tells us. The fact of the matter is, I am surprised, because our military, who has done everything we've asked them, has said very clearly—very clearly—that the Iraqi Security Forces are our great hope. And a lot of us who want to get out of there, OK? Because we think this war was a horrible mistake from the start. It's a disaster happening right before our eyes, and we are counting on the fact that the Iraqi Security Forces can step in and take the lead.

But what you're telling us, unlike the American military, is that they are nothing more than a militia. Now, let me——

Mr. ROSEN. I should elaborate. We must distinguish between the Iraqi Army and the Iraqi police and Iraqi——

Senator BOXER. I'm talking about the Security Forces—they're the police. And then there's the military. So, you say there's a difference. So, the military, you think, has stepped up, but not the police.

Mr. ROSEN. The Army is less sectarian, and more trustworthy.

Senator BOXER. Fine.

Mr. ROSEN. But, however, it's still also divided in its loyalties to Kurds, to Shias, and to various Shia factions, which is why Maliki only uses certain Army units.

But certainly, when it comes to the police, just one quick example of how extreme the situation is, I have a friend who is a captain in the Iraqi National Police, and he complained to me that all of his men are loyal to the Mahdi Army, and that he's been threatened by Mahdi Army commanders, coming into his police station, telling him, "If you don't collaborate with us, we'll kill you," and this happened in front of his commanding officer.

Senator BOXER. Well, the reason I appreciate this distinction that you're making is because I do want to ask General Petraeus about that. Because there are about equal numbers of the police and the army. And, I mean if they are what you suggest it's a disaster.

Mr. ROSEN. Former officers of Saddam's army, who are now, actually, many of them are officers in the police, but also in the army, tend to be less sectarian——

Senator BOXER. OK, but I'm trying to understand—you said that the Security Forces, the police forces, are acting like a militia for Maliki. You said it's beyond that, sometimes they even act in the name of other militias——

Mr. ROSEN. Well, the Badr and the Mahdi Army——

Senator BOXER. All right.

Dr. BIDDLE. In the interest of clarity, Mr. Rosen and I are in agreement on the nature—the heterogeneous composition of the Iraqi Security Forces, which consists of the Army, the local police——

Senator BOXER. I understand. I understand that.

Dr. BIDDLE. Not all units are equally sectarian or equally factional.

Senator BOXER. I am saying that you said that the Iraqi Security Forces were being used by al-Maliki as his private militia, let's move on.

Dr. BIDDLE. And what I'm trying to do when I draw that distinction is to draw a distinction between the way many Americans think of the Iraqi Security Forces, is that this is a disinterested, nationalist defender of the interest of all Iraqis—that, I think, is an inaccurate characterization of how it's operated.

Senator BOXER. I'm just interested in what you said. And I reiterate that's what you said, and I'm going to ask the generals about it, and I appreciate the fact that you brought it up, because I think if these are the facts, I don't know where the end of the road is on this situation.

Now, let me just go to the issue, Dr. Biddle, of your comment that we're the only ones, pretty much, who can take care of this thing. By becoming peacekeepers, you don't know how long we'll have to be there. You don't think it'll be 100 years. But let's see, we're going into our sixth year, it's costing us $12 billion a month, but you're saying, in your opinion, that we're going to have to stay there, because we're the only ones who are trusted.

Now, I just don't agree that that's the case. Last month, a poll of Iraqis was conducted for ABC News and the BBC and other news organizations. Seventy-two percent of Iraqis continue to oppose the presence of U.S. forces—this is during the peaceful lull over the past 6 months—72 percent of Iraqis continue to oppose the presence of United States forces in Iraq; and 61 percent believe the presence of United States forces in Iraq is actually making the security situation worse. When asked what would happen if American forces left the country entirely, 46 percent said the security situation in Iraq would actually get better, while only 29 percent said that security would get worse.

And perhaps more telling, only 21 percent of Iraqis believe that the surge has improved conditions for political dialog in Iraq, while 79 percent of Iraqis say the surge is having no effect. They say that it's actually making conditions for political dialog worse.

Now, what I just want to say, because my time is over, so I feel I have to conclude, is that I don't see how the U.S. can transition to a peacekeeping force with the numbers we have seen from Iraqi's in this poll?

And moreover, your whole notion that one of the great powers in the world, America, who shed so much blood in Iraq, is now going to go around negotiating in a "bilateral" fashion—and I note the word "bilateral" which gives it a lot of, you know, diplomatic oomph—is ridiculous. That we're going to go around to all of the militias, now, and sit down in a bilateral way with these killers and warlords, and make a decision that peace lies with them is ridiculous, for the reason that you cannot count on those people. You know, Sadr woke up the other day and he decided he was off the playing field. He gave the signal, and there's rioting all over the streets, and so on and so forth. So, for this policy to be your idea of how to get out of this, a policy that says that we should now have bilateral negotiations with people who have killed our troops and who once again, could wake up and decide to fight each other, I think it's a disaster. And in the name of the people who have died, to have it lined up as a series of agreements with warlords, is just unbelievable to me, and for taxpayers who have paid all this money for that ending, it is just horrible.

Now, the reason we have these kind of ideas, which I think are ludicrous—is because there's no good solution to a nightmare that this President got us into.

Dr. BIDDLE. Of course there's no good solution.

Senator BOXER. There is no good solution to this nightmare. So, why not just figure out a way to tell the Iraqis, we spilled the blood—it's your turn. Let them negotiate with each other. Let them sit down, Shia on Shia militia, and figure it out. We'll be there to help, in the background, but this has got to end, and it's got to end soon. And if it doesn't—the path you are defining for us, I think, is just a nightmare.

Dr. BIDDLE. As long as we don't care what the outcome is, we can absolutely disengage and allow the Iraqis to work this out however they would like. The Iraqis may very well work it out in a way that doesn't serve either the interests of many innocent Iraqis, or the United States. But as far as negotiating with people that have killed Americans, 200 Concerned Local Citizens contracts, already negotiated within Iraq are already precisely the form of——

Senator BOXER. I understand.

Dr. BIDDLE [continuing]. That you're describing.

Senator BOXER. I do understand.

Dr. BIDDLE. If we're going to reach a negotiated solution to a war, by definition that means negotiating with people who killed Americans. And, in turn——

Senator BOXER. How many of these warlords are we going to negotiate with; got a number?

Dr. BIDDLE. So far, over 200.

Senator BOXER. Oh, OK, well, ipso facto. Two hundred warlords, we're going to have bilateral agreements——

Dr. BIDDLE. We already have bilateral agreements.

Senator BOXER. Excuse me—you're talking a diplomatic surge, that's a military surge. You're talking about diplomacy with warlords. And all I can say to you is that it's a frightening prospect. And for you to suggest that I don't care about the outcome is a total, total slap in the face of us who are against this war. We care a lot about the outcome. We knew there might be a horrible outcome, and that's why we voted "no" in the first place. So, don't say we don't care about the outcome. You think Mr. Rosen doesn't care about the outcome? His solution is, get out as fast as possible. Because if you get out as fast as possible, that will bring the Iraqis——

Dr. BIDDLE. The reason I framed the observation as, "if" one doesn't care about the outcome, is because I'm convinced that we all do, which is why I think that approach is unsound.

Senator BOXER. That's not the impression that I got from your comments, but I'll take it as an apology. [Laughter.]

The CHAIRMAN. Thank you, Senator. [Laughter.]

Senator, the floor is yours——

Senator CARDIN. Thank you.

The CHAIRMAN. And I have to tell you now, I have to leave at 10 of, so you are going to become chairman.

Senator CARDIN. Well, I hope to be—perhaps I'll be finished before then, I'll try to be as brief as possible.

I just want to quickly follow up on a discussion we had during the first panel this morning regarding the prospect of making some progress in the next 10 months, under this administration. I must tell you, I think our policies during the past 5 years have not been in the best interests of the United States or the Iraqis, and I'm convinced that unless we change our policies in Iraq during the next 10 months, that we'll have 10 more months of decisions that are not in the best interest of the United States.

And I reach that judgment while recognizing that our military has performed with great distinction. And during this most recent period, it has been successful, as we know our military can be, in trying to bring as much security as possible to the streets of Iraq.

But the purpose of the surge was to give time for a political solution, in Iraq, so that the government could have the confidence of its people, and that political solution certainly has not occurred during this past year.

So, my first question for the panel is, if we are going to make progress in Iraq, we need responsible Iraqi political leaders who are willing to make concessions. When I look, historically at what happened in South Africa, what happened in Northern Ireland, what happened in Bosnia, we had leaders who were willing to step forward and make courageous concessions for the good of their country.

Can you name a political party, or an individual at the national level in Iraq, that we perhaps could work with? That is prepared to step forward, and make those types of courageous concessions, in an effort to bring about a significant change in Iraq?

Mr. ROSEN. The concessions to the United States, or concessions——

Senator CARDIN. No, concessions within Iraq. That would be willing to step forward and say, "We've got to change, we've got to give up this, and we've got to do that, in order to bring about a national reconciliation," and is prepared to be a leader, and make the type of concessions necessary, so that you can have a political process—political progress toward reconciliation in Iraq.

Mr. ROSEN. I think the Sadrist movement, actually, led by Muqtada al-Sadr, is one such example. They've been offering——

Senator CARDIN. What type of concessions are they willing to make?

Mr. ROSEN. Well, they've shown themselves willing to negotiate, and even work with Sunnis in the past, with the Sunni militias, when it came to fighting against the Americans together——

Senator CARDIN. What concessions are they willing to make now?

Mr. ROSEN. Concessions about what issues?

Senator CARDIN. I'm asking you, Are they in a position to exercise national leadership to bring the country together by moving forward with, admittedly, unpopular positions for their constituency, in order to bring about national reconciliation to a government that perhaps could have the credibility?

Mr. ROSEN. They're certainly one of the movements with the greatest legitimacy in Iraq, and if they have this popular appeal, and they have local leaders who——

Senator CARDIN. I haven't seen them put forward a program that would be viewed upon as being conciliatory.

Mr. ROSEN. Well, certainly in the last year, that wouldn't be the case.

Senator CARDIN. Right.

Mr. ROSEN. But prior to that, they had reached many accommodations with Sunnis, and I think most recently—certainly when it comes to issues of federalism, of nationalism, the Sadrist movement is perceived—even by Sunnis—as being not loyal to Iran, which, the Supreme Council, for being opposed to federalism, so we've seen them strike deals with al-Awi, with some of the Sunni parties on those issues.

They're the most trusted group by Sunnis, in terms of their nationals, and they have those credentials, because they fought the Americans, they said, we had two fighters against the American occupation, and even if inter-Shia fighting actually increases their legitimacy, they're not perceived as being mere pawns of Iran.

And I think on the Sunni side, as well, you can imagine concessions, we've seen actually, now I remember, the Mahdi Army protecting Sunnis fleeing from al-Qaeda in different parts of Baghdad. So, sectarianism is important, but it's the fear of being killed that's motivating many Iraqis. It's not something ingrained, there's no ancient hatred of Sunnis—on the contrary, as Mr. Said said, are intermarried—and I think that could occur again.

I think you also rely on these nationalist groups, and these nationalist groups, often by definition, are the ones who fought the Americans, but they are the ones who have the greatest appeal and popularity among people.

Senator CARDIN. Mr. Said, you want to give me a couple of names of——

Mr. SAID. I'm not going to give you any names, actually, but the point is, the criteria for identifying the leaders is very important, because so far, the criteria for identifying leaders was the people we like. The people who speak to us, the people who speak our language, and that's what—how the 24 governing Council Members were selected, and that's what brought us to this situation. And what is needed is to find out the leaders who have shown leadership, and the Sadrist movement is clearly a group that has shown, not only that it's the most popular movement in Iraq today, but that it's capable of showing leadership.

The fact that the Sadrists backed off confrontation with the government this time in Basra, although they had the military upper hand, shows a level of wisdom that is not usually attributed to them.

And likewise on the Sunni side——

Senator CARDIN [presiding]. You don't think that retreat was politically motivated because of the timing of the elections?

Mr. SAID. Yes, it was—from the Sadrist position—they realize there was a public backlash against them——

Senator CARDIN. It was in their interest.

Mr. SAID. Exactly.

Senator CARDIN. Again, I appreciate your response, I'm not sure I've heard whether they would be willing to step forward to make the type of concessions necessary, so that the different——

Mr. SAID. It's not about concessions—it's about their platform is actually identical with the platform of many of the Sunni insur-

gents—nationalism, a unitary country, a stronger central government, restoring state services and resistance to occupation——

Senator CARDIN. I don't know if they would share the power, from what my——

Mr. SAID. They are more likely to share power with these guys, they have—there is more bitter animosity among the Shia between the Sadrist and the Skiri and the current government, than there is between them and the Sunni insurgents.

Senator CARDIN. Nationalism leaves a lot to be desired, as far as sharing a power.

Dr. Biddle, can you give me a name?

Dr. BIDDLE. I don't think anyone in Iraq, at the moment, is going to make large-scale concessions in the short term, and that's why top-down progress has been as slow as it is. I think many parties in Iraq are willing to make small-scale, grudging, slow concessions, which is why there has been some movement, but I think it's unrealistic to expect a radical acceleration of that process any time soon, absent major uses of coercive leverage by the United States that we've not been willing to do heretofore, and which may not succeed, were we to try them.

Senator CARDIN. Well, since I have the gavel, I'll ask one more question—I don't normally get the gavel, so I hate to give this up——

[Laughter.]

Senator CARDIN. But, I don't think Senator Biden is back until tomorrow, so I think I'm safe until then.

Let me ask you one more question I asked this morning, and that is, do any of you have a suggestion on how we should handle the displaced individuals—those within Iraq and the refugees outside of Iraq? The estimates we hear are somewhere around 4 million people in Iraq have been displaced, a little over 2 million within Iraq. A large number of refugees are in Jordan and Syria and Iran.

Obviously if these individuals wanted to go back to their original homes, it would create all types of problems. Is there any solution to this problem that—within the next several years—that could bring people back to the communities in which they want to live?

Mr. ROSEN. I'm a consultant for Refugees International, and we're actually coming out with a report in 2 weeks on this issue, exactly.

But, just briefly, internally, when you're engaged in a civil war it's a bit—it's the wrong time to return people to their homes, it's much too dangerous for Iraqis to be returning to their original homes these days, and indeed they're not.

So, there was a trickle of Iraqi refugees from Syria who came back late last year, the majority of those did not go back to their homes, they actually went to safe areas, Shias went to Shia areas, Sunnis to Sunni areas.

There is also no body to adjudicate the property disputes for post-2003. There is a body for pre-2003, so, certainly a body should be set up to adjudicate those disputes, because that's going to be a spark for violence for many years to come.

Right now, there's nobody—there's no one body who decides who gets to go where. In some areas it's the Iraqi Army, in some areas, it's the Mahdi Army or one of the Awakening groups.

The official U.S. military policy is not to be involved in returns, and certainly not to take people out of their homes. So, basically, the Shia gains in the civil war have been frozen. And, they, of course, wouldn't allow anybody to chip away at that by allowing Sunnis to return to those areas, but the displaced are much too scared to go back. There are rumors of a displaced guy trying to go back to his home, and being killed—these rumors spread like wildfire throughout the displaced population.

So there's not much you can do politically, but on the humanitarian level, the displaced have no access to electricity, they don't have access to their ration cards—their ration cards which were essential for so many Iraqis—80 percent of the Iraqis depend on that. When you're displaced, you can't move your ration card with you from your original home to your new home, so you don't have access to your rations. And even though there are those who do have access to their rations, are only getting about 50 percent of that. So, at a time when the needs in Iraq are worse than ever, the public distribution system which supplies food and nonfood items to Iraqis, is really at a breaking point. And that's something that the International Community can support, and certainly should.

And you should also envision some sort of safe havens, perhaps a contingency plans for where to house the displaced, that's internally, at least. People should also be aware that the displaced Iraqis are actually joining militias—in Sunni areas they're joining the Awakening groups, and people complain that these guys are more radical than elsewhere.

Now, officially, according to the U.S. contracts with these groups, displaced Iraqis aren't supposed to join, it's supposed to be people from the neighborhood itself. So, that's a problem that should be monitored.

And you also have to acknowledge, if you're concerned about humanitarian aid, that the major Humanitarian aid providers in Iraq are nonstate actors, are the Sadrist Movement, are Awakening groups, are militias and warlords. And if you want to have humanitarian access in Sadr City, you have to cut a deal with the local Sadrists, you have to recognize them, people that you might not like.

Externally, in Syria and Jordan, some pressure should be put on them to grant the Iraqis some sort of legal status, so that they might be able to work. Because you have a population that was often in the middle class, or wealthy, that's growing impoverished, and they're not able to work, so their children work in the black market, because nobody really monitors child labor.

People are living off of whatever savings they had, they sold whatever they had in Iraq and fled to Syria, and now they're running out of savings, they're unable to work. So, there should be, perhaps, financial assistance offered to the Jordanians and Syrians to grant some sort of status to the Iraqis, they might feel more secure, so their kids will be able to go to school.

The infrastructure in Syria and Jordan isn't able, at this point, to handle so many Iraqis in terms of water and sewage and health and education, and the United States—which clearly has a debt, has a moral obligation, at least, if we're not going to accept the

Iraqi refugees ourselves, we should do what we can to improve their quality of life in Syria and Jordan.

Senator CARDIN. I think that was an excellent explanation of what is the best-case scenario, which is not very good, and stands little chance of being implemented in the next couple of years. And I think that's a very sobering thought.

I think it's going to fall on the International Community to provide help to the refugees, I think that's the only way it's going to happen. I think the longer it takes for Iraq to acknowledge the legitimate rights of people who have been displaced within their own country, the more difficult it's going to be to resolve it.

And I couldn't agree with you more, it's not safe for Iraqis to return to their former communities under the circumstances. But their properties are being taken over, and when they return, it means that someone would have to give up their property, which is something people don't relish doing—it's just a formula for future disaster.

Mr. ROSEN. Very often you have displaced Iraqis who come from poor areas, so a Sunni from the Shah District in east Baghdad, who now find themselves living in the home of a middle-class, upper-class Shia in western Baghdad, so they have their own incentive—why would we want to go back to our small, poor house when we can live in a very nice house that the local Sunni militia has given us in this wealthier Sunni area?

Senator CARDIN. Well, that is the best case scenario, I guess, in that circumstance.

Mr. ROSEN. Some sort of registry of deeds should be established, so in the future, people can refer to that and prove who owned what.

Senator CARDIN. I think as we look at how we move forward from where we are, and we can't rewrite history, and looking at how U.S. policy can assist in dealing with Iraq in the future, this is one area that is just a huge problem. And one that needs to be taken into consideration, and in fact, our government is doing virtually nothing in this regard.

We're not taking Iraqi refugees in any great numbers. We give verbal support to some of the refugee issues, and we give some financial assistance, but it's other countries that are really burdened. I understand that refugees should have the right to work, I agree with you on that. But when you talk to the host countries, they are really pressed, financially, from dealing with the refugee issues.

So, these are going to be tough issues that are going to have to be dealt with, and I don't think we're even thinking about these issues. And we talk about what progress can be made in the next 10 months—I'm not terribly optimistic, but I think we have a responsibility to do everything we possibly can to chart the right course for the United States and for Iraq.

You get the last word.

Mr. SAID. If I may, just a key area to work on the refugees is the millions that are in Syria and Jordan. These are very poor countries, the Iraqi Government is sitting on billions of unspent money, I think it's very important to put as much pressure on the Iraqi Government to allocate Syria—I mean, the Iraqi Government

has been giving some pennies, some crumbs to Syria and Jordan to take care of the refugees—$20 million, $30 million—I think the costs are in the hundreds of millions of dollars, and it's within the power of the Iraqi Government to spend that money. It could be allocated directly to the refugees as pension payments, as compensation for the public distribution system that is not being delivered to them. But, I think it's very important that the Iraqi Government steps up, at least, on that one.

The other issue which the Iraqi Government should be able to do in the short term, is to keep internal borders open, so that refugees could move on and find a better place.

Senator CARDIN. I think they are excellent suggestions, I just would point out, I don't believe they're high on the priority list of our government when working with the Iraqis, and I think these issues need to be addressed at a higher level. I think you're correct. These are great interim steps, and they need to be taken. I just hope that our government will make refugee issues the priority they should be, I just have not seen that in the past.

With that, I'm going to take the power of the Chair and the committee stands adjourned.

[Whereupon, at 5:01 p.m., the hearing was adjourned.]

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

"PATIENT STABILIZED"—BY STEPHEN BIDDLE, THE NATIONAL INTEREST, MARCH 2008–APRIL 2008

Iraq's progress is better today than it has been for a long time. An end to major violence, and with it a major reduction in the risk of a wider war and the human cost of further bloodshed, is now a real possibility. But to realize this potential won't be cheap or easy. And it won't produce Eden on the Euphrates. A stable Iraq would probably look more like Bosnia or Kosovo than Japan or Germany.

This is because the likeliest route to stability in Iraq is not by winning hearts and minds or reaching a grand political bargain in Baghdad. It is by building on a rapidly expanding system of "bottom up" local cease-fires, in which individual combatant factions who retain their arms nevertheless agree to stop using them and standdown. Of course, fighters who voluntarily stop shooting can voluntarily start again; such deals are not inherently stable or self-policing. But neither are these merely accidents or brief tactical breathing spells. Cease-fires in Iraq have spread so rapidly because they reflect an underlying, systematic shift in the war's strategic calculus since early 2006 that has now made peace look better than war for the major combatants. This same strategic reality gives most of the remaining holdouts a similar incentive to standdown, which could bring an uneasy stability to Iraq.

If so, the challenge for the United States would not end. The mission would shift from war fighting to peacekeeping, and U.S. casualties would fall accordingly. But a continued presence by a substantial outside force would be essential for many years to keep a patchwork quilt of wary former enemies from turning on one another.

This was not what the administration had in mind when it designed the surge or invaded Iraq. And it will not produce a strong, internally unified, Jeffersonian democracy that spreads liberty through the Middle East while standing in alliance with America against extremist and hegemonic threats in the region. But it can stop the fighting, save the lives of untold thousands of innocent Iraqis who would otherwise die brutal, violent deaths, and secure America's remaining vital strategic interest in this conflict: That it not spread to engulf the entire Middle East in a region-wide war. Eden this is not. Reasonable people could judge it too costly or too risky. But there is now a greater chance of stability in exchange for this cost and risk than there has been since this war's early months—and given the stakes, the case for staying and doing what is needed is stronger now than it has been for years.

The original idea behind the surge was to reduce the violence in Baghdad, enabling the Iraqis to negotiate the kind of national power-sharing deal we thought would be necessary to stabilize the country. The violence came down, but the com-

promise did not follow. Instead, a completely different possibility arose—a "bottom up" approach beginning with a group of Sunni tribal sheikhs in Anbar province.

In a span of just a few months, this "bottom up" approach has yielded more than 100 local cease-fires across much of western and central Iraq. The participants agree not to fight U.S. or Iraqi Government forces, to turn their arms instead on common enemies, to wear distinguishing uniforms, to patrol their home districts, to limit their activities to those home districts and to provide coalition forces with biometric data (e.g., fingerprints and retinal scans) for all members. In exchange they receive recognition as legitimate security providers in their districts, a pledge that they will not be fired upon by U.S. or Iraqi Government forces as long as they observe their end of the agreement and a U.S.-provided salary of $300 per member per month. More than 80,000 Iraqis have now joined the "Awakening Councils" or "Concerned Local Citizen" (CLC) groups that implement these deals.

This was very bad news for al-Qaeda in Iraq (AQI). The CLC members had once been their allies, providing the safe houses, financial support, intelligence and concealment that had been essential to AQI. Without this, al-Qaeda was left exposed to U.S. firepower in ways it had never been before. Their ensuing heavy losses in Anbar and Baghdad drove AQI's remnants into the limited areas of Diyala, Salah ad-Din, and Ninawa provinces where CLC deals had not yet been reached.

The CLCs are mostly Sunni. But many of the principal Shia combatants are now observing their own cease-fires. In particular, in August 2007 Moktada al-Sadr, the principal Shia militia warlord in central Iraq, directed his Jaish al-Mandi (JAM) or "Mahdi Army" militia to standdown, too.

Holdouts remain, especially in the northern provinces between Baghdad and Kurdistan. But by January 2008, most of the major combatants on both the Sunni and Shia sides were all observing voluntary cease-fires. This produced a dramatic reduction in opposition, a dramatic reduction in the number of enemy-initiated attacks, and a corresponding reduction in U.S. casualties, Iraqi civilian deaths and Iraqi Government military losses. There are no guarantees, but it is now increasingly plausible that enough of today's holdouts can be brought around to bring something resembling a nationwide cease-fire to Iraq.

If this happens, will the cease-fires hold? After all, voluntary decisions to stop fighting can be reversed. CLC members and JAM militiamen retain their weapons. Many are essentially the same units, under the same leaders, that fought coalition forces until agreeing to stop in 2007. Many retain fond hopes to realize their former ambitions and seize control of the country eventually. Many observers have thus argued that these cease-fire deals could easily collapse. And indeed they could.

But this is not unusual for cease-fires meant to end communal civil wars such as Iraq's. These typically involve very distrustful parties; they often begin with former combatants agreeing to cease-fires but retaining their arms; and they are always at risk of renewed violence. Many fail under these pressures. But some succeed: In Bosnia, Kosovo, Liberia, Sierra Leone, Mozambique, and Zimbabwe, for example, cease-fires of this kind have held.

Translating fragile deals into persistent stability requires at least two key conditions: Peace has to be in the perceived strategic self-interest of both parties, and outside peacekeepers have to be present to keep it that way.

Until recently, Iraq failed to meet the first condition. But two major errors by AQI changed the strategic landscape dramatically by mid-2007.

Their first big mistake was to bomb the Shia Askariya Mosque in Samarra in February 2006. Before this, Sunnis believed they were the militarily stronger side; if only they could drive the United States out, they thought they could defeat a weak Shia regime and rule Iraq again. The Shia had largely allowed the U.S. and Iraqi Governments to wage war against the Sunnis for them; Shia militias had fought mostly defensively and often stood on the sidelines in Sunni-U.S. combat. But when AQI destroyed the shrine, the Shia militias entered the war in force and on the offensive. The result was the Battle of Baghdad: A year-long wave of sectarian violence in the capital pitting Sunni insurgent factions and their AQI allies against, especially, the Jaish al-Mandi. At the time, Americans saw this wave of bloodshed as a disaster—and in humanitarian terms it was. But in retrospect, it may prove to have been the critical enabler of a later wave of cease-fires by changing fundamentally the Sunni strategic calculus in Iraq.

The Battle of Baghdad gave the Sunnis a Technicolor view of what an all-out war would really mean, and they did not like what they saw. With the Americans playing no decisive role, the JAM overwhelmed Sunni combatants in neighborhood after neighborhood, turning what had been a mixed-sect city into a predominantly Shia one. Districts that had been Sunni homeland for generations were now off-limits, populated with and defended by their rivals. By goading the JAM into open battle,

AQI had triggered a head-to-head fight in which Sunnis were clearly and decisively beaten by Shia they had assumed they could dominate.

AQI's second mistake was a systematic alienation of its Sunni allies. Fellow Sunnis whom AQI's leadership judged insufficiently devout or committed were treated with extraordinary brutality—including delivery of children's severed heads to the doorsteps of wayward sheikhs. The smuggling networks that Sunnis in Anbar province relied upon to fund tribal patronage networks were appropriated by AQI for its own use, leaving sheikhs impoverished and disempowered. Before the Battle of Baghdad, most Sunnis tolerated these costs on the assumption that AQI's combat value against Shia and Americans outweighed their disadvantages. Defeat in Baghdad, however, showed that AQI could not deliver real protection, making AQI all cost and no benefit for its coreligionists.

By late 2006, Sunnis who once thought they were on the road to victory thus realized they faced defeat unless they found new allies. This forced them to abandon AQI and turn to the United States while they still could. After initial wariness, U.S. forces took the plunge and aligned with the tribes against AQI. With American firepower connected to Sunni tribal knowledge of whom and where to strike, the ensuing campaign decimated AQI and led to their virtual eviction from Anbar province. U.S. protection in turn enabled the tribes to survive the inevitable, brutal AQI counterattacks. The result was a provincewide cease-fire under the auspices of the Anbar Awakening Council and the U.S. military.

News of the Anbar model spread rapidly among disaffected Sunnis elsewhere. And as word spread, U.S. surge brigades began arriving. The combination of Sunni realignment, increased U.S. troop strength and a new U.S. mission of direct population security created a powerful synergy. The prospect of U.S. security emboldened Sunnis outside Anbar to realign with the United States; Sunni realignment enhanced U.S. lethality against AQI; U.S defeat of local AQI cells protected realigned Sunnis; local cease-fires with the Sunnis reduced U.S. casualties and freed U.S. forces to venture outward from Baghdad into the surrounding areas to keep AQI off balance and on the run.

Cease-fires with Sunnis in turn facilitated cease-fires with key Shia militias. For Moktada al-Sadr, leader of the JAM, the Sunni standdown and the U.S. surge transformed the strategic landscape. The JAM arose to defend Shia civilians from Sunni violence. But that violence was now on the wane as Sunnis brokered cease-fires. In the interim, JAM thugs had increasingly exploited the population's dependency on the militia to extort personal profit through gangland control of key commodities such as cooking oil and gasoline, inspiring growing resentment among Shia civilians. This was tolerated when the JAM was all that stood between Shia and mass murder by Sunnis. But as the Sunni threat receded, the continuing exploitation turned the JAM into a parasite rather than a protector, and its Shia public support waned.

Meanwhile, the U.S. military buildup in Baghdad posed an increasing threat to JAM control over its base. The Americans offered Shia security without gangsterism, and the Sunni cease-fires meant not just diminished public tolerance for the gangsters, but greater U.S. freedom to swing troops into a battle with the JAM for control over Shia population centers. Al-Sadr could have fought this, staking his reputation and his militia on a gamble that he could defeat the Americans. But al-Sadr had tried this twice before and been decimated by U.S. firepower each time. In the past, he had nevertheless emerged from these defeats stronger than ever, as his popularity among Shia brought fresh recruits in droves to replace his losses. Now, by contrast, his popularity was declining. And his control over his own militia was splintering as rogue lieutenants with their own income took an increasingly independent path. With a weaker army and a declining ability to replace its losses, al-Sadr thus had no assurance that he could survive another hammering from the U.S. Army. He chose instead to standdown.

Yet, the local reductions in violence have not produced national reconciliation among Iraq's elected representatives in the capital. Why not?

In time they may. For now, though, the Shia-dominated al-Maliki government's incentives differ from those of its coreligionist Moktada al-Sadr. Al-Sadr needs peace to avoid further deterioration in his internal position and to avert casualties he cannot replace in a costly battle with the Americans. Al-Maliki, by contrast, is not fighting the Americans—the surge is no threat to him. On the contrary, U.S. reinforcements and weaker Sunni opposition reduce the cost of continued warfare for the al-Maliki government's army. For al-Maliki, moreover, peace is politically and militarily riskier than war. Reconciliation along American lines requires dangerous and politically painful compromises with rival Sunnis: Oil-revenue sharing with Sunni provinces, hiring of former Baathists, Anbari political empowerment and other initiatives that al-Maliki's Shia allies dislike, and which al-Maliki fears will

merely strengthen his sectarian enemies militarily. A predominantly Sunni CLC movement adds to these fears. Al-Sadr needs peace because war now risks his political status; al-Maliki, conversely, runs greater risks by compromising for peace than by standing fast and allowing the war to continue. Thus, the Shia-dominated government makes little progress toward peace even as Shia militias standdown in cease-fires.

This is not to deny any progress by the government. It has been distributing revenue to Sunni provinces even without a hydrocarbon law to require this. It recently passed a new de-Baathification law making it easier to hire Sunnis into some government jobs and had been doing such hiring even without a legal mandate. To date this has resembled a form of toe dipping: the al-Maliki government has been willing to experiment tentatively with compromise as long as it retained the ability to back off again later if the results were unfavorable. These moves could lay the basis for eventual compromise. But for the near- to mid-term future we are likelier to see a weak and sclerotic central government unable to do more than distribute oil revenue, while the real dynamic of Iraqi security devolves to localities.

Thus, for now, local cease-fires look more likely to end the fighting than national grand bargains. But for these cease-fires to hold, an outside party will be needed to serve as a peacekeeper.

This is because such deals are neither self-enforcing nor inherently stable. Even where peace is in the mutual self-interest of the majority on both sides, there will still be spoilers who seek to overturn the cease-fire and renew the war. Rogue elements of Shia militias profit from the fighting and will seek to restore the instability within which they flourish. And AQI has no interest whatsoever in stability. Though on the ropes, even small numbers of committed AQI terrorists can bomb selected marketplaces and public gatherings. In an environment of wary, tentative, edgy peace between well-armed and distrustful former combatants; even a few such attacks can lead to an escalatory spiral that quickly returns the country to mass violence.

In another bad-case-but-likely scenario, the central parties to the cease-fire may try to expand their area of control at the expense of neighboring CLCs or militia districts. Ambitious Sunnis with dreams of Baathist restoration may use the lull to build strength, probe their rivals for weaknesses, then launch a new offensive if they discover a vulnerability. Shia militia leaders unsatisfied with a limited role in a weak goverment could push the limits of their accepted status at the expense of Sunnis or rival Shia warlords. The military balance limits what Sunnis, especially, can actually accomplish via renewed violence, but some will surely test the waters anyway or simply miscalculate; either way, it is easy to imagine the cease-fire parties cheating on the terms.

Outside peacekeepers play a crucial role in damping such escalatory spirals and enforcing cease-fire terms. As long as the underlying strategic calculus favors peace, then an outside military presence allows victims of spoiler attacks to wait rather than retaliate—they can afford to delay and see whether the Americans will avenge them. Similarly, if CLC leaders and militia commanders know that a U.S. combat brigade is going to enter their district and arrest any leader whose followers violate the terms of the agreed cease-fire—and if the provision of biometric data and locating information for all CLC members means that the Americans know who the violators are and where to find them—then the underlying mutual interest in cease-fire is less likely to be tested.

This is not war fighting. But it does require troops who can fight if they have to. And some fighting would be needed, especially early on, to punish spoilers and cease-fire violators, thereby discouraging further violence. Peacekeepers must thus be combat capable, but peacekeeping should not require the casualty toll of sustained warfare.

Peacekeeping of this kind is labor intensive, long term, and would almost certainly have to be a U.S. undertaking, especially in the early years. We are the only plausible candidate for this role for now—no one else is lining up to don a blue helmet in Iraq. We are not widely loved by Iraqis; among the few things all Iraqi subcommunities now share is a dislike for the American occupation. Yet we are the only party to today's conflict that no other party sees as a threat of genocide. We may not be loved, but we are tolerated. And Iraqi attitudes toward Americans are not fixed: Sunni views of the U.S. role, for example, have changed dramatically in less than a year. Marine patrols in Falluja that would have been ambushed are now met with kids mugging for photos from marines carrying lollipops along with their rifles.

This mission will be long—perhaps 20 years long—until a new generation, which has not been scarred by the experience of sectarian bloodletting, rises to leadership age in Iraq. A U.S. role will clearly be important for at least part of this time, but it may not be necessary for the United States to do this alone the entire time. If

2 to 3 years of apparent stability make it clear that the Iraq mission really has become peacekeeping rather than war fighting, then it is entirely plausible that others might be willing to step in and lighten the American load, especially if they can do so under a U.N. banner rather than a bilateral agreement with the United States or the Government of Iraq. So we need not assume a 20-year U.S. responsibility alone. But a long-term presence by outsiders will be needed. And it would be imprudent to assume that we can turn this over to others immediately.

The number of troops required could also be large. The social science of peacekeeping-troop requirements is underdeveloped, but the rule of thumb for troop adequacy in this role is similar to that used for counterinsurgency: Around one capable combatant per 50 civilians. For a country the size of Iraq, that would mean an ideal force of around 500,000 peacekeepers—which is obviously impossible. But some such missions have been accomplished with much smaller forces. In Liberia, for example, 15,000 U.N. troops stabilized a cease-fire in a country of 4 million, in Sierra Leone, 20,000 U.N. troops sufficed in a country of 6 million. It would be a mistake to assume that such small forces can always succeed in a potentially very demanding mission—but it would be just as bad to assume that because the United States cannot meet the rule-of-thumb troop count, the mission is hopeless. The best assumption is that more is better when it comes to peacekeeping: The larger the force, the better the odds, hence the right troop count is the largest one we can sustain for a potentially extended stay.

Some now hope that lesser measures will suffice to stabilize Iraq's cease-fires. The U.S. leadership in Baghdad, for example, hopes that it can create a financial incentive for CLCs to behave by making them Iraqi Government employees. But the al-Maliki regime is resisting this, and it is far from clear that Sunni CLC leaders would trust al-Maliki to pay them if the United States withdrew most of its troops. Nor would government paychecks for CLCs do much for the JAM, which is an equally grave threat to stability.

Financial incentives alone won't prevent spoiling, but they would help. They are just another useful tool for effective peacekeeping. The chance of maintaining a stable Iraq is highest with the largest number of peacekeepers we can sustain; other measures help, but they are not substitutes.

Iraq is thus not hopeless—there is a real chance for stability. But this is no time for a victory parade. Stability's requirements are hard, and its payoff is likely to be imperfect.

Nor is it guaranteed. Peacekeeping sometimes succeeds, but peacekeepers can also wear out their welcome. If the U.S. presence is not replaced in time by tolerable alternatives, nationalist resistance could beget a new insurgency and a war of a different kind. If spoiler violence or probes for weakness are not met forcefully enough, then challenges could overwhelm the peacekeepers and Iraq could collapse into renewed warfare. If ongoing operations do not spread today's cease-fires through the rest of Iraq, then the U.S. mission could remain that of war fighting without any peace to keep.

Given these costs and risks, a case can still be made for cutting our losses now and withdrawing all U.S. forces as soon as logistically practical. But withdrawal has costs and dangers of its own: U.S. departure from an unstable Iraq risks regional intervention and a much wider war engulfing the heart of the Middle East's oil production, plus the human consequences of spiraling sectarian bloodshed if the war escalates in our wake, even without foreign intervention.

Any policy for Iraq is thus a gamble. Stability cannot be guaranteed by staying; disaster cannot be excluded if we leave; exact odds cannot be known for either in advance. The scale of cost and uncertainty here makes all options for Iraq unattractive and risky.

But we have to choose one. And the strategic landscape of 2008 shifts the odds and the risks in ways that make the case for staying less unattractive than it has been for a long time.

IRAQ 2012: WHAT CAN IT LOOK LIKE? HOW DO WE GET THERE?

THURSDAY, APRIL 3, 2008

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met, pursuant to notice, at 9:33 a.m., in room SD–419, Dirksen Senate Office Building, Hon. Joseph R. Biden, Jr. (chairman of the committee) presiding.

Present: Senators Biden, Kerry, Bill Nelson, Obama, Lugar, and Isakson.

OPENING STATEMENT OF HON. JOSEPH R. BIDEN, JR., U.S. SENATOR FROM DELAWARE

The CHAIRMAN. The hearing will come to order.

Let me begin by welcoming our distinguished panel. We gave you an easy assignment: Tell us what Iraq is going to look like, what it should like, in 2012. But, in some ways this session is the most important we're going to be holding during this 2 weeks of hearings, including when Petraeus and Crocker come to testify, because my guess is they'll still be talking tactics, and not overall strategic objectives. And so, we're very delighted that all of you agreed to participate.

Before we begin, I would like to remind everybody: Before the war began, this committee held an extensive set of hearings in the summer of 2002—and I know it's very easy to, you know, rewrite history, but we had distinguished witnesses, like yourselves—left, right, and center—testifying. They were, according to the press and the ratings, very heavily watched hearings. And the chairman and I and others raised an awful lot of the questions that—and, quite frankly, warned of some of the dilemmas we're likely to face, absent taking some action, which we did not take.

That's not so much to try to say, you know, well, boy, we got this right, because I'm not making that assertion, but it is to put back in perspective what Dick Lugar raised—and I, as well, but I think he was the leading voice—of raising the question about, "OK, we do this. What's the endgame?" Not, "What's the exit strategy?" What's the endgame? What do we want this country to look like? What is—what do we think will happen? What do you think we'll be left with?

Everyone remembers, back then, there was the famous—quote "famous"—Powell axiom, "You break the China, you own it." You know, "You invade Iraq, you own it." Well, we own it. And it turns out that it may not have been such a good buy.

And so, what we're trying to do today, the purpose of this hearing, is, a little bit, to go back—we are at a culmination point, to use a military term that a number of our witnesses used yesterday—we're at a potential turning point, we're at a place where possibly—possibly—we can change our strategy—or adopt a strategy, and possibly change some of the course of events by different actions.

And so, what we want to look at is, today, what we tried to look at 6 years ago, which is: OK, where—the best-case scenario—where do we end up? Because I would note, parenthetically—and I apologize to my staff for wandering off their beautiful opening statement—but, the truth of the matter is that I don't know of any democracy where the people in that democracy will, over an extended period of time, shed blood and a great deal of financial treasure to maintain the status quo ante. I don't know where that's ever occurred. Now, it's one thing when you say we've been in the Balkans a long time, but people aren't dying, Americans aren't dying, and we're not spending 12 billion bucks a month.

So if the best case is, we keep worse things from happening, that may be, from a policymaker standpoint, a legitimate justification for our national interest, to remain engaged as deeply as we are. But, it will not sell in a democracy. It will not sell in a democracy. And, based on our records, we're pretty good salesmen. We've been doing this for a long time. We've—I'll speak for myself—we've fooled our voters, for 35 years, into reelecting us.

Yeah. Well, I hope you're there in Delaware. I look forward to meeting you, whoever is the person that said that.

But, the point I'm making is that it's not going to—this cannot be sustained unless we have a pretty clear goal as to what we think will be the endgame here if we continue to ask the American people to do what we're asking them to do. We can't continue to make this up as we go along. We have to, in my view, mark a direction on our strategic compass and deliberately move in that direction.

Ironically, despite all the debate in Washington and beyond about our Iraq policy, there is one premise just about everyone shares: Lasting stability will come to Iraq only through a political settlement among the warring factions.

So, the single most important question you would think we would be debating is this: What political arrangements might Iraqis agree to? And what are the building blocks to achieve them? Yet, we almost never ask ourselves those questions, and we very seldom ever debate them, either in Presidential debates and/or in debates among policymakers. But, today, hopefully, we will.

We've asked each of you to think ahead. In a reasonable, best-case scenario, What might Iraq look like, politically, 4 years from now, in the year 2012? And what policies should we pursue now—inside Iraq, in the region, and beyond—to help the Iraqis get there, assuming we can?

My own view, as my colleagues know all too well, is this. Absent an occupation, we cannot sustain or return to a dictator that we say we don't want—and we've not been able to find a suitable candidate yet—Iraq will not be governed from the center, at least at this point in history. That's the premise from which I start.

I want to make it clear, I wish that were not true. It would be much, much, much, much, much better if there was a prospect Iraq could be governed from the center with a democratic government in place, or at least a government in place that had the confidence of the majority of the people.

I believe Iraq's best chance to remain unified and stable is through a decentralized system of government that devolves considerable power to local and regional levels—in a word, federalism—but has a sustainable, identifiable, and real Central Government that has real powers. We can't impose this—this view or any other view—or any other solution—on the Iraqis. But, we don't have to, because, in fact, in my view, federalism is enshrined in their Constitution.

Now, I notice, at all the hearings we have, we have a lot of very qualified witnesses, and they selectively choose what laws they think should, in fact—when you really get you guys and women in the room, the truth is, people really don't like that Constitution, outsiders don't like the Constitution—many. They don't—it doesn't jibe with what the ideal state would be. Yet, it's the Constitution. And if we suggest that the Constitution, in and of itself, is not workable to produce a stable government, we should say so.

And it's a vision my colleagues in the Senate, by the way—of this federal system—my colleagues in the Senate and the House have endorsed, overwhelmingly, and put into law. And so, one of the things we want to find out, Are we right about that? Seventy-five Senators said the federal way to go—federal system is the way to go. The House overwhelmingly voted for the Biden resolution. Whether or not that makes any difference remains to be seen. But, if it's not the way to go, we should be talking about, What is the way to go?

I'm not wedded to that plan. If there's a better way to meet our objectives of leaving Iraq without leaving chaos behind, I will strongly support it. And, as I said at the outset, the plan that I put forward, that we voted on, every day and month and year that goes by, absent moving on it, it makes it harder for it to be implemented. So, it may outrun—theoretically, it may have been a good idea, a year ago or 2 years ago. Maybe it's not a good idea anymore, because of—events have moved beyond it. I think not; but, maybe.

As important as defining the objective that we should be seeking is how we get to whatever the objective is. It's critical, in my view, that we establish a process that gets Iraqis' neighbors and the world's major powers much more actively involved in helping the Iraqis arrive at a political accommodation. And that's based on my observation of 35 years in the Senate, dealing with foreign policy issues, but also as an amateur student of history, that I don't recall many circumstances, as one witness said, yesterday, where there is a spontaneity among—between warring factions, absent expiring on the battlefield, where one says, "You know, let's work this out. We can work this out." So, even among my Democratic colleagues, who said, "We'll leave it up to the Iraqis. We'll say we'll leave, and they'll get it right," I'm not so sure—I don't—I'm not so sure of that. Matter of fact, I'm pretty sure that's probably not going to happen.

So, what's the mix? Our influence in Iraq is a waning asset—I would argue, a wasted asset. I think we've basically run the string. Our influence is influence relating to our money and our physical power, but not our judgment. The influence of Iraq's neighbors and the major powers is also, in my view, a—not a waning, but a wasted asset we're not taking advantage of.

So, I look forward to hearing from our witnesses today, who have given a great deal of thought to a vision of what a future Iraq might look like, and the willingness to share with us that vision, and how, if at all, the International Community can help it be realized.

Professor Carole O'Leary is a program director and scholar in residence of the Center for Global Peace at American University. Dr. Brancati—am I pronouncing it correctly? Dr. Brancati is a fellow—I'm married to Dominic Giacoppa's daughter, so I'd better get it right—is a fellow at the Institute of Quantitative Social Studies at Harvard University, and we appreciate her coming down. Dr. Gregory Gause is an associate professor of political science at the University of Vermont; where as—from all the time you spend, several years ago, in New Hampshire, and I did, they affectionately refer to it as the "Republic of Vermont." I—but, it's a great university, and it's nice to have you here, Doctor. And Dr. Terrence Kelly is the senior operations researcher at the RAND Corporation, one of the most respected think tanks in the world. And Ambassador Carlos Pascual is a vice president and director of foreign policy at the Brookings Institution, another great, well-respected think tank.

Ladies and gentlemen, I thank you all for being here. And let me yield, now, to Chairman Lugar, and then we'll begin your testimony.

OPENING STATEMENT OF HON. RICHARD G. LUGAR, U.S. SENATOR FROM INDIANA

Senator LUGAR. Well, thank you very much, Mr. Chairman. I appreciate this further opportunity for our committee to consider the future of Iraq, in advance of the testimony we're preparing to hear from General Petraeus and Ambassador Crocker, next week.

Yesterday, in two hearings, the Foreign Relations Committee examined the status of military and political efforts in Iraq. And today, our witnesses will look beyond immediate problems, to the prospects for Iraq, 4 or 5 years into the future.

Now, this is a very important exercise, because our consideration of policy in Iraq has often been focused on short-term considerations. Demonstrations of progress in Iraq are welcome, and we are grateful for the efforts of our military and civilian personnel in Iraq, who have risked their lives to improve the security situation during the last year.

However, if we are unable to convert this progress into sustainable political accommodation that supports our long-term national security objectives in Iraq, this progress will have limited meaning. In other words, we will not achieve success without progress, but progress may not be enough for success.

I have cautioned against seeing Iraq as a set piece, as an end in itself, distinct from broader United States national security interests. If we see Iraq as a set piece, we are more likely to become

fixated on artificial notions of achieving victory or avoiding defeat when these ill-defined concepts have little relevance to our operations in Iraq. What is important is not the precise configuration of the Iraqi Government or the achievements of specific benchmarks, but, rather, how Iraq impacts our geostrategic situation in the Middle East and beyond.

Fifteen months ago, at the beginning of the Foreign Relations Committee January 2007 hearing series on Iraq, I suggested a set of objectives for American involvement in Iraq. And these objectives were: Preventing the use of Iraq as a safe haven or training ground for terrorism; preventing civil war and upheaval in Iraq from creating instability that leads to regional war, the overthrow of friendly governments, the destruction of oil facilities or other calamities; and preventing a loss of U.S. credibility in the region and the world; and preventing Iran from dominating the region.

Now, although observers might quibble over the exact definition of these objectives and the importance of achieving them, they remain a useful distillation of United States motivations for continuing involvement in Iraq.

The questions before us now are, Can the U.S. strategy achieve these objectives? What adjustments can be made to our current strategy to improve its chances of success? If the current strategy cannot achieve them, is there an alternative strategy that might work? And if no strategy is likely to succeed at an acceptable cost, how do we minimize the damage of failing to adequately achieve some or all of these objectives?

We begin this inquiry, knowing that we have limited means and time to pursue an acceptable resolution in Iraq. Testifying before us yesterday, MG Robert Scales joined our other witnesses in underscoring the limits imposed by the strains on our own Armed Forces. He wrote, in the prepared testimony, "In a strange twist of irony, for the first time since the summer of 1863 the number of ground soldiers available is determining American policy rather than the policy determining how many troops we need. All that the Army and Marine Corps can manage without serious damage to the force is the sustained deployment, in both Iraq and Afghanistan, of somewhere between 13 and 15 brigade equivalents. Assuming that Afghanistan would require at least three brigades, troop levels by the end of the surge in Iraq must begin to migrate toward the figure of no more than 12 brigades, perhaps even less. Reductions in post-combat forces will continue indefinitely thereafter."

The limits of our military endurance elevate the importance of achieving political progress that can take advantage of the improved security on the ground. But, we have to be mindful that the task of stabilizing Iraq is not a fixed target. The lack of technical competence within the Iraqi Government, external interference by the Iranians and others, the corruption at all levels of Iraqi society, the lingering terrorist capability of al-Qaeda in Iraq, intractable disputes over territories and oil assets, and power struggles between and within sectarian and tribal groups can frustrate careful planning and well-reasoned theories. The violence of the past week is a troubling reminder of the fragility of the security situation in Iraq and the unpredictability of the political rivalries that have made definitive solutions so difficult. Even if compromises are

made, they have to be preserved and translated into sustainable national reconciliation among the Iraqi populace.

I look forward to hearing our witnesses' assessment of how the United States might achieve our objectives in Iraq, given these challenges.

And I thank the chairman for calling this hearing.

The CHAIRMAN. Well, thank you very much.

We have a small attendance right now.

John, did you want to make a brief opening statement?

Senator KERRY. No, thanks, Mr. Chairman. I appreciate it.

The CHAIRMAN. OK.

What has been suggested by staff, based on the approach being taken, is that we start in the—and we move in the following order. Start with Professor O'Leary, Dr. Brancati, then Dr. Kelly, Professor Gause, and Ambassador Pascual, if we do it in that order. OK? That's how I'll recognize you.

And Professor O'Leary, the floor is yours.

STATEMENT OF CAROLE O'LEARY, RESEARCH PROFESSOR, SCHOOL OF INTERNATIONAL SERVICE AND PROGRAM DIRECTOR, CENTER FOR GLOBAL PEACE, AMERICAN UNIVERSITY, WASHINGTON, DC

Professor O'LEARY. Thank you. Thank you, Chairman Biden and Senator——

The CHAIRMAN. And I might add—excuse me for interrupting—I'll make sure that the entirety of each of your statements is placed in the record, and—I mean, it's all right to go and do the whole statement, but I just want you to know it will be placed in the record, without objection, each of you, and you can move from there.

Thank you.

Professor O'LEARY. Thank you.

Good morning. Thank you for inviting me to appear here today to consider what Iraq can look like in 2012, and how to get there.

This morning, I will focus on several key recommendations, which, if implemented, I believe can build the foundation for a stable, federal, and democratizing Iraq in 2012. In other words, I'm going to focus on how we get there.

First, I would like to refer to my written testimony and mention that I've listed eight core stipulations for what Iraq will look like in 2012. And, having worked in Iraq continuously since May 2003, I'm a gradualist. So, among my core stipulations, No. 3, I'd like to read it now.

Under an amended federal regions law, at least one new federal region will have been created in Iraq, bringing the number of regional governments to at least two—the Kurdistan Regional Government, of course, being the second.

The new federal region, I will call the Kufa Regional Government that combines the governorates of Najaf, Karbala, and Qadisiyah with Babil and Wasit, soon to hold referenda on whether to join this new region.

So, without elaborating from the written testimony, my Iraq, in 2012, is a federal Iraq; the Constitution has been amended; it's still

a unified Iraq, in the sense that it's one country; and it is slowly democratizing.

My first theme relates to federalism itself, and I am a strong proponent of federalism.

Words matter, and gradualism is the way forward if the goal is the establishment of a federal system in Iraq. Establishing stability in a future Iraq is a necessary precondition for the development of good governance and a vibrant civil society. The Iraqi experience of state-directed violence against specific ethnic and sectarian groups, including mass murder and ethnic cleansing, requires a new framework for governance that accommodates the political and cultural significance of pluralism in Iraqi society. Federalism, as an organizing framework for pluralistic societies, is one model that can promote stability in Iraq.

Now, in this regard, it's been suggested, at various times, that the partition of Iraq may be the path that leads to political stabilization. Taking an Iraqi point of view, it is clear to me that the term "partition" is unhelpful, perhaps even detrimental, to the goal of stabilizing Iraq. The term "partition" immediately causes Iraqis to become suspicious, to tune us out, and to be reluctant to engage in dialog on power-sharing, decentralization, and federalism. And there's a real irony here. Federalism as a model for governance in Iraq has long been supported by proponents such as myself precisely because it is a model that can hold Iraq together as a single state, minus the presence of a new dictator. Unfortunately, in the current political environment, many Iraqis believe that when American officials, scholars, and/or the media use the word "federalism," we are really using it as a gloss or code word for "partition." We need to be clear in our use of these terms. If we mean "partition," as in the economic and political breakup of Iraq, then we should say so. If we mean "federalism" as a means to keep Iraq unified, then we should be clear about that, too. Conflation of the terms "partition" and "federalism" on our side is not only erroneous, but dangerous, as it contributes to an environment of confusion and mistrust on the part of the Iraqi body politic.

In order to support the goal of a federally organized Iraq, the United States should support workshops, wherein international experts on federalism engage directly with Arab Iraqis on issues relating to decentralization and power-sharing through case-study analysis of examples of federal systems across the globe. In doing so, we should emphasize that federalism is not just a Kurdish issue; rather, the different models of federalism should be examined on their own merits as they apply or don't apply to the needs and goals of the majority of the citizens of Iraq who live outside the Kurdistan region.

In other words, the situation calls for a fresh analysis of how good or bad a fit federalism is for Iraq, irrespective of the longstanding Iraqi Kurdish view that federalism is the only option for post-Saddam Iraq. This fresh start, I strongly believe, will encourage Arab buy-in. In particular, emphasis should be placed on the case of the UAE, the United Arab Emirates, an Arab state which espoused federalism as a model for governance precisely because it offered a pathway toward holding the country together and distributing the oil resources fairly in a tribal context. The UAE is an

example of a pluralistic society in which the pluralism stems from tribalism, not ethnicity. This, of course, is an important point for Arab Iraqis who reject what they see as the Kurdish insistence on ethnic federalism.

And I would point out here that Washington, DC, has several experts on the UAE, including Edmund Ghareeb at American University, who can attest to the fact that Sheikh Zaid, the founder of the Emirates, convened a gathering of political science experts in 1970, about there, to consider all the different models of governance, and he settled on federalism as a way to avoid tribal warfare in what would become the Emirates, and as a way to share the oil fairly across the population; i.e., those parts of the Emirates—those federal units that had oil would have to share their resources with those parts of the Emirates that did not have oil.

So, my second theme is that words matter and "reconciliation" has been a divisive term in how we have pushed Iraqis to embrace it. I would recommend dropping the emphasis on "reconciliation." It's a term that many Shia—in fact, every Shia person I have ever interviewed—rejects, irrespective of their party affiliation. Grand Ayatollah Sistani himself rejected the notion as unnecessary, in 2004, as did his son and spokesman. The Shia community in Iraq believes that there is nothing to reconcile about, in terms of Shia/Sunni relations. That is, they assert that they have no problem with the Sunnis, per se; rather, the Shia believe that the crucial issue is the timely prosecution of crimes committed by the Baath Party under the Saddam regime.

So, I would propose that an alternative to continued United States support for the concept of reconciliation is to refocus our efforts on activities that bring Iraqis—Iraq's communities together using traditional Arab, tribal, and Islamic mechanisms for dialog and conflict resolution that can produce, for example, enhanced understanding, "tafahom" in Arabic, which——

The CHAIRMAN. Doctor, do you elaborate that on your statement, what some of those mechanisms are? And if you don't, I'd like to ask you now—not to go into it now, but to amend—you know, make an appendix to your——

Professor O'LEARY. OK.

The CHAIRMAN [continuing]. So we—those of us—speak for myself——

Professor O'LEARY. Yes.

The CHAIRMAN [continuing]. Who don't fully understand all those mechanisms, would have a better sense of what, mechanically, they are.

Professor O'LEARY. I will.

Senator KERRY. What do you call it?

Professor O'LEARY. And what do I——

Senator KERRY. What do you call it? If it's not reconciliation, what is——

Professor O'LEARY. I would—the—I'm getting to that point, Senator.

I would argue that enhanced understanding—understanding, "tafahom" in Arabic, which can lead to agreement, "tawafiq," as in the name of the political coalition, which can then lead to consensus, "ijma." And so, I would say our goal would be to lead Iraqis

toward a consensus on how to move forward from this painful past, rather than reconciliation, which has a different set of implications, in my view. And I would argue that we do this using a gradualist approach—in other words, let Iraqis take the lead—bringing Sunnis and Shia together to focus on how to use traditional Arab conflict resolution tools to move toward consensus. That forms the basis of my approach, and I will submit the appendix on those tools——

The CHAIRMAN. That would be helpful.

Professor O'LEARY [continuing]. And what they are.

[The written response of Professor O'Leary follows:]

This document was prepared in response to Chairman Biden's request to Professor Carole O'Leary at the April 3rd hearing "Iraq 2012: What Can It Look Like? How Do We Get There?" to submit additional material on traditional Arab tribal and Islamic traditions of conflict resolution and appropriate terminology to replace the misplaced emphasis on "reconciliation."

Specifically, this briefing contextualizes the progression from understanding (tafahom) to agreement (tawafiq) to consensus (ijma) within the core tenets of Arab tribal and Islamic peace and conflict resolution.

MUSALAHA PROCESS

Musalaha

Sulh is the cessation of hostilities—the point arrived at through the process of musalaha, and it is related to the word sulah, which along with salaam, means peace. It should be noted that Islamic Peace theorists consider sulah to be "negative peace", or peace that is not in and of itself a state of long-term amiability and fellowship between two formerly conflicting parties. The conceptual basis for sulh comes from the Qur'an, where it is used to refer to righteously reformed behavior, or making peace and conciliation. It is a term that applies strictly to conflicts amongst Muslims, and is not mentioned in the application of disagreements between Muslims and non-Muslims, although there is no limitation to its use in this capacity within the Qur'an. In the Qur'an, the use of sulh for resolving conflicts between factions within the Muslim community twice, both verses of which have application to Iraq. They are: "If two parties among the faithful fight, make peace between (aslihu) between them. But if one of them transgresses against the other, then fight the aggressor till they comply by the command of God," (49:9) "The faithful are brothers; make peace (aslihu) between your two brothers," (49:10). Within the context of Iraq, so long as the Iraqis are themselves willing to recognize that they are in need of aslihu, then there are processes by which sulh, or a cessation of hostilities, can lead to sulah, or a period of general peace without fighting, which would, with patience and time, lead to salaam or a long-lasting sense of goodwill of all the Iraq communities towards each other as part of a Iraqi nation-state. This is all theoretical, so the best context in which to place sulh would be in the tribal sense of the word, where sulh is used to refer to the positive product of tribal negotiation.

In conclusion, sulh and its related word musalaha both mean "cessation of conflict/state of peace/achievement of conciliation)", and sulh is the most commonly used of the words. Sulh is used in the rural areas of Lebanon, in the Biqa' Valley especially, in Israel amongst Palestinians in the Galilee and Bedouins of the Negev, and it is an officially recognized form of conflict resolution by the Hashemite Kingdom of Jordan. For Jordanian Bedouin tribes, sulh means "the best of judgements", and they use it in the context of the process of peacemaking and in the outcome of the peacemaking (Irani and Funk, 2001: 182–183). There are two varieties of sulh, public and private. Public sulh is similar to a peace treaty between countries, and is used when there is conflict between two or more tribes that leads to significant bloodshed and property destruction. Public sulh leads to muwada'a, or a peaceful period of a cessation of warfare. Private sulh is a happens when the aggrieved parties are within a tribe, and the victim and the perpetrator of the crime is known (Irani and Funk, 2001: 183).

Tawafiq

The term tawafiq does not have an Islamic connotation, but it means either "accordancy" or "accordance" in Arabic. The term in English can have three main meanings, "consensus", "adherence to a correct process", and "the bestowal of a particular status or treatment on somebody or something." In English, tawafiq would

be an equivalent term to ijma', however there is an important difference between the two terms in Arabic. Tawafiq does not appear to be used in a religious sense, which ijma' carries historically and in modern use, and is thus more of a secular term. This may be why the Sunni Iraqi political movement, the Tawafiq Bloc, named itself "Tawafiq", to imply a strong sense of united strength that must be recognized by its competitors in Iraq, and that it was created from a process of consultation amongst the various Sunni groups that make up that particular coalition. Tawafiq may be a better word to use than ijma' in trying to describe the end product of a musalaha that would be promoted amongst the Iraqis, because it does not carry the same theological baggage with it.

Ijma': A tribal practice that has been Islamicized)

Ijma' is a concept that has strong resonance amongst Middle Eastern and Islamic people. Ijma' essentially means "consensus," usually in the context of reaching a decision that will have a broad impact upon the umma, or community of Muslims. In most situations, the emphasis upon ijma' as a legitimate method of establishing the rules of Middle Eastern societies is applied through the offices of scholars of Islamic law, who it is asserted, must come to ijma' in order to create rulings on daily life for the Muslim community. Sunni religious scholars differ from their Shia counterparts in that they emphasize the role of ijma', while Shia religious figures tend to highlight the role that ijtihad, or the use of the individual's intellect and not necessarily with the consultation and consensus of other Shia scholars, in creating daily guidelines for living a good Muslim life. Ijma' is not in and of itself a controversial idea, having a long established precedence from the time of the first Islamic Caliph Abu Bakr as a legitimate source of decisionmaking in Muslim society, it is the scenarios in which ijma' can rightly be applied that is up for debate. Generally, ijma' has been the reserve of Islamic religious scholars, who sought ijma' in relation to the creation of, and ruling on, religious laws and norms based upon the historical example of the Prophet Muhammad encoded in the sunna, his sayings reported in the hadith, and by the immutable revelations of God given to the Muslims through Muhammad in the Qur'an. Interestingly enough, the Qur'an was collected and codified through a process that sought ijma' to ensure the accuracy of the final collected Qur'an.

The grave necessity for a system of consultation to collect the Qur'an into one book was a cause of the nature of the revelation of the Qur'an, which was oral, projected by the Prophet Muhammad to his community of believers, who would then, inspired by the beauty of the language of God entrusted to Muhammad, often memorize the verses word for word, or, if their memory was not strong enough and they could write, record the verses that had been revealed on scraps of bark or on camel bone. As the Islamic state expanded across the Arabian Peninsula, first under the Prophet Muhammad, and then under the command of his successors, especially the Caliphs Abu Bakr, Umar, and Uthman, the number of Companions of the Prophet who could recite the entire Qur'an were diminished by death in warfare, old age, or senility. Worse still, as the Arab armies were established in military bases outside of the main cities of conquered territories of the Near East, Persia, Central Asia, and northwestern India, the written Qur'ans that emerged in these areas were not all the same. Groups of competing Muslims began to accuse each other of heresy, and tried to support their claims by upholding their version of the Qur'an as right and true. Mortified by the dissention, which was at times violent, amidst the fledgling Islamic umma, Companions of the Prophet, who had special status as amongst the first converts of Islam who had known the Prophet and who had heard him recite the Qur'an in person, worked with the third Caliph, Uthman, to unify the divergent versions of the Qur'an through a process of consultation that sought to verify every reported verse of the Qur'an in the various texts before they would be accepted as truthfully the words of God. And in fact, there are references to the use of ijma' to unite the Muslim community in the Qur'an itself, the inspiration of which could not be lost upon the Companions of the Prophet and the Muslim community, Especially important are these two verses: "Hold fast to the rope of Allah, all of you, and do not split into factions," (3:103) "Obey Allah and obey the Messenger and those who are in charge of affairs among you. Should you happen to dispute over something, then refer it to Allah and to the Messenger" (4:58–59). At the end of this work, an ijma' was brokered amongst the umma, which led to the recording of a faithful version of the Qur'an.

In the present day the historical example of the collection of the Qur'an into its final form is considered one of the most important examples of the application of ijma' as not only a source of democratic intention, but also as a tool to resolve conflict. Ijma' is vital to the well-being of the Muslim body-politic, and in the absence of divine revelation through the Prophet Muhammad, who is the last of the Proph-

ets of God, political power of the umma, which is not divine, must incorporate the ijma' of the umma and it is the umma that is sovereign in all political matters. Concerned proponents of democracy in a society that is Muslim, have tried to promote the democratic spirit of ijma' as a means to marry Islamic ideas with "Western" ideas of a liberal, citizen-based democracy. The advantage of using a term such as ijma' is that it has a strong historical precedent in the Islamic community, and is sought-after product of Islamic theological consultation to determine sharia (Islamic religious law).

Hypothetically, the necessity for ijma' could lead to a whole range of reforms within Muslim countries that would be in the spirit, if not the exact form, of what is now considered "Western liberal democracy," so long as these reforms do not contradict the Qur'an. In the modern Middle East, public settings such as tribal councils (shuraat), NGO meetings, Parliament assemblies, already employ ijma', or at the very least pretend to utilize ijma', to solidify public support for policies or decisions. The social negotiations that lead to ijma' are considered, although still with debate, to apply to any person who is above all a member of the umma, whether male or female, and who is not a child or mentally handicapped. It should be noted, however, that generally speaking, ijma' is still a concept that has been confined to the religious sphere of Islamic societies, and specifically to the debates amongst Islamic religious scholars on the merits of this or that point of the sharia. However, beyond all the debate that surrounds ijma' amongst Islamic religious scholars, the need for an ijma' is not disputed. A hadith of the Prophet Muhammad addresses ijma', stating, "My community will not agree upon misguidance. Therefore you must stay with the congregation, and Allah's hand is over the congregation." As part of Islamic political theory, there are four accepted levels of government, all of which are required to sustain themselves upon ijma'. These are: The construction of a khalifa (an Islamic political society which is not necessarily one led by a Caliph with authoritarian powers like some Islamist movements in the modern world suggest) that utilizes shura, or a governing body based upon consultation of the umma, which tries to implement the sawad al-a'zam, majority rule, which has the ultimate objective of supporting what is right action and forbidding what is wrong action. Again, these Islamic concepts, invested heavily with ijma', have application to Western liberal democratic society, with the same issues of majority versus minority rights, and determining what is lawful versus unlawful, that vexed the "Western liberal democracies" such as the United States. The issue of contention here is what exactly is meant by the construction of a khalifa, and what would the role be, and the ideological persuasions of, the Islamic religious scholars who would attempt to become the de facto "judicial" branch of the Islamic democratic state. Another question to ponder is in the context of multisectarian, multiethnic nation-states, such as Iraq, what type of system would develop to incorporate non-Muslim, or divergent Muslim, citizens? Would the model be the old millet system of the Ottoman Empire, where each community tended to its own civil affairs, and was accorded protection, so long as it was considered one of the "People of the Book," and what role will secular law play within state structures? The most idealistic application of ijma' would be to move it beyond its traditional role of applying to the umma as an Islamic community, and expand the right of participation in the creation of ijma' to the umma of Humanity, beyond the confines first of Islam, and also of ethnicity. But, it might be necessary to focus first on the trees rather than the forest, by supporting the appreciation of ijma' as a secular political idea for a nation-state rather than just a local (although possibly trans-national) tribal shura secular concept of local governance. At any rate, it will be necessary to move the concern for ijma' away from the strict realm of politics in the context of religious debate.

Professor O'LEARY. My third theme relates to the importance, in my view, of tribalism in Iraqi society. Tribalism is a reality in Iraq. That's a fact. Tribes are an entry point into Iraqi society, and United States efforts to promote democratic values in civil society, including the rights of women and minorities, should incorporate the indigenous tribal system. Why? Tribes have existed in the Middle East for thousands of years. They are a stable form of traditional Middle East collective identity that has weathered the storm of colonialism and modernity. And inasmuch as some of the largest tribes in Iraq are mixed Sunni and Shia, such as the Shammar and the Jabour, it is important for the United States to engage tribesmen and tribeswomen and their leaders in efforts to confront sec-

tarianism and to achieve consensus on the local and national level on such important issues as federalism.

Tribes can also provide a productive avenue for efforts to promote civil society and democratic values. Tribes can offer a safe space for discussion of human rights, democratic values, and civil society through family and community discussions and low-key training programs within tribal communities. Moreover, there are, clearly, democratic ideas and traditions within the Arab tribal system itself. Such ideas include notions of consensus-building, of a person's individual autonomy, and of the sheikh as the first among equals, as well as such practices as mediation, negotiation, and compensation, which come under "urf," or traditional tribal law.

My fourth and final theme is personal, and based on my 5 years of work in Iraq: Strategic planning for capacity-building is critical. In fragile states, management, organizational development, and technical capacity are often overlooked. Based on my experience with capacity-building efforts in Iraq, I believe it is necessary to stress the importance of continued U.S. support for direct assistance to senior-level managers at the national, regional, and governorate level. I'm referring, of course, to ministers, deputy ministers, director generals, governors, and the like.

In particular, I am recommending that U.S. funds be directed at one-on-one mentoring, or you might call it "twinning," programs in which an outside expert with high-level management and organizational development experience, as well as the necessary technical expertise, is matched to a particular Iraqi senior-level manager for a minimum period of 6 months. I have seen, firsthand, the fruits of this approach in my work with the Kurdistan Regional Government. In this regard, a key tool, which can be transferred to Iraqi managers, is strategic planning, and I can't stress this enough, how valuable this tool is, and how valuable and empowering it can be for Iraqis, for whom strategic planning is literally an unknown concept.

And, for those of you who may worry that this approach is hegemonic, I can state that my experience in Baghdad and in the Kurdistan region has been that Iraqis are avid consumers of information on how to do strategic planning, particularly through the use of strategic planning charts that allow Iraqis to fill in the vision of where they want to be in 6 months, a year, 2 years; goals, outcomes, and deliverables tied to a timeline. The international community has a role to play in advancing these capacities to help mitigate the consequences of a lack of political will at the center, and also to strengthen emerging political will in the absence of strong technical capacity.

Thank you.

[The prepared statement of Professor O'Leary follows:]

PREPARED STATEMENT OF CAROLE A. O'LEARY, PROFESSOR, SCHOOL OF INTERNATIONAL SERVICE AND PROGRAM DIRECTOR, CENTER FOR GLOBAL PEACE, AMERICAN UNIVERSITY, WASHINGTON, DC

I would like to thank Chairman Biden, Senator Lugar, and the distinguished Committee on Foreign Relations for inviting me to appear today to consider what Iraq can look like in 2012 and how to get there. I bring to my analysis a cultural perspective informed by my background in anthropology and research on governance, human rights, and communal identity dynamics in the former Kurdish Safe Haven between 2000 and 2003. Since May 2003, I have been able to work in other

parts of Iraq, including Basra, Mosul, Kirkuk, and Baghdad. My research has focused on understanding tribalism in the post-Saddam context, as well as identifying traditional tribal and Islamic mechanisms for conflict resolution and reconciliation. Throughout this period, I have had the privilege of supporting USAID and the State Department on various grants and contracts for education and human rights capacity-building. It has been an honor to support the brave men and women in our Armed Services, USAID, and the Department of State in their efforts to build a stable, democratic Iraq.

CORE STIPULATIONS

By 2012:

1. Iraq will have held at least one round of National Elections.
2. More locally representative provincial governments will be in place after at least one round of provincial elections.
3. Under the Amended Federal Regions Law at least one new federal region will have been created in Iraq, bringing the number of regional governments to at least two (the Kurdistan Regional Government, plus a second "Kufa" Regional Government that combines Najaf, Karbala, and Qadisiyyah, with Babil and Wassit soon to hold referenda on whether to join the new region).
4. A new election law will replace the closed-list system with either an open-list or district-by-district elections.
5. The Islamic Supreme Council in Iraq or ISCI (formerly known as SCIRI) will not survive the passing (from terminal lung cancer) of Sayyed Abdul Aziz al-Hakim, at least in its current form. His son Sayyed Ammar will establish a moderate faction of the party that will remain close to the Kurds and attempt to position itself to reach out to professional/technocrat Shia, as well as Iraqis who define themselves as tribal and Arab (both Shia and Sunni).
6. An emerging coalition focused on "Iraq First" and made up of more secular, independent Iraqis, Sunni, and Shia, professionals, tribal sheikhs, and their followers, as well as some Kurds, Christians, and Turkmen will challenge the overtly religious parties (Shia and Sunni) in the Council of Representatives. Sunni politicians formerly linked to the insurgency will gravitate toward this coalition.
7. The Shia religious parties—The Sadr Movement, ISCI, Dawa, and Fadhila will still have constituencies, but not a majority in the Council of Representatives.
8. The USG will be focusing its efforts on diplomatic and economic support, particularly in the areas of decentralization and local governance, public administration, management and organizational development, including human resources.

To achieve a desirable outcome in 2012, the U.S. should:

1. Set expectations lower than a western-style democracy model for the new Iraq.
2. Support education and training initiatives that explore how federal models of governance work to the benefit of pluralistic societies across the globe (from the U.S. and Canada to Spain, Switzerland, and Belgium, to the UAE and India). In particular, support discussion within and across Arab society in Iraq in order to facilitate analysis of the issue separate from Kurdish interests.
3. Support stability before rapid reforms.
4. Step back from unrealistic efforts to produce a "grand bargain" reconciliation and localize the issue, focusing our efforts and funding on supporting consensus building (ijma) within and across communities in a regional context.
5. Understand that tribalism is part of the fabric of civil society and, with our support, can help to mend the sectarian rift in Iraq.
6. Support the development of new political parties that cut across regional, ethnic, and sectarian divides.
7. Support capacity-building initiatives that focus on good governance practices, including management training in strategic planning, finance, and economic development.
8. Establish partnerships between U.S. and Iraqi institutions of higher learning, to promote exchanges, faculty enhancement and program development.

Below I identify four key actions which we can take to build a foundation for a stable Iraq in 2012.

1. Words matter: Parting with "Partition"

Establishing stability in a future Iraq is a necessary precondition for the development of good governance and a vibrant civil society. The Iraqi experience of state-directed violence against specific ethnic and sectarian groups, including mass murder and ethnic cleansing, requires a new framework for governance that accommodates the political and cultural significance of communalism in Iraqi society. Fed-

eralism as an organizing framework for pluralistic societies is one model that could promote stability in Iraq.

In this regard, it has been suggested at various times that partition of Iraq may be the path that leads to political stabilization. Taking an Iraqi point of view, it is clear that the term "partition" is unhelpful—perhaps even detrimental—to the goal of stabilizing Iraq. It immediately causes Iraqis to become suspicious, to tune us out, and to be reluctant to engage in dialogue on power-sharing, decentralization, and federalism. There is a real irony here—federalism as a model for governance in Iraq has long been supported by its proponents, including myself, precisely because it is one model that can hold Iraq together as a single state minus a new dictator.

Unfortunately, in the current political environment many Iraqis believe that when American officials, scholars, and/or the media use the word federalism, we are really using it as a gloss or codeword for partition. We need to be clear in our use of these terms—if we mean partition as in the economic and political break up of Iraq, then we should say so—if we mean federalism as a means to keep Iraq unified then we should be clear about that, too. Conflation of the terms partition and federalism on our side is not only erroneous but dangerous, as it contributes to an environment of confusion and mistrust on the part of the Iraqi body politic.

My second point is that it is not for us as Americans to decide how many federal units Iraq should have—for example, if we are analyzing how a model based on regional federalism would work in Iraq, it is not for us to suggest that a three-region model is the only, or even the optimal, solution. Rather, our role should be to present case study models for comparative analysis and discussion to our Iraqi friends so as to empower them in their decisionmaking. Based on my own ongoing research, Arab Iraqis who are open to federalism are without doubt more likely to think in terms of at least five federal regions, not three.

In order to support the goal of a federally organized Iraq, the U.S. should support workshops wherein international experts on federalism and its variants engage directly with Arab Iraqis (without the presence of Kurds) on issues relating to decentralization and power-sharing [within the context of case study analysis of examples of federal systems across the globe]. In doing so, we should emphasize that federalism is not just a Kurdish issue—rather, the different models of federalism should be examined on their own merits as they apply (or don't apply) to the needs and goals of the majority of the citizens of Iraq who live outside the Kurdistan Region. In other words, the situation calls for a fresh analysis of how good or bad a "fit" federalism is for Iraq, irrespective of the longstanding Iraqi Kurdish view that federalism is the only option for post-Saddam Iraq. This fresh start, I believe, will encourage Arab "buy in."

Particular emphasis should be placed on the case of the UAE, an Arab state which espoused federalism as a model for governance precisely because it offered a pathway toward holding the country together and distributing the oil resources fairly in a tribal context. The UAE is an example of a pluralistic society in which the pluralism stems from tribalism, not ethnicity. This of course is an important point for Arab Iraqis who reject what they see as a Kurdish insistence on ethnic federalism.

Ongoing interviews conducted [in Jordan and Iraq since 2006] with Sunni and Shia Arab Iraqis with tribal identities, suggest the following trends:

1. Only a very small percent of Arab Iraqis—Sunni and Shia—support regional federalism in the sense of a small number of large regions tied to sect and ethnicity.

2. While the majority of Arab Shia accept federalism as a general concept, they reject regional or ethnosectarian federalism in favor of much smaller administrative federal units based on the existing governorates outside the Kurdistan Region. Moreover they support a limited amount of decentralization and a power-sharing formula that leaves intact key powers for the central government. I say this not withstanding the well-known position espoused by Sayyed Abdul Aziz al-Hakim in support of a large, unitary southern federal region for Iraq.

3. Iraqis in general appear to overwhelmingly reject partition—and here I would include the leadership of the Kurdish coalition which is openly committed to a single Iraq under a democratic, pluralistic, and federal system. That said, the same leadership openly asserts that if Iraq moves away from a democratic, pluralistic, and federal model of governance, they will exercise their right to self-determination—whatever form that might take under a given scenario.

4. Pundits and the media—both here and in Iraq—have often twisted the meaning of the so-called Biden-Gelb plan, as well as the Biden-Brownback nonbinding resolution. In no part does either document call for the partition or dismemberment of Iraq. Both documents are clearly committed to a vision of a unified Iraq under a system of regional, economic federalism in which the glue, so to speak, is that the

regions—including the Sunni region—will receive a fair share of the oil revenues to be distributed on the basis of population, not on the basis of how much oil or gas a particular region may have.

5. The longstanding and robust Kurdish support for regional and economic federalism has obfuscated the issue for Arab Iraqis, as well as served to "turn them off" (as the Kurdish embrace of federalism created a visceral Iraqi Arab reaction and rejection of the concept).

We are not yet at the point where we can talk about implementing an Arab vision of federalism for Iraq. Rather, an education campaign is needed to debunk the idea that "federalism for Iraq" is a conspiracy by the U.S. aimed at dividing Iraq and stealing its oil.

Engaging Sunni rejectionists on this issue requires understanding Sunni concerns. Among the issues raised by my Iraqi Sunni Arab interviewees are the following: No clear understanding of how federalism provides economical benefits to local communities; and no clear understanding of how federalism will serve to equitably divide Iraq's resources among its citizens.

The Arab Sunni view is driven by the need to see Iraq unified under a central government not tied to Iran, ensuring equal distribution of resources. The Kurds favor regional and economic federalism in order to consolidate de facto independence. The Shia political figures are seeking some form of federalism allowing them more control over the Iraqi population and natural resources in the south, a view supported by Iran. From an Arab Sunni point of view: (1) Iran's interference in Iraqi politics is at the heart of the problem; (2) the Shia-controlled central government has been unable to impose its political will in Shia areas in the south and, at the same time, has almost no ability to assert power in Sunni areas, rendering it an ineffective political contributor to the federalism debate; and (3) the Arab Sunni community will not even begin to contemplate federalism as a viable form of governance until it feels comfortable with and confident about the Shia-controlled central government's political intensions.

2. Words matter: Moving away from "Reconciliation" as a rallying theme

U.S. civilian and military personnel should strive to use terms and experiences that Iraqis can relate to. But, this is not just about using words Iraqis can understand, rather it is about helping them make the changes they think they need—keeping Iraqis at the fore. Indeed, it is not about pushing America ideas, but rather supporting Iraqi ones, letting Iraqis come up with their own ideas about how they think development should proceed, and, in turn, U.S. personnel providing support for these ideas as they see appropriate.

Renewed focus should also be given to the importance of the culture of honor (sharaf) in Iraq. Keeping one's word of honor and following through on promises, especially at the communal level, is something that transcends any cultural or religious differences, not to mention proving key to strengthening ties among Iraqis and between Iraqis and Americans. Indeed, increasingly, for Iraqis, honor is not only meant to be employed in the rhetorical sense, but also practically speaking. Meeting some of their most basic needs remains a priority for many Iraqis. Thus, taking more initiatives to show how keeping one's word of honor (on both sides) can materialize in terms of real benefits is a worthy goal. This may prove critical to any continued U.S. reconstruction efforts.

Second, I would recommend dropping the emphasis on reconciliation—a term that many Shia, irrespective of party affiliation, find offensive.[1] Grand Ayatollah Sistani himself rejected the notion as unnecessary in 2004. The Shia community in Iraq believes that there is nothing to reconcile about in terms of Shia-Sunni relations; that is, they assert that they have no problem with Sunnis per se. Rather, the issue for them is the timely prosecution of crimes committed by the Baath Party under the Saddam Regime.

An alternative to continued U.S. support for the concept of reconciliation, is to refocus our efforts on activities that bring Iraq's communities together using traditional tribal and Islamic mechanisms for dialogue and conflict resolution that can produce enhanced understanding (tafahom) which can then lead to agreement (tawafiq) which can then lead to consensus (ijma), utilizing a gradualist approach. Bringing Shia and Sunnis together, to focus on how to use traditional "Arab" conflict resolution tools to move toward consensus, forms the basis of this approach.

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[1] See, for example, "Iraq: Reconciliation Conference Underscores Political, Sectarian Rifts," Radio Free Europe/Radio Liberty (RRE/RL Newsline) Wednesday, March 26, 2008.

3. Tribalism: An example of traditional communal identity in Iraq that transcends sect and is part of the fabric of civil society

The image of a triangle or pyramid is used to represent people who organize themselves socially and politically through the metaphor of blood: Descent from a common ancestor, real or imagined, through one's father's line. Tribe represents a communal identity which is both a form of sociopolitical organization (e.g., like a state, nation-state, or a kingdom) and a cultural identity based on notions of kinship and genealogy, honor and autonomy. Persons holding a tribal identity are not limited in their economic activities. Tribesmen and women can be pastoral nomads, village agriculturalists, shopkeepers in towns, heads of corporations in cities or rulers of nation-states (e.g., in Saudi, Kuwait, Jordan, Qatar, Yemen, etc.).

Far from being a relic of the past or a "primitive" vestige of social organization, "tribe" in some modern contexts can be a constructive element in sustaining modern national identity (e.g., Jordan and Saudi Arabia). Thinking about how Middle Easterners understand their tribal identities allows us to have a window on how shared ideas about morality, honor, and the nature of society relate to concepts of reconciliation and conflict resolution as we understand them. Thus, while this is not an argument in support of tribalism per se, tribalism is a reality (or "social fact") in Iraq. Tribes are an entry point into Iraqi society and U.S. efforts to promote democratic values and civil society in Iraq, including the rights of women and minorities, should incorporate the indigenous tribal system. Why? Tribes have existed in the Middle East for thousands of years. They are a stable form of traditional Middle East collective identity that has weathered the storms of colonialism and modernity. And, inasmuch as some of the largest tribes in Iraq are mixed Sunni and Shia, it is important for the U.S. to engage tribesmen and tribeswomen and their leaders in efforts to confront sectarianism and achieve consensus on the local and national levels.

Tribes can also provide a productive avenue for efforts to promote civil society and democratic values in Iraq inasmuch as tribes men and women understand their tribal identity through the metaphor of family (kinship and genealogy). Thus, tribes can offer a safe space for discussion of human rights, democratic values, and civil society through family and community discussions and low-key training programs within tribal communities. Moreover, there are clearly democratic ideas and traditions within the tribal system itself. Such ideas include notions of consensus-building, of individual autonomy and of the sheikh as the first among equals, as well as such practices as mediation, negotiation, and compensation which come under 'urf or traditional tribal law.

4. Strategic planning for capacity-building from the top and the bottom

In fragile states, management, organizational development, and technical capacity are often overlooked. We assume that governments make bad decisions because of the lack of political will, when the lack of management, organizational development and technical capacity can also feed bad decisions. Capacity works at all levels—national, regional, local. But approaches to building capacity require education and training—introduction of strategies to strengthen relationships, promote a shared vision, determine the allocation of resources in line with national goals, etc. Building technical capacity includes leadership and leadership training, so that organizations at all levels of the system understand how to implement their mandates under a clear set of rules and regulations. Capacity includes knowledge and skills that are necessary for administrators and managers who must manage an emerging system.

Based on my experience with capacity-building efforts in Iraq, I want to stress the importance of continued U.S. support for direct assistance to senior-level managers at the national, regional, and governorate levels (e.g., Ministers, Director Generals, Governors, etc.). In particular I am recommending that U.S. funds be directed at one-on-one mentoring, or twinning, programs in which an outside expert with high-level management and organizational development experience, as well as the necessary technical expertise, is matched to a particular Iraqi senior-level manager for a minimum period of 6 months. I have seen first-hand the fruits of this approach in my work with the Kurdistan Regional Government. In this regard, a key tool which can be transferred to Iraqi managers is strategic planning. I can not stress enough how valuable this tool can be for Iraqis for whom strategic planning is an unknown concept. And, for those of you who may worry that this approach is hegemonic, I can state for the record that my experience has been that Iraqis are avid consumers of information on how to do strategic planning, particularly through the use of strategic planning charts that allow Iraqis to fill in goals, outcomes, and deliverables matched to a timeline. The international community has a role to play in advancing these capacities to help mitigate the consequences of a lack of political

will, and to strengthen emerging political will in the absence of strong technical capacity.

The CHAIRMAN. Thank you very much. It was very helpful.

Doctor.

STATEMENT OF DR. DAWN BRANCATI, FELLOW, INSTITUTE OF QUANTITATIVE SOCIAL STUDIES, HARVARD UNIVERSITY, CAMBRIDGE, MA

Dr. BRANCATI. Thank you very much.

So, I, too, agree that a federal system is an important tool to implement in Iraq. In order to achieve a sustainable peace in 2012 and beyond, I argue, Iraq needs to put in place a viable federal system.

At the outset, the Iraqi Constitution defines Iraq as a single, independent federal state. Subsequently, it carves out a political system that broadly shared decisionmaking authority among multiple tiers of government. Great strides, however, have yet to be made before this system is realized in practice.

Federalism is not only an appropriate political system for Iraq, but a vital one with which to build peace in the country. Federalism is not partition, nor is federalism necessarily the first step on a short road toward partition. On the contrary, federalism can be a crucial tool for avoiding state dissolution in Iraq.

So, why is federalism an appropriate system for Iraq? Federalism can promote peace by moving issues that are potential sources of conflict from the national sphere to the subnational level, where groups can decide these matters on their own. At the subnational level, groups, in turn, can tailor policies that meet their specific needs and goals, allowing for what former President Clinton has described as "the best of all worlds."

Why doesn't federalism necessarily lead to separatism? Federalism allows groups to benefit from being a member of a larger state, which may include, as the Iraqi Constitution stipulates, border protection and revenue-sharing, while still exerting control over issues that are most important to them.

Nonetheless, the effect of federalism on Iraq will not necessarily be immediate. Initially, federalism will be characterized by a lot of push and pull as Iraqis struggle to find the appropriate level of decentralization for their country. This push and pull will likely be present for the foreseeable future, although probably not with as much intensity as of now.

Federalism's flexibility, in this respect, is one of its key strengths, however. A system that is not flexible will snap under pressure.

I make these claims, not based on anecdotal evidence or a few selectively chosen case studies; instead, I make these claims based on hard data. So, in a statistical analysis of 50 democracies around the world over nearly six decades, I find that decentralization results in a 70-percentage-point decrease in antiregime rebellion and a 44-percentage-point decrease in the intercommunal conflict.

I also find that having more extensive forms of decentralization decreases intrastate conflict over less extensive ones. The specific areas I examined in this analysis include the ability of regions to

raise their own revenue and exert control over education and public order or police.

While these numbers may seem obtuse, in terms of human lives they are starkly apparent. Moreover, there is also a tendency, when you hear figures like these, to claim that a particular case is unique and does not fit an established mold. It is true, countries are unique, and Iraq is different from other countries in many respects. After all, Iraq has no prior history with federalism. In fact, federalism is not a very common practice in the Middle East at all, as many critics of a federal Iraq have pointed out.

The fact, however, that Iraq has no prior history with federalism, or that federalism is an uncommon form of governance in the Middle East, is irrelevant to this discussion. Many countries that have vibrant democracies today did not have strong prior histories with democracy. The same is true with federalism. History must begin somewhere, and Iraqi's democratic history must begin with federalism.

Not every variant of federalism will engender peace in Iraq, however. For federalism to be successful, the central authority must not be hollow. If it is, subunits of the state are likely to have very little incentives to stay within Iraq. The central government must also be independent; that is, it must not rely on the goodwill of the subunits to function, since this goodwill is unlikely to be forthcoming. Various parties within Iraq, and the Middle East more generally, are also unlikely to accept this system in practice.

Dissolving specific powers to the subnational level in Iraq will not necessarily lead to peace, for federalism is not a one-size-fits-all system. Whether devolution of certain powers encourages peace is likely to depend on the particular demands of the Iraqi people. Devolving authority in areas not solicited by specific groups is unlikely to contribute to a stable Iraq.

Only a federal system, moreover, that builds ties across subunits of the state and across ethnolinguistic and religious and tribal groups will promote peace in Iraq. Federalism requires cooperation among subunits of the state, but it does not necessarily encourage it.

Cooperation must, therefore, be incentivized. In other words, cooperation must be built into the system. This is particularly the case in terms of oil revenue-sharing. The party system, I believe, is key in this regard. Party systems must be overarching. That is, they must fully incorporate people from different regions, ethnolinguistic, religious, and tribal groups. Parties in the conflict situation, such as in Iraq, may not naturally involve this way. The system must, therefore, require it legislatively.

In the same 50-country study of federalism I've already mentioned, I found that the effectiveness of federalism in reducing conflict is severely curtailed when the party system is dominated by regional parties. Regional parties focus on what is in the best interest of their group, and not necessarily what is in the best interest of the country as a whole or that of other groups. As such, regional parties can be a major hindrance to peace.

It is foolhardy to believe, however, that federalism alone can engender peace in Iraq. Federalism will not bring the war in Iraq to an end. The war must first end for federalism to operate effectively.

Federalism must also be buttressed by economic development and a stable security force that acts as a deterrent to violence. This is particularly problematic if the United States pulls out of Iraq before stability is achieved and key structures are in place.

In order to realize these goals in 2012 and beyond, federalism needs the support and encouragement of the United States, as called for in the Biden-Brownback amendment. The United States, of course, should not impose federalism on Iraq, but this amendment does not call for such action. U.S. encouragement is needed, however, to overcome classic commitment problems; that is, in order to realize federalism, parties must share power and trust that the other side will share power, as well. However, since one party may shirk, other parties may be reluctant to commit to federalism in the first place; thus, a third party, like the United States, is needed to ensure that both parties commit to federalism and take action against violations of the system.

While it is impossible to know what will befall Iraq in the leadup to 2012, extant knowledge suggests that, even with federalism, the current prognosis for Iraq looks weak. However, without federalism, the prognosis looks even bleaker.

[The prepared statement of Professor Brancati follows:]

PREPARED STATEMENT OF PROF. DAWN BRANCATI, FELLOW, INSTITUTE OF QUANTITATIVE SOCIAL STUDIES, HARVARD UNIVERSITY, CAMBRIDGE, MA

In order to achieve a sustainable peace in 2012 and beyond, Iraq needs to put in place a viable federal system. At the outset, the Iraqi Constitution defines Iraq as a "single independent federal state." Subsequently, it carves out a political system that broadly shares decisionmaking authority among multiple tiers of government. Great strides have yet to be made, however, before this system is realized in practice.

Federalism is not only an appropriate political system for Iraq, but a vital one with which to build peace in the country. Federalism is not partition. Nor, is federalism necessarily the first step on a short road toward partition. On the contrary, federalism can be a crucial tool for avoiding state dissolution in Iraq.

Why is federalism an appropriate system for Iraq? Federalism can promote peace by moving issues that are potential sources of conflict from the national sphere to the subnational level, where groups can decide these matters on their own. At the subnational level, groups can tailor policies that meet their specific needs and goals, allowing for what former President Clinton has described as the "the best of all worlds."[1]

Why doesn't federalism necessarily lead to separatism? Federalism allows groups to benefit from being a member of a larger state, which may include, as the Iraqi Constitution stipulates, border protection and revenue-sharing, while still exerting control over issues that are most important to them.

Nevertheless, the effect of federalism on Iraq will not necessarily be immediate. Initially, federalism will be characterized by a lot of push and pull as Iraqis struggle to find the appropriate level of decentralization for their country. This push and pull will likely be present for the foreseeable future although probably not with as much intensity. Federalism's flexibility in this respect is one of its key strengths, however. A system that is not flexible will snap under pressure.

I make these claims not based on anecdotal evidence or a few selectively chosen case studies. Instead, I make these claims based on hard data. In a statistical analysis of 50 democracies around the world over nearly six decades, I find that decentralization results in a 70-percentage-point decrease in antiregime rebellion and a

[1] Former U.S. President Bill Clinton once stated that "I think if we will keep this in mind—what is most likely to advance our common humanity in a small world, and what is the arrangement of government most likely to give us the best of all worlds, the integrity we need, the self-government we need, the self-advancement we need . . . I think more and more people will say, this federalism, it's not such a bad idea." See Edison Stewart, "Clinton Weighs in With Plea to Quebec," Toronto Star, October 9, 1999.

44-percentage-point decrease in intercommunal conflict.[2] I also find that having more extensive forms of decentralization decreases intrastate conflict over less extensive ones. The specific areas I examined in this analysis include the ability of regions to raise their own revenue and exert control over education and public order or police.

While these numbers may seem obtuse, in terms of human lives, they are starkly apparent. There is also a tendency when you hear figures like these to claim that a particular case is unique and does not fit an established mold. It is true countries are unique and Iraq is different from other countries in many respects. After all, Iraq has no prior history with federalism. In fact, federalism is not a very common practice in the Middle East at all, as many critics of a federal Iraq have pointed out.

The fact, however, that Iraq has no prior history with federalism, or that federalism is an uncommon form of governance in the Middle East, is irrelevant to this discussion. Many countries that have vibrant democracies today did not have strong prior histories with democracy. The same is true of federalism. History must begin somewhere and Iraq's democratic history must begin with federalism.

Not every variant of federalism will engender peace in Iraq, however. For federalism to be successful, the central authority must not be hollow. If it is, subunits of the state are likely to have very little incentive to stay within Iraq.[3] The central government must also be independent. That is, it must not rely on the goodwill of the subunits to function since this goodwill is unlikely to be forthcoming. Various parties within Iraq and the Middle East more generally are also unlikely to accept this system in practice.

Devolving specific powers to the subnational level in Iraq will not necessarily lead to peace, for federalism is not a one-size-fits-all system. Whether devolution of certain powers encourages peace, is likely to depend on the particular demands of the Iraqi people. Devolving authority in areas not solicited by specific groups is unlikely to contribute to a stable Iraq.

Only a federal system, moreover, that builds ties across subunits of the state and across ethnolinguistic and religious groups will promote peace in Iraq. Federalism requires cooperation among subunits of a state, but it does not necessarily encourage it. Cooperation must, therefore, be incentivized. In other words, cooperation must be built into the system. This is particularly the case in terms of oil revenue sharing.

The party system, I believe, is key in this regard. Party systems must be overarching. That is, they must fully incorporate people from different regions and ethnolinguistic and religious groups. Parties in a conflict situation, such as in Iraq, may not naturally evolve this way. The system must, therefore, require it legislatively.

In the same 50-country study of federalism I've already mentioned, I found that the effectiveness of federalism in reducing conflict is severely curtailed when the party system is dominated by regional parties. Regional parties focus on what is in the best interests of their group and not necessarily what is in the best interests of the country as a whole, or that of other groups. As such, regional parties can be a major hindrance to peace.

It is foolhardy to believe, however, that federalism alone can engender peace in Iraq. Federalism will not bring the war in Iraq to an end. The war must first end for federalism to operate effectively. Federalism must also be buttressed by economic development and a stable security force that acts as a deterrent to violence. This is particularly problematic if the U.S. pulls out of Iraq before stability is achieved and key structures are in place.

In order to realize these goals, federalism needs the support and encouragement of the U.S., as called for in the Biden-Brownback amendment. The U.S., of course, should not impose a federal system on Iraq. But, the Biden-Brownback plan does not call for such action. U.S. encouragement is needed to overcome classic commitment problems. That is, in order to realize federalism, parties must share power and

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[2] These figures are based on a statistical analysis of antiregime rebellion and intercommunal conflict in Dawn Brancati, forthcoming, "Peace by Design: Managing Intrastate Conflict Through Decentralization" (Oxford, U.K.: Oxford UP). The models include variables for decentralization, regional party vote, political and civil rights, type of electoral system, age of democracy, ethnolinguistic heterogeneity and GDP. The models show that holding every variable but decentralization at its mean, that decentralization decreases antiregime rebellion by 0.70 points and decreases intercommunal conflict by 0.44 points. Different models yield different figures although across models, the effect of decentralization is strongly significant.

[3] Typically, central governments have jurisdiction—singular or shared with regional authorities—over issues that affect a country as a whole or issues that subunits of a state cannot provide for individually.

trust that the other side will share power as well. However, since one party may shirk, other parties may be reluctant to commit to federalism in the first place. Thus, a third party, like the U.S., is needed to ensure that both parties commit to federalism and take action against violations of this system.

While it is impossible to know what will befall Iraq in the lead up to 2012, extant knowledge suggests that even with federalism the current prognosis for Iraq looks bleak. Without federalism, however, the prognosis looks even bleaker.

The CHAIRMAN. Thank you.

Dr. Kelly.

STATEMENT OF DR. TERRENCE K. KELLY, SENIOR OPERATIONS RESEARCHER, RAND CORPORATION, PITTSBURGH, PA

Dr. KELLY. Mr. Chairman, Mr. Ranking Member, and members of the committee, it's an honor for me to be here today to share some thoughts on Iraq's prospects in the future and how this will be shaped by, and influence, United States interests and policies.

My observations that I'll share with you today are based on two tours in Iraq, 5 months with the CPA, trying to demobilize militias, at which time I met almost daily with the leaders of these groups, and then 14 months running the policy planning and analysis shop for the Embassy. I came back almost a year ago; a year ago next week, I returned.

Permit me to jump right to my conclusions and to refer you to my written statement for the arguments that lead me to them.

First, the conflict in Iraq is not likely to be resolved anytime soon. Efforts to create a government that would not only include all major Iraqi sectarian and ethnic factions, but also equitably address their needs, will not succeed in the near future, if at all. Many of the most influential Iraqi political players have fought each other and killed the others' family members, friends, and colleagues for their entire adult lives. Reconciliation is at least a generation away.

Next, we are trying to do too much in Iraq. Unless one thinks that the United States can maintain very high troop and civilian manpower levels in Iraq for the foreseeable future, we need to define what we must do, as opposed to what we would like to do, and commit resources accordingly. This requires a clear articulation of U.S. vital interests and policies and strategies based on these. Securing United States, rather than Iraqi, interests will have profound implications for our approach and required resources.

Finally, although reconciliation may be far off, violence must be controlled. Rather than try to force reconciliation, we should focus on how Iraq could reach a modus vivendi and what needs to be done within this process to secure United States vital interests. As the development of this modus vivendi will take a long time, U.S. efforts should focus on achieving long-term effects. Policies aimed at affecting facts on the ground today, that have limited long-term effects, may have good, altruistic justifications, but should not drive U.S. policy, and should be based on cost-benefit calculations.

If a modus vivendi is what is needed, what might it look like? On the political front, Iraq is likely to be dominated by Shia religious parties for some time to come. Confederalization—and I believe it is a confederal arrangement they have, not a federal

arrangement—may produce three or more regions, and will take time. This may cause population migrations and the development of political, social, and security circumstances unique to each region. Some mix of regions, along with provinces not part of any region, may be the end result; in fact, it's likely to be the end result. Iran will have a lot of influence on this process, and the United States should work with, and seek to influence, Iran and Iraq's other neighbors to get the best outcome.

Secular or moderate Islamic parties could come into being if they are funded and protected, but otherwise will not. Given current circumstances, it is unlikely that there will be any such parties of significance soon. If the United States large-scale presence departs before these parties are an established part of the Arab-Iraqi political and social fabric, they will not be able to start for a very long time, if at all.

The Iraq Security Forces will become more sectarian as the Shia-dominated government puts its people into key positions, and will remain weak and of questionable loyalty until sometime after a modus vivendi is reached. The security forces will eventually become more competent, after a period of turmoil, as they expand and new leaders take charge. If Iran plays a major role in the development of these forces, and they have offered to provide security assistance to the Government of Iraq, then some part of them will be radicalized under the influence of Iran's Quds Force. This makes it critical for the United States military to stay engaged with the Iraqi Security Forces for some time, in my opinion.

Unless a reasonable modus vivendi is reached, one implication of sectarian government may be government-sponsored violence that targets the Sunni population as the security forces go after terrorists and insurgents. We should expect to see many civilian casualties of U.S. forces leave before stable order is established.

If large-scale political violence continues as regions are formed, this may lead to measures aimed at controlling the flow of people across regional borders and armed confrontation between the various Iraqi Government and regional security forces. Shia militias will be impossible to disband, and will likely be rolled into these forces.

Social developments driven by Iraq's education system, Iraqi and regional media, and religion will cause many of these changes. If radical influences are left unchecked, the Iraqi education system and the poisonous regional media could produce generations of Iraqis who hate and distrust the United States. This could result in a social structure that is inward-looking, and, in the worst case, combine a political anti-Americanism, like that in Iran, with a popular anti-Americanism, like that in Saudi Arabia.

This is a grim portrait, but long-term United States efforts can help mitigate the worst of these scenarios, particularly if undertaken in partnership with other major players, both inside and outside of Iraq. Short-term efforts will not significantly mitigate these ill outcomes.

To be successful, we should recognize a few critical facts. First, we must put U.S. interests first and clearly recognize the limits of U.S. capabilities, both institutionally and politically and over the long term. In particular, efforts to help Iraqis create a stable Iraq

that is a friend of the United States will not be completed in the next few years. As a result, the United States needs a nonpartisan set of basic understandings about what is important to America in Iraq, and a sustainable level of investments that will enable the United States to take care of its vital interests.

I should point out that, although I'm speaking now about vital interests, the United States has other types of interests, which should also be part of our strategic calculations.

Second, Iraq's political leaders and organizations, along with the foundation provided by Iraq's social structures, will play a more important role in the long term than military efforts, with the exception of those required to prevent the overthrow of the Iraqi Government or the dissolution of the state. They will determine what kind of security forces Iraq will have, how Iraq views terrorism in the West, and how they approach their problems. This is an area in which I believe we can have a positive influence. To make gains here, we must change the political calculations of Iraq's major political players, and we can only do that by demonstrating a willingness to use strong measures and providing lasting benefits. Our investments should reflect this reality.

Third, Iraq will not be a secular, democratic, pluralistic society anytime soon, but could be a country with which the United States has a good relationship, and, in the long run, does well by regional standards of development and human rights. It is worth noting that the United States may not want as a formal ally, as it would be a dependent client for a long time. An Iraq that is not hostile, controls its territory, and does not threaten its neighbors might be a better outcome.

Finally, the United States must bring its goals in line with its capabilities or invest in the additional capabilities needed to achieve its goals. The current mismatch between ends and means is neither effective nor sustainable.

None of this is likely to come about as a result of U.S. unilateral actions. Five years of large-scale, largely unilateral actions have made this clear. Successful American efforts to influence Iraq's modus vivendi will necessarily involve working with, and influencing, not only those states and political actors with whom we agree, but also many with whom we disagree; and, in particular, Iraq's neighbors.

Thank you.

[The prepared statement of Dr. Kelly follows:]

PREPARED STATEMENT OF DR. TERRENCE K. KELLY, SENIOR OPERATIONS RESEARCHER, RAND CORPORATION, PITTSBUGH, PA

Mr. Chairman, Mr. Ranking Member, and members of the committee, it is an honor for me to be here today to share some thoughts on Iraq's prospects in the future, and how this will be shaped by, and influence, U.S. interests and policies. You have asked me to address what Iraq may look like in 2012, and how we might get there. Permit me to first give you an overview of the argument I would like to make today.

First, the conflict in Iraq is not likely to be resolved any time soon. True reconciliation is likely at least a generation away. Furthermore, though some talk of "victory" and similar terms, we do not know what that means, though we may know it after we see it. In particular, this is not a war between nation-states, there is no enemy army to defeat, and in several important cases it is quite difficult to identifying who the "enemy" is. Even when we know who he is, there are often no easy

ways to "defeat" him, as he may be an integral part of the government we have chosen to support and is always among the population we are committed to defend.

Next, we are trying to do too much in Iraq. Unless one thinks that the U.S. can maintain very high troop levels in Iraq for the foreseeable future, we need to clearly understand what we must do as opposed to what we would like to do, and commit resources accordingly. This requires a clear articulation of U.S. vital interests. While it is difficult to build a strategy that relies on hindsight to assess progress and success, it is not difficult to articulate U.S. interests in Iraq—something that has not been done in a manner that is useful to strategist and planners. U.S., not Iraqi, interests should drive our strategy, and they will have profound implications on our approach and required resources.

To explore such an approach and provide a statement on how we get to 2012, I will first review some facts about the situation in Iraq, and then propose two vital U.S. interests that I believe should drive our approach. I then argue that what is needed is an Iraqi modus vivendi rather than a comprehensive reconciliation, and discuss how such arrangements might come about, as well as what U.S. interests and capabilities imply that we should do to affect this modus vivendi. I will conclude by touching on what Iraq, and our involvement in Iraq, might look like in 2012 and beyond.

PRELIMINARIES

Violence in Iraq has decreased dramatically. Pundits have conflicting arguments for why this has happened, but in one important way such discussions are academic. The fact of the matter is that violence needed to be reduced for political progress to be made, and violence has been reduced. That, in itself, gives cause for cautious optimism. However, this decrease has been achieved by working with local leaders, due to the realization that national reconciliation was not likely in the near term. I believe that this process has gone about as far as it can to reduce violence. Further advances will require Iraqi national-level leaders to eschew political violence, as they control most of the levers for large-scale violence. Yet, I also believe that national reconciliation remains far off. So, what is to be done?

First, let us review some facts.

Principal among these facts is that efforts to create a government that would not only include all major Iraqi sectarian and ethnic factions, but also equitably address their needs, will not succeed in the near future, if at all. Many of the most influential Iraqi political players hold longstanding, blood-soaked negative perspectives of other major players. Many of these actors have fought and killed each other for their entire adult lives, and in some cases their factions have fought each other for centuries.[1] The Shia leadership currently in power is in the process of establishing a sectarian government that favors the Shia; the Kurds are seeking to ensure that they maintain effective, though not formal, independence; and the Sunni continue to be torn by deep internal divisions and an emerging struggle over political leadership, which, together with the violent trends and anti-Shia worldviews current in that community, make the continued existence of Sunni political violence very likely. As the Shia consolidate power under the cover of the U.S. presence in Iraq, their internal divisions are coming to the fore and increasingly manifesting themselves in Shia on Shia violence, as we have seen over the past few years, and the past 10 days in particular. In short, the political situation in Iraq is not, and will not be, conducive to creating a pluralistic, democratic society for some time. But, that does not mean that Iraq's future cannot benefit U.S. strategic interests. That is a tougher question, and one I will return to shortly.

With respect to security, 5 years of data indicates that political violence will remain a characteristic of Iraqi society for some time to come. Even with the reductions seen since mid-2007, violence remains at unacceptably high rates. In particular, two facts are critical. First, the "accelerants" of violence—primarily suicide bombings and assassinations carried out by Sunni and Shia extremists—are extremely difficult to defend against, and will only be defeated when and if the government develops security forces and intelligence capabilities that are large enough, capable enough, and loyal enough to control and secure the population, and the population in turn identifies the violent actors to enable the government to kill or capture them. The population can, and will only, turn extremists in when it feels safe to do so. General Petraeus and the men and women of the MNF–I, along with some

[1] As one senior Kurdish politician put it in February 2006, making reference to the Sunni-Shia conflict, "They killed the grandsons of the Prophet here 1,200 years ago [sic], and nothing much has changed since." His point was that Iraqis had to either agree to move forward together—establish a modus vivendi—or go their separate ways.

sectors of the Iraqi Security Forces, have done great work, but it is not yet enough. Further reductions in violence will require more, and more capable and trustworthy, Iraqi security forces.

The second consideration is that political power in Iraq is largely held by those parties that have armed factions answerable to party leaders. Almost all of these parties have leaders who are senior members of government. This all but ensures that many of the most influential government leaders will not truly cooperate to eliminate the extra-governmental armed groups that are responsible for violence. It is critical to understand that they maintain these armed organizations for their political and physical survival, not just their ambitions. Only significantly different political and security conditions will change this.

An important and often overlooked fact that has a large effect on the prospects for political and security gains is the widespread and largely unchecked criminal activity in much of Iraq. Criminality not only makes economic activity difficult, but contributes to the circumstances that permit all violent actors to operate without detection, and in many cases provides funding for these actors (though some of the most important of these have succeeded in putting most of their armed members on the government payroll, and so are no longer dependent on criminal activity or external funders to meet payroll). However, addressing this problem will be difficult as many of leaders of the illegal armed groups that depend on criminal proceeds are, again, political leaders with important roles in government. This symbiotic relationship between crime and political violence is a hallmark of almost every state plagued by political instability and lacking mature and capable security forces and judicial systems. Real progress in solving Iraq's political and security problems will not be made until its leaders address the criminal elements within their own ranks. Often, external pressure and assistance is needed to do this.

Combining the political and security observations above, it is clear that Iraq will not reach reconciliation in the near future if "reconciliation" is understood in the literal sense. What we should pursue in the short- and mid-term is not reconciliation, but the cessation of large-scale violence based on an agreed upon way forward—a modus vivendi—that all major Iraqi players accept. I will explore this in greater depth in the next section.

A final and perhaps the most critical observation is that the U.S. has operated in Iraq as if it were attending primarily to what is important for Iraq, not what is important for the United States. Under the Coalition Provisional Authority this was appropriate from both an ethical and practical point of view, as the CPA was the occupying Government of Iraq. U.S. interests in Iraq will be discussed in the next section as well. However, there is one additional observation that I would be remiss if I did not take this opportunity to make.

Critically important, is the fact that the U.S. Government does not have the institutional capabilities to accomplish the things it has set out to do in Iraq, even under much more benign circumstances. No U.S. Government institution is designed for nation-building or counterinsurgency, and the task in Iraq requires large-scale, interagency capabilities to do both. The only agency whose mission is close to that of nation-building is the U.S. Agency for International Development (USAID), but the total number of USAID Foreign Service officers worldwide is only slightly over 1,000 (roughly the size of a deployed army battalion task force). The State Department, though given responsibility for this task by NSPD–44, does not have the manpower, operational culture, or resources to do this. It is a fine institution that excels in diplomacy, and in particular one that is designed to interact with existing states. But diplomacy is only one of several important capabilities required for nation-building and counterinsurgency. The criticism of State and other civilian agencies for not "stepping up to the plate" ignores these important facts. It is like asking your grandmother why she won't run a 6-minute mile. It is not that she won't, but rather that she can't. If the U.S. is to be successful at all, it will need goals that are more in line with its capabilities or capabilities more in line with its goals. The importance of a sober, apolitical assessment of what can be done cannot be overstated.

IMPLICATIONS FOR U.S. POLICY

The first and principal implication of the observations above is that any assessment of what the U.S. can and should try to accomplish in Iraq must start with U.S., not Iraqi, interests—they are not the same and the U.S. will end up with a different strategy if it does this. This in turn requires a definitive statement of U.S. vital interests in Iraq, and a thorough analysis based on those interests leading to a strategy and plan that is in line with U.S. capabilities. Furthermore, in order to bring American activities into line with capabilities, the U.S. needs to focus on what is really important—starting with those activities required by its vital interests, and

cautiously adding other efforts that support other important interests under a conservative understanding of what it is capable of.

U.S. INTERESTS IN IRAQ

The U.S. has two major categories of interests in Iraq and in general—its vital interests and other important, but lesser, interests. A definition of vital interests might be that they are those ends that would eliminate an existential threat to the U.S., or prevent outcomes that could significantly and negatively change our way of life. In order to understand what U.S. actions should be and how they could effect Iraq's development, these must be the starting point for any analysis. For the purposes of this testimony, I consider the following to be the U.S.'s vital interests in Iraq:

- That Iraq not become a launching pad for large-scale international terror, and
- That what happens in Iraq does not lead to regional instability of a magnitude that has a significant, long-term negative effect on the U.S. economy or security.[2]

A brief look at what is needed to secure these vital interests reveals that achieving them requires regional approaches not confined solely to Iraq. What Iraq's neighbors and other international players with an interest in Iraq do will affect U.S. interests there.

Focusing on these two interests alone does not mean that other U.S. interests will not affect our actions to some degree. But, vital interests should drive policy, and all other interests are subject to cost-benefit analysis. Efforts to secure other interests should be undertaken only after sober consideration of the magnitude and duration of these efforts, and a clear understanding of the limitations of U.S. capabilities.

Turning first to preventing Iraq from being a launching pad for major international terrorist groups, note that if we disaggregate this interest into its critical factors there are a few observations that are particularly important. First, if the Iraqi people support international terrorism, then it would be difficult to prevent it from originating in Iraq. The most important aspect of this goal is the attitude of the Iraqi people toward the rest of the world, and the U.S. in particular. This will be determined, at least in part, by a few influential social and cultural factors, and in particular the education Iraqis get, what they see on their televisions and in their papers, and what they hear in their mosques and on their radios. If this is so, then efforts to influence Iraq's education system, conduct effective strategic communications, and reach out to Iraq's religious leaders are critical. I will address these in the section on Iraq's modus vivendi.

Equally important is whether Iraqi political leaders support such a state. Unquestionably, many of these leaders would support international terrorism if they saw it as in their interests. Indeed, some Iraqi leaders, both inside and outside of government, are actively supporting terrorism inside of Iraq today. What this means for the U.S. is that it must change the political calculations of Iraqi leaders by making clear to them that terrorism is not in their best interests, and that if they violate U.S. vital interests we will ensure that they cannot achieve their own goals. This will require the willingness to use strong measures against those who would threaten U.S. vital interests, and to make real commitments to those who further our interests. This will also require influencing and working with Iraq's neighbors. It is worth noting that our ability to exercise this influence will diminish when the U.N. Security Council resolution that authorizes the Multi-National Force–Iraq lapses at the end of this year.

Finally, we must recognize that for the foreseeable future Iraq will have a weak government and security forces, and therefore limited ability to ensure that international terror does not seek to put down roots there. To balance these facts, the U.S. must have policies to ensure that Iraq does not contain ungoverned space or sectors of society in which large-scale efforts to develop international terrorist capabilities go undetected, and that the forces are in place to destroy such capabilities when they are discovered. It is worth noting that interdicting terrorist activities

[2] Others could be, and have been, proposed. For example: The mode of U.S. departure does not give the appearance of defeat at the hands of radical Islamists, nor undermine the U.S.'s ability to use power in other vital areas in the Middle East or elsewhere when needed; that Iraq not be so dominated by a neighbor that they could pose a challenge to U.S. positions in the Persian Gulf; and preventing one or more large-scale humanitarian disaster(s) caused by civil strife. As important as these are, I do not believe they rise to the level of vital interests, and so I do not carry them forward in the discussion that follows. However, they should be major considerations in the development of our strategies.

without Iraqi cooperation would be extremely difficult—a good reason for maintaining working relationships with the Iraqi Government and security forces.

Turning next to those actions in Iraq that could lead to large-scale regional instability, note that instability and violence are not synonymous; political violence in Iraq is inevitable for some time to come; regional instability is not. The key questions are: What events in Iraq could so destabilize the region that the U.S.—and world—economies suffer significantly, and what conditions would lead to large-scale intervention by other countries that could threaten U.S. security to the extent that U.S. troops are forced to go back into Iraq in large numbers, possibly without reliable regional partners?

Events in Iraq alone are not likely to have a major effect on the U.S. and world economies. Rather, such effects would be the result of regional events and would likely generate a large-scale regional response and intervention on the order of that mentioned above. Should Iraq's oil exports fall entirely off the world market, it would not rise to the level of a vital U.S. interest due to its impact on oil prices, though it would remove almost all indigenous funding from the Iraqi Government and create other effects that could in turn have dire consequences. Economic disruptions that could significantly damage world economies would be something on the magnitude of a large-scale interruption of northern gulf oil exports (e.g., oil coming from Iraq, Iran, Kuwait, and Saudi Arabia) that lasted for several months. It is worth noting that these oil exports are of critical importance to other major world powers, to include European countries, China and India, and their actions to prevent major disturbances to oil markets should be an important consideration in U.S. strategy.

Should the situation in Iraq cause neighboring or other states to intervene, or cause other large-scale disturbances in Middle Eastern stability (e.g., large-scale violence migrating out of Iraq into neighboring countries), the U.S. as well as other countries could be sucked into military confrontations that could cause unforeseeable changes to regional and perhaps global security. Although such scenarios are less of a worry than a year ago, regional stability should remain a vital interest for the near future.

WHAT MIGHT AN IRAQI MODUS VIVENDI LOOK LIKE?

Under Saddam Hussein, Iraqis understood the rules of society. That modus vivendi, though brutal and oppressive, was the basis for how Iraq ran. Since March 2003, Iraqis have been competing with each other to determine the new rules for society. Policymakers should realize that the U.S. will have a limited role in the gestation of Iraq's modus vivendi—certainly nothing approaching the ability to dictate it—and that most aspects of Iraq's social arrangements do not affect U.S. vital interests or other important interests, and so should not be the subject of intense U.S. efforts.

The question of how the Iraqi leaders and people arrive at a modus vivendi is what I consider next, because our policies and actions will affect those processes rather than their product—the modus vivendi itself. Note that many of these processes will take a long time to play out—many beyond 2012—and so U.S. efforts should place significant effort on achieving long-term effects. According to this logic, policies aimed at affecting facts on the ground today that have limited long-term effects on Iraqi political and social arrangements important to U.S. vital interests may have good altruistic justifications, but should not drive U.S. policy. Note as well that it is also possible that Iraqis will not reach a modus vivendi. U.S. policy should take this possibility and scenarios that come from it into account as well, but I do not discuss that possibility here.

Of the several major processes that will determine what kind of modus vivendi Iraq will arrive at, some the U.S. can directly influence, some it can indirectly influence, and over some it will have little or no influence. These processes can be placed in three general categories—political, social, and security.[3] These categories are not distinct. Political processes will be considered in two major categories; the formal elements of government, and political parties, trends and leaders.[4] Social aspects

[3] Economic issues are noticeably absent. While Iraq's economic progress is important, and decisions on economic issues such as oil- and state-owned enterprises are important and contribute to violence, they are the product of political forces at this point. Importantly, the violence is at its essence political. Were Iraq much poorer than it is, or if the violence in Iraq was over economic grievances, then economic processes would demand more prominent consideration.

[4] It is important not to think of Iraqi political parties in Western terms—their goals, the means they are willing to use to achieve their goals, and the interactions between them are much different than in Western-style democracies.

are many and cannot be considered comprehensively in this short testimony, but three will be briefly addressed—the roles of education, the media, and religion. Finally, security will be addressed in terms of the armed forces, police forces, and regional forces (e.g., the Kurdish Peshmerga and similar "regional guards" that are likely to come into being as more regions are formed).[5]

POLITICAL PROCESSES

Iraq's formal political processes are defined by its Constitution, adopted in October 2005. Although there are strong arguments for why Iraqis should significantly amend their Constitution, it is unlikely that significant changes will be made, as it currently favors a majority of the population. The Iraqi Constitution gives the Prime Minister little real control of his government or federal fiscal resources. For example, he cannot hire or fire ministers without the approval of Parliament, and so has very limited ability to influence their behavior and that of the government. Furthermore, Iraqi regions have near-sovereign powers (only one currently exists, but under current law more may be formed starting this month), and provincial governors are not beholden to the Prime Minister for power, though they do depend on the central government for some resources and support. Additionally, the deal that was struck to form the current "Unity" government distributed what little power does exist in the Executive to the participating political parties. In particular, individual ministries "belong" to participating political parties, giving the leaders of those parties the power to select and dismiss ministers—arguably, more real influence over ministerial posts and actions than the Prime Minister. The notable exceptions to this rule are the original security ministries (the Ministries of Defense and Interior), the ministers of which were selected based on their not having a major party affiliation. While this avoids giving control of these critical ministries to any political party, it does not increase the formal control of the Prime Minister. Keeping the security ministries out of party hands may also not hold in future governments.

There are two ways for the Prime Minister to exercise control—through political leadership and dealmaking, and by subverting the Constitution. If the Prime Minister is able to subvert the Constitution and control the security forces without checks and balances, then Iraq will resemble many other countries in the region that hold elections and have legislatures, but honor them in the breach with all effective power residing in the Executive. Subversion of this kind is currently kept in check by the fact that real power resides with those parties that maintain large armed forces (e.g., Islamic Supreme Council of Iraqi, the Office of Martyr Sadr, the Kurdish parties, and with the Sunni awakening and associated "sahwa" forces, some Sunni parties). Should one of the Arab parties with a large and capable extra-governmental armed force secure the premiership, or should a Prime Minister successfully raise a strong militia—as some reports indicate PM Maliki is trying to do—then the chances of the Executive monopolizing power would be greatly increased. However, it is important to recognize that should the Executive seize power it would not necessarily violate U.S. vital interests, though it would likely have a significant effect on U.S. domestic support for our efforts in Iraq. There are certainly realistic scenarios in which U.S. vital interests would be better served by a friendly though authoritarian government, rather than a democratic government that is either incapable of managing large-scale levels of violence or unfriendly.

The legislature is a work in progress. Issues more contentious than those debated in the U.S. Congress in the 1850s are being fought over in the Parliament, and may not see the light of day. This does not imply that the Parliament is a capable legislature—it is not. Its efforts to reach a quorum and conduct routine business illustrate many significant problems. However, it does illustrate that U.S. expectations of what is possible are overly optimistic. Further, unless the Prime Minister succeeds in usurping much of the Parliament's powers, it is perhaps the principal institution that provides a forum for productive and nonviolent interactions between Iraq's various factions on critical issues that could positively contribute to a healthy modus vivendi. However, important voices and forces that will affect Iraq's modus vivendi are not represented in the Parliament or the formal government bodies, most notably a large portion of the Sunni leadership. Parliamentary elections will not be held for almost 2 years.

[5] "Regions" is the term used in the Iraqi Constitution for the nearly sovereign entities that are envisioned—the Kurdistan region is the only currently existent one. The term "region" is also commonly used for Iraq's immediate neighbors and the Middle East in general. The intended meaning should be clear from the context. Illegal armed elements will be considered as part of the problems to be addressed.

The judiciary is undermanned, facing a caseload much larger than its capabilities in better circumstances, and besieged by the violence that surrounds it and pervades much of Iraq. Its principal role in forming an Iraqi modus vivendi is to provide access to justice, but it will not likely make much progress in this regard, as doing so would require taking on the major political powers in Iraq who are behind the violence, as well as the crime necessary to support them. Doing this must be a political decision if it is to succeed, because it will require the Iraqi Security Forces to deliver prisoners with political influence to the courts and to truly protect witnesses and judges, and the prison systems to keep those convicted in jail. Iraq's recent experience with the dismissal for lack of witnesses of the criminal charges against former Deputy Minister of Health Hakim al-Zamili, a high ranking Sadr Movement official reportedly responsible for using Health Ministry facilities to kill Sunnis in Iraq, clearly illustrates this challenge. As a result, the government justice system is not likely to play a large role in shaping Iraq's modus vivendi for the foreseeable future. It is important to note that without a functional judiciary of appropriate capacity, access to justice for most Iraqis will come from other sources—principally tribal justice and sharia courts run by religious officials, or not at all. This implies that these other forms of justice—over which the U.S. has little influence—will play a larger role in shaping Iraq's modus vivendi than the Iraqi judiciary.

In Iraq, as in many countries emerging from conflict, political parties play an important if not dominant role in establishing a modus vivendi. Iraqi political parties are often strongly affiliated with religious sects or leaders, and in some parts of Iraq tribes are organizing or joining with existing parties to enter the political process. Real power is held by those political leaders who have armed financial, and in some cases religious, wherewithal. Some of this power stems from legitimate sources (elections, popular allegiance, services provided to the people) while some stems from illegal and destructive activity (e.g., the maintenance of militias, funds raised through corruption and organized crime, external sponsors, nepotism, and other exclusionary practices). Importantly, the current situation in Iraq has all but eliminated the ability for secular or centrist parties to operate in the Arab parts of Iraq, driving former and would-be secularists and centrists to the extremes of the political spectrum for survival. The situation in Iraqi Kurdistan has long discouraged parties other than the KDP and PUK, though not in the extremely violent way currently seen in much of Arab Iraq.

A final consideration that cuts across political and social processes is what I call the Sunni and Shia "narratives" for Iraq's ills. While not a process in the sense of the political, social, and security processes, it is an important manifestation of the problem that deserves consideration. If one talks with Iraqi Shia, their characterization of Iraq's problems are often articulated something like this: "The violence is done by the Saddamists and takfiris, and if you help us eliminate them then everything will be OK."[6] Sunnis, on the other hand, say "The violence is the fault of the militias and the Iranians who control them. If you help get rid of them then everything will be OK." The result of this is that both groups look at the overall situation as well as individual events, and come to incompatible conclusions. For example, I have had more than one senior Shia government official tell me that the Shia death squads are not really Shia, but rather former Fedayeen Saddam who are really part of the Baathist problem, thus distancing their parties and the government from responsibility for acting against Shia murderers. With no common understanding of the root causes of Iraq's problems, there is no basis for finding solutions. The Kurds also have a narrative that is at the moment less widely reported, but which will become louder and more important as the issues of Kirkuk and other disputed areas (the Article 140 process) come to a head.

SOCIAL PROCESSES

Americans do not understand Iraqi social processes well, and so have not been effective at recognizing their importance. In many, though not all, ways, the U.S. cannot significantly influence these processes. Nor should it try to in most cases. The U.S.'s roles in these issues are primarily to support institutions and pressure political leaders to make needed changes. Here I briefly consider education, media, and religious influences on Iraq's modus vivendi.

The Iraqi education system is of strategic importance. Not only will the education that young Iraqis get play a pivotal role in determining how they see the world, but access to education and education of a certain type will help determine their parents' world views as well, and so has a major impact on U.S. and Iraqi counterinsur-

[6] "Takfiris" is the term used for those who declare other Muslims to be apostates, thereby making their murder permissible and even virtuous.

gency efforts. In particular, the Iraqi Ministry of Education will hire teachers and select a curriculum that will greatly affect young Iraqis' world views.[7] Whether their education supports tolerance and a pluralistic society, or an extreme Islamist one that support violence against those that disagree with it, is of paramount importance. This fact was not lost on Saddam Hussein—all teachers under his regime had to be members of the Baath Party, and the curriculum was carefully crafted to serve his needs—nor is it lost on any major Iraqi political leader. These two aspects—the influence of education on young Iraqis' world view and the impression access to education leaves on their parents—will play major long-term roles in determining who will win the social, political, and violent struggle for Iraq, and whether or not Iraq supports terrorism. The impact of these issues on Iraq's modus vivendi over the long-term will be profound. The U.S. has all but ignored this critical aspect of Iraqi society.

The media has an enormous impact on how Iraqis, and indeed the entire region, see the conflict in Iraq and its principal players. Trends in Iraqi, Arab, and Muslim public opinion indicate that insurgents, terrorists, and Islamist political parties have done much better than the U.S., the coalition and the Iraqi Government at persuasion. Unless the U.S. and its allies in the region soon find effective ways to communicate with the Iraqi, Arab, Middle Eastern, and Islamic populations, America's best hope for success in this field will be that the heinous acts of those who would radicalize Iraq alienate other Muslims. Yet even this will not alter the gross distortions of U.S. intentions and efforts that are commonly heard in Iraq today. The U.S. could, and has in the past (though not in Iraq), done better in this field. It should be a, if not the, major effort.

Religion plays a pivotal role in determining Iraqi attitudes and actions, influencing not just individuals, but also Iraqi political parties and even the security forces. While religious influences always existed in Iraq, what was once a large and important secular segment of society has been marginalized due to the violence that has driven most Iraqis to transfer their allegiance to identity-based groups who can offer some protection. The U.S.'s ability to influence Iraqi religious figures is very limited, at least in their religious domain—politicians who lead religious parties may be a different story. Efforts to mitigate some of the worst influences that wrap themselves in religious banners should be directed at their manifestations. In particular, the U.S. cannot and should not attempt to choose Iraq's religious leaders or censor what they say. But it can and should support Iraqi political leaders who work for moderation, and seek to deter those who foment violence.

SECURITY PROCESSES

Finally, we turn to Iraq's security forces and ministries. To date the U.S. efforts to build nonsectarian security forces have not been successful. The police are overtly sectarian in many places in the country, and there are concerns about some Iraqi Army leaders and units. It is important to consider why this is so, and under what circumstances it matters.

With respect to Iraq's security forces in general, there are three factors that will determine their effectiveness—quantity, quality, and loyalty. Efforts are underway to significantly increase the size of the Iraqi security forces (ISF). Furthermore, quality ranges greatly from the well-trained Iraqi Special Operations Forces to some Iraqi police who have not even been through basic police training. Yet, the most difficult element of the equation is the issue of loyalty. Large parts of the security forces are loyal to political parties rather than the Iraqi Government, other parts of the security forces are so intimidated by militias and insurgents that they cannot perform their jobs, and other parts are so corrupt as to make their loyalty to any entity questionable. As with other aspects of security, the trends are largely positive, but most observers believe there is a long way to go. Finally, the Defense and Interior Ministries, which oversee the armed forces and police forces, have had severe problems with basic support functions such as supplying fuel for vehicles, feeding deployed forces, or buying them the appropriate equipment. Most troubling is the penetration of the Ministry of Interior by Shia Islamist parties. The tensions between ISCI and the Sadrist Trend which have been playing out in much of Baghdad and southern Iraq for some time also exist there, with the management largely dominated by ISCI and much of the rank and file belonging to Sadr.

Iraq's security forces will not be stable and professional for some time. Even without the challenges highlighted above, building an Army and Defense Ministry from

[7] The current Minister of Education, Dr. Khudayyir al-Khuza'i is, in the words of one senior and well-informed observer who spent years in Iraq, "an Iranian" in his political philosophy and outlook.

scratch, and reforming police forces and the Interior Ministry, are not things that can be done quickly. As a point of comparison, in Northern Ireland it took approximately 10 years to reform the Royal Ulster Constabulary, despite the cultural affinity and common language between the British and the police force, and far greater resources per-capita devoted to the problem than we are spending on Iraqi police reform.

Turning now to the challenges of creating nonsectarian forces in Iraq, note that political actors are actively seeking to make permanent the safety of their populations and secure their hold on power by affecting the makeup of the military and police forces, and the intelligence service (and should additional regions form, this will be the case for their regional guards as well). Iraq's history of brutal suppression, as well as the fact that it is in the middle of ongoing sectarian, and perhaps soon to be ethnic, violence makes these efforts to consolidate power a very reasonable and anticipatable thing for Iraqi political leaders to do. Indeed, it would be amazing if they did not. However, other less laudable reasons also exist for this behavior, such as the raw contest for power, wealth, and interpretations of Islam among Iraq's many faction and leaders. Power in Iraq does in fact reside with the parties that have the greatest ability to use violence.

Whether this matters to the U.S. is a more difficult question, and is contingent on different scenarios for Iraq's future. Keeping in mind that what matters most to the U.S. are its vital interests, any government that meets these criteria and exercises real control over the security forces could be acceptable. The U.S. has other interests as well, such as avoiding humanitarian catastrophes and not deserting its friends in Iraq, which would likely be harmed by many of the most probable outcomes in Iraq. Most important to the U.S. is the fact that a sectarian government that came to and remained in power would all but certainly try to change the leadership of the security forces over time to cement its dominance. This would in turn likely lead to injustices perpetrated by the ruling faction, and efforts to counter this should be undertaken if they could be done at an acceptable cost. But, when we try to determine what U.S. policy should be in these difficult circumstances, facts matter. One principal fact is that the U.S. will only be able to stave off the sectarianization of the Iraqi Armed Forces while the MNF–I is in Iraq in large numbers. It will not be able to permanently deny Iraq's Government the ability to put their people in charge of Iraq's security forces. If this is so, then our current efforts to prevent the sectarianization of the Iraqi security forces are the proverbial finger in the dike, unless one envisions either an enlightened political change, or Iraqi security forces—the army in particular—that refuses to permit civilian leadership to affect its makeup, which is unlikely. If this is the case, then a compelling argument can be made for permitting this process to go forward while the MNF–I is in Iraq in large enough numbers so that it can prevent the worst excesses and influence—and develop relationships with—the new security force leadership; things that the U.S. might not be able to do after a significant drawdown.

The previous discussion applied primarily to the Iraqi Army. Iraq's police are local forces, and have already largely been shaped by the dominant factions in each area. The effort required to reverse this nationwide is beyond what the U.S. could accomplish in the near term, as it would not only require fundamentally changing the approach of security force leaders, but also creating a fundamentally different social and political environment that would require decades to take root. This is truly a long-term challenge.

The formation of regions could mitigate some of the worst excesses that might come to pass under sectarian security forces in a unified, nonconfederal Iraq, but only after populations have moved to render each region overwhelmingly of the same ethnic and sectarian composition as its ruling faction. While the displacement of large numbers of Iraqis would cause significant hardships and damage U.S. credibility, it would not rise to the level of a vital interest, though it would create large numbers of Iraqis with real grievances against the government (and the U.S.), with the attendant implications for internal security. Some of the worst effects might be mitigated with a proactive effort to assist those who are forced to flee their homes, but to date the Iraqi Government has proven far less capable or willing to aid displaced Iraqis than some political leaders, such as Muqtada al-Sadr. Additionally, a confederal Iraq would pose other significant diplomatic and security challenges for the U.S., as each region would have a distinct, nearly sovereign, government and might require a separate approach.

Before leaving the issue of security forces, it is important to note that coalition and Iraqi security forces are not the only ones operating in Iraq. Iran's security and intelligence forces operate there (as all but certainly do the intelligence agencies of other neighbors), and Iran has formally offered security assistance to the Iraqi Government. It is also well known that Iran trains Shia militias and provides weapons

and explosively formed penetrators to their proxies in Iraq. Without a doubt, Iran will have a large influence on both the security situation in Iraq through direct action, funding, and other support, and on the Shia-dominated Iraqi security forces. So too will Iraqi militias. The Peshmerga, though not formally a militia, serves as the regional security force for the Kurdish Regional Government (KRG), an arrangement recognized under the Constitution. When new regions form, as is likely after the Regional Formation Law goes into effect later this month, militias and insurgent groups will all but certainly provide the core of each region's guard and police forces. These militias will remain largely answerable to their parent political parties, as do the two Peshmerga forces to the two major Kurdish political parties. Whether this leads to a true confederalization of Iraq or something that looks more like warlords and fiefdoms remains to be seen. Some combination of the two is likely.

OTHER INFLUENCES ON IRAQ'S MODUS VIVENDI

Finally, there will be other competing internal and external influences that will affect Iraq's political, security, and social arrangements for the future. The primary ones, and the ones that will have the greatest influence, will include those external parties that seem to the Iraqi leaders and population to be permanent factors they must consider. In particular, Iraq's neighbors who have demonstrated the intent and ability to influence Iraqi domestic events over the long term will be important. Whether they are more influential than the U.S. will depend in part on whether or not the U.S. makes believable, long-term commitments to the Iraqi Government. In addition, there are forthcoming events that will bring major conflicts to a head, such as the requirement to resolve the Kirkuk and disputed areas issue this year, provincial elections in October 2008, and national elections in late 2009 or 2010—all will affect Iraq's modus vivendi. Ways to work with and influence each important party, and all collectively, as well as well-thought-out approaches to upcoming major events need to be developed. This is an area in which considerable work remains to be done.

WHAT IRAQ'S MODUS VIVENDI MIGHT LOOK LIKE

What does this discussion tell us?

On the political front, Iraq is likely to be dominated by Shia religious parties for some time to come. If ISCI dominates, its arrangement with the Kurds will continue to provide Kurdish leaders with the autonomy inside Iraq that they demand. The wild cards posed by the health of key religious and political players could have an impact on these dynamics, but likely not as great as some fear. Should President Jalal Talibani or ISCI leader Abdul Aziz al-Hakim pass from the scene, their parties would replace them with other substantive leaders who would not significantly change the trajectory of their parties, though the loss of the close personal relationships that President Talibani in particular has with many other Iraqi leaders could lead to a decline in cooperation between Arabs and Kurds. Should Grand Ayatollah Sistani pass from the scene, the impact, though probably the most significant, would be less severe than some think, particularly as Sistani's desire to actively influence politics declines, and Iraqi Shia become disillusioned with Islamist parties. The influence of Muqtada Sadr remains less predictable. There were hopes in early 2007 that his prolonged absence from Iraq would lessened his influence both within the political and armed branches of his movement and on the general Iraq political and security scene. There are currently signs that his political movement and Jaysh al-Mahdi—the Sadrist militia—may be splintering. But events of the past 10 days illustrates the continued influence of the Sadrist "trend," whether controlled by Sadr and his aides or not, will remain important.

The dominance of these religious parties and Sadr's prolonged absence make it increasingly unlikely that there will be major changes to the Constitution that would give the central government significantly increased powers. Confederalization will take some time (perhaps 5 to 10 years), but is likely to produce three or more regions. This will cause population migrations and the development of political, social and security circumstances that are unique in each region, posing significant challenges for the U.S., other international players, and the Government of Iraq. Shia-on-Shia violence will be one result of this realignment of and quest for political power, but will eventually result in a more or less steady, though violent, state. More than one Shia region is likely to be formed, and some mix of regions along with provinces not part of any region may be the end result. Iran will have a lot of influence on this process, and the U.S. should work with and seek to influence Iran and Iraq's other neighbors to get the best outcome.

Should confederalization lead to the breakup of Iraq, the Kurdish issue could throw the northern part of the Middle East into chaos as Turkey, Iran, and perhaps

Syria intervene to protect their domestic security situation, as they, too, have large restive Kurdish minorities. With no Iraq for the Iraqi Kurds to remain in, solutions to that situation would be difficult to identify and painful.

Secular or moderate Islamic political parties could come into being if they are funded and protected, but otherwise they will not. I believe it is unlikely that there will be any such parties of significance soon. If the U.S. large-scale presence departs before these parties are an established part of the Arab Iraqi political and social fabric, they will not be able to start for a long time unless they can find other protectors and sources of funding.

The Iraq security forces will become more sectarianized as the Shia-dominated government puts its people into key positions in the security forces and the security related ministries. The security forces will eventually become more competent, after a period of turmoil as they undergo a great expansion and new leaders take charge. If Iran plays a major role in this professionalization process, then the security forces, or some part of them, will likely be radicalized under the guidance of the Iranian Republican Guard Corps. This makes it critical for the U.S. military to stay engaged with the Iraqi security forces for some time. Policies that support such engagement, such as encouraging the Iraqis to buy U.S. military equipment, providing ongoing U.S. technical support, joint professional military education programs, and above all assistance in combating Iraq's internal enemies who could also threaten the United States, should be seriously considered.

One implication of the sectarian government and the sectarianization of the security forces is that the U.S. will have difficulty keeping government-sponsored violence targeted at Sunni terrorists, insurgents, and the surrounding Sunni populations in check. Also, it will be nearly impossible to get the government to disband Shia militias. Many in the Shia population will look positively at strong actions taken against the Sunni population in the name of fighting those who make car-bombs, and those Shia militias that do not prey on the Shia population. Militias will continue to be condoned by the Iraqi Government, and they will not be disbanded short of rolling them into either the central or regional security forces. A large, though unknown, percentage of the membership of the major militias is already on the government payroll due to the "ownership" of the various ministries by the major political parties discussed earlier. The Iraqi Government will use very violent measures against al-Qaeda in Iraq, Sunni insurgents and their supporters after the MNF–I draws down. We should expect to see many civilian casualties if U.S. forces leave before a stable order is established. If large-scale internal terrorist threats and political violence continue as regions and regional security forces form up, this will likely lead to measures to control the flow of people across regional borders, as well as potentially to armed confrontations between the Iraqi Army and regional security forces—in the Sunni region(s) in particular—and between the security forces of different regions.

Social developments driven by Iraq's education system, Iraqi and regional media, and religion will drive many of these changes. If left unchecked, the Iraqi education system and poisonous media will contribute to the production of a new generation that hates and distrusts the U.S., and a society that is anti-American. Civil society programs could have a positive effect if properly funded and protected (and assuming other U.S. actions do not negate their efforts), but otherwise the only NGOs able to prosper outside of Iraqi Kurdistan will be associated with Islamist parties. This would contribute to a social structure that is inward-looking, and in the worst case could combine the political anti-Americanism of Iran with the popular anti-Americanism of Saudi Arabia.

CONCLUSIONS

This is a grim portrait, but not one that needs to come about. Long-term U.S. efforts can mitigate the worst of these scenarios, particularly if undertaken in partnership with other major players both inside and outside of Iraq. Short-term efforts will not mitigate these ill effects. This can only happen if we recognize several critical facts.

First, we must put U.S. interests first, and clearly recognize the limits of U.S. capabilities—both institutionally and politically, and over the long term. In particular, efforts to help Iraqis create a country that is a friend of the U.S. will not be completed in the next few years. As a result, the U.S. needs a nonpartisan set of basic understandings about what is important to America in Iraq, and a sustainable level of investments that will enable the U.S. to take care of its vital interests there.

Second, Iraq's political leaders and organization along with the foundation provided by Iraq's social structures are more important than short-term military

efforts, with the exception of those required to prevent the overthrow of the Iraqi Government or the dissolution of the state. They will determine what kind of security forces Iraq will have, and how Iraqis view the West and approaches its problems. This is an area in which we can have positive, though limited, effects. To make gains here, we must change the political calculations of Iraq's major players, and we can only do that by demonstrating a willingness to use strong measures and provide lasting benefits. Our investments should reflect this reality.

Third, Iraq will not be a secular, democratic, pluralistic society any time soon, but could be a county with which the U.S. has a good relationship, and that in the long run does well by regional standards of development and human rights. It is worth noting that the U.S. may not want Iraq as a formal ally, as it would then be a dependent client for a long time. An Iraq that is not hostile, controls its territory and does not threaten its neighbors might be a better outcome. Our goals for Iraq must recognize this reality, or they will not be reached.

Finally, the United States must bring its goals in line with its capabilities or invest in the additional capabilities needed to achieve its goals. The current mismatch between ends and means is not sustainable.

None of this is likely to come about as the result of unilateral U.S. actions. Five years of large-scale, largely unilateral efforts have made this clear. American efforts to influence Iraq's modus vivendi will necessarily involve working not only with and influencing states and other political actors with whom we agree, but also those with whom we disagree, and in particular with Iraq's neighbors.

The CHAIRMAN. Thank you very much.

And the—our next witness is Professor Gause.

STATEMENT OF DR. F. GREGORY GAUSE III, ASSOCIATE PROFESSOR OF POLITICAL SCIENCE, UNIVERSITY OF VERMONT, BURLINGTON, VT

Dr. GAUSE. Thank you, Mr. Chairman, other members of the committee. I do want to add one line to my biography, to try to score points with the chairman. I was born and raised in Wilmington, DE.

The CHAIRMAN. The question is, What high school did you go to?

Dr. GAUSE. Salesianum.

The CHAIRMAN. You've just lost big points. [Laughter.]

Dr. GAUSE. I figured I'd lose points——

The CHAIRMAN. I went to that other Catholic high school.

Dr. GAUSE. I'm fully aware.

The CHAIRMAN. I say to my colleagues, this—when he went to this school, there were 2,100 boys in that school, that drew the best athletes in the State. I went to the school with 240, and they used to beat the hell out of us. So, let's go to the next witness. [Laughter.]

Welcome, Professor.

Dr. GAUSE. Thank you, Senator.

In the spirit of the hearing, calling for an optimistic scenario about Iraq in 2012, I think that there might be five elements to that optimistic scenario.

One, the country remains loosely united, with the Kurdish region still officially part of Iraq, though clearly it will enjoy a large amount of autonomy from Baghdad, but with no other quasi-independent regional governments. If there's federalism in Iraq, it's—in the Arab sections—it's going to have to be federalism of the provinces.

Two, the Arab Sunni Awakenings and Sons of Iraq Movements are integrated into the state structure through regional elections, national elections, and the integration of a substantial portion of their militias into the national security services.

Three, parliamentary and electoral alliances will have to cross the sectarian divide, providing for some stability at the center. I don't think there's going to be parties that cross those divides, but alliances among parties can do so.

Four, the central government will have to control the bulk of Iraq's oil revenues, allowing it to slowly and carefully build its reach throughout the Arab parts of the country.

And, five, this point be reached without a sustained, bloody, sectarian civil war.

I think this is a plausible scenario, though not a likely one.

The staff asked me to focus on regional factors that might influence how Iraq could get to this point.

While I think that decisions by Iraqis and by Americans will have the most influence on the course of events in Iraq, there are three regional powers—Iran, Saudi Arabia, and Turkey—that can affect the Iraqi scene. I'd like to make four points about them and our regional diplomacy.

First, the Turks are the easiest of the three to understand and with which to deal. Their interests in Iraq are filtered almost exclusively through the Kurdish lens. They worry about events in Iraqi Kurdistan affecting Turkish Kurds directly through the PKK and more generally in encouraging thoughts of autonomy, if not independence, among Turkish Kurds.

Given American regional influence both with the Turkish Government and with the Kurdish Regional Government in Iraq, we're well positioned to calm tensions and prevent the occasional crisis between the Turks and the Iraqi Kurds from escalating.

Second, for Iran and Saudi Arabia, Iraq is one part of a larger contest for regional influence. That contest extends from the Persian Gulf to Iraq to Lebanon and the Palestinian territories. The Saudi-Iranian contest is not a direct military confrontation, and it is unlikely to become one. It's more subtle, played out in the domestic politics of these countries and in Arab public opinion. But, it is very real.

The most important regional question affecting Iraq's stability is whether Saudi Arabia and Iran can find a workable arrangement that satisfies both of their regional ambitions. If they can, they can encourage their local Iraqi allies to work out an accommodation. If they cannot, the Saudis will seek to prevent the consolidation of Iran's predominant influence in Iraq.

Third, many have urged the United States to take a more active role in bringing regional powers together in an international conference to stabilize Iraq. It's not a bad idea, but we should not exaggerate its importance.

More important would be the agreements and understandings which would have to precede such a conference. The key prior understanding would have to be between the United States and Iran, the two outside powers that have the most influence in Iraq. And that requires an engagement on the bilateral American-Iranian relationship.

If there's anything that Iran wants from us, it's not things in Iraq, where they have many cards to play already, it's things in their relationship with us: An end to the threat of attack and

regime-change efforts, some acceptance of its nuclear program, an acknowledgment of its regional role.

Now, we should not assume that direct engagement with Iran will lead automatically to a more cooperative Iranian attitude. Lots of Iranians, at least at the outset, will see such a bilateral initiative as an admission of weakness on our part. However, such engagement could strengthen those in Iran who argue for more modest Iranian regional goals, and it would certainly place the Iranian leadership before hard choices that they have been able to avoid, up to now.

My fourth and final point. I believe that the negative regional consequences of an American military withdrawal from Iraq have been exaggerated. Undoubtedly, withdrawal will be accompanied by violence within Iraq, as made—as various groups test their strength in both intra- and intersectarian and interethnic contests, but it is hard to see, in most cases, how that violence would spill over the borders. The Kurdish area would not be subject to such violence, with the important exception of violence in the Kirkuk region, should the KRG move to formalize its control there. Sectarian tensions could rise in Saudi Arabia, Kuwait, and Bahrain, with increased sectarian violence in Iraq. However, these states have adequate police and security forces, and are more than willing to use them, to maintain order and state power.

The most likely areas of spillover are Syria and Jordan, which have taken in the bulk of Iraqi refugees. International efforts would be necessary to relieve the burden upon them of new refugee influx. This is a serious issue, but a far cry from widespread regional destabilization.

A second argument about American withdrawal's regional consequences is that the prospect of regional intervention into Iraq could lead to a broader regional war, making the Iraqi civil war a Middle East war. I think this is highly unlikely. The Iranians already have what they want in Iraq: Substantial influence, both with the Baghdad government and with major Iraqi actors across ethnic and sectarian lines. They do not have to intervene militarily.

The Turks, for their part, do not want to occupy Iraqi Kurdistan or annex it. The Saudi Army is hardly capable of serious cross-border operations. Foreigners will play in Iraqi politics as long as Iraq is weak and as long as Iraqi parties seek foreign support. They are doing so now, with us there. They will continue to do so. But, they do not appear to have the desire, in the case of Turkey or Iran, or the means, in the case of Saudi Arabia, to intervene militarily in a direct and sustained way which could lead to a wider regional war.

A third objection to American military withdrawal, from the point of view of regional politics, is that al-Qaeda will claim victory and be emboldened in its regional aims. Undoubtedly, al-Qaeda will claim victory with an American withdrawal, but making that fact the reason to maintain our presence in Iraq gives Osama bin Laden a veto over American policy, and I can't imagine that that would be a good thing.

Were we to have withdrawn in 2006, as al-Qaeda in Iraq were enjoying successes in the Sunni Arab areas, this objection would be compelling. However, thanks to the turn in Sunni Arab politics

over the past 18 months, and to the surge, AQI has suffered important reverses. It's not eliminated, but it's certainly not on the march. As long as the Sunni Arab sentiment continues on its current course, it's highly unlikely that a group as small as AQI will be able to achieve any major victories in the area. Bin Laden can claim what he wants, but people in the region and the world will see the results on the ground.

On the contrary, I think that the prospect of our withdrawal might—and I emphasize "might"—lead both Iran and Saudi Arabia to face up to the prospects that a complete deterioration of security in Iraq could harm their interests. It could lead to a more realistic sense of what an acceptable outcome for both states would be, and a willingness on Iran's part to compromise on its more ambitious goals in Iraq. Such an understanding would have to involve Iran discouraging its client, the Islamic Supreme Council, from pushing for the nine-province regional government of the center and the south, Iran encouraging the Baghdad government to include Sunni Arab leaders who emerge from the new provincial and national elections, and Iran accepting a Prime Minister other than Nouri al-Maliki, who's unacceptable to the Saudis. Such an understanding would require Saudi Arabia to encourage its allies in the Awakening Movements to accept the reality of Shia demographic weight in Iraqi politics, and discourage them from trying to defeat the government and Shia militias and claim power on their own.

American withdrawal, rather than leading to regional stability, could, if properly managed, actually contribute to greater regional stability.

[The prepared statement of Dr. Gause follows:]

PREPARED STATEMENT OF DR. F. GREGORY GAUSE III, ASSOCIATE PROFESSOR OF POLITICAL SCIENCE, UNIVERSITY OF VERMONT, BURLINGTON, VT

IRAQ IN 2012: AN OPTIMISTIC SCENARIO

The most optimistic scenario for Iraq in 2012 is that: (a) The country remains loosely united, with the Kurdish Region still officially part of Iraq, though clearly it will be enjoying a large amount of autonomy from Baghdad, and no other quasi-independent regional governments; (b) the Arab Sunni Awakenings/Sons of Iraq movements are integrated into the state structure through regional elections, national elections, and integration of a substantial portion of their militias into the national security services; (c) parliamentary and electoral alliances cross the sectarian divide, providing for some stability at the center; (d) the central government controls the bulk of Iraq's oil revenues, allowing it to slowly and carefully build its reach throughout the Arab parts of the country; and (e) this point is reached without a sustained, bloody sectarian civil war.

While this is a plausible scenario, it is not a likely one. It seems almost inevitable that the various Arab parties will test their political-military strength against one another. This is already happening among Sunni Arabs, with the happy result that al-Qaeda in Iraq and its local fellow-travelers have seen their influence reduced. This is happening among Shia Arabs, with a number of major incidents between government forces/Badr Organization militia and Muqtada al-Sadr's Mahdi Army, most recently just this week. There is no guarantee that the brutal Sunni-Shia conflict of 2006-early 2007 will not be repeated. The risks of large-scale violence between Kurds and Arabs, not particularly high since the fall of Saddam Hussein's regime, will rise if the Kurdish leadership pursues efforts to include Kirkuk in the KRG. However, while violent conflict is likely, it is not inevitable. We have seen the Kurdish leadership be willing to defer a decision on Kirkuk. While the Mahdi Army and the government forces/Badr Organization have clashed, political agreements have limited the extent and duration of their confrontations. The Awakening Movements seem anxious to enter the political process. Violence is likely over the next

4 years, but there is also hope that it can be mitigated by agreements among the Iraqis themselves.

REGIONAL POWERS AND IRAQ

The course of Iraqi politics, for good or for ill, is largely in the hands of Iraqis themselves and in our hands. However, regional parties can contribute either to the stabilization of Iraq or to its fragmentation. The most important regional players in the Iraq game are Iran, Turkey, and Saudi Arabia. While Ankara views Iraqi developments almost exclusively through the lens of Kurdish issues, for Riyadh and Teheran Iraq is one part of a larger contest for regional influence. That contest extends from the Persian Gulf states through Iraq to Lebanon and the Palestinian territories. That contest is the reason for the boycott by many Arab heads of state of the Arab summit meeting in Syria, Iran's major Arab ally, this past weekend. That contest is the reason that Lebanon has been without a President for the past months and will likely remain without a President for some time. That contest is the reason that most Arab countries want Fatah and Hamas to find some workable arrangement in the Palestinian territories, for fear that continued confrontation will push Hamas closer to Iran.

The Saudi-Iranian contest for influence is not a direct confrontation. Iran does not pose a military threat to Saudi Arabia, and the Saudis do not see Iran as such. While Riyadh worries about the Iranian nuclear program, that is an issue for the future, not the immediate present. President Ahmadinejad visited Saudi Arabia in 2007 and the two countries have kept lines of communication open. The Iranians are not trying to destabilize the Saudi regime in its own domestic politics, as they tried to do in the 1980s. The Saudis do not want to see an American-Iranian military confrontation, because they fear that the Arab side of the gulf will be targeted for Iranian retaliation. For their part, the Iranians do not seek out a direct confrontation with Saudi Arabia, hoping to avoid a sectarian Sunni-Shia polarization that might benefit them in Iraq but could hobble their influence elsewhere in the Muslim world. Their contest for influence is more subtle, played out in the domestic politics of Iraq, Lebanon, and the Palestinian territories, and in Arab public opinion. But it is very real.

The Saudi leadership realizes that Iran has more cards to play in Iraq than it does. It does not seek to reverse the reality of post-Saddam Iraq: That the Shia Arab majority is going to have a central role in the future of Iraqi politics. What Riyadh seeks is to prevent Iraq from becoming an Iranian client state. It sees the current Iraqi Government of Nouri al-Maliki as, in effect, an Iranian client regime. King Abdallah refuses to meet with al-Maliki and Riyadh has backed the failed efforts, led by former-Prime Minister Iyad Allawi, to put together an alternative parliamentary majority to unseat the Maliki government. It also opposes the proposal by the Islamic Supreme Council of Iraq (ISCI) to create a 9-province regional government in the center and south of Iraq—a "Shiastan" on the model of the KRG. Riyadh views that prospect as the end of Iraq as a state, with the Shia-dominated regional government as a permanent client of Iran.

The Saudis have limited but important assets by which to affect Iraqi politics. For years after the fall of Saddam Hussein, Riyadh was paralyzed regarding the development of Iraqi politics. They had advised Washington against going to war, but cooperated to a limited but important extent in the war plan. They had no desire to support the elected Government of Iraq after 2005, because they saw it as an Iranian client. However, they were leery of supporting their sectarian allies in Iraq, the Sunni Arab insurgency, for two reasons: (1) The insurgency was killing Americans, which could place their bilateral relationship with Washington at risk; and (2) part of the Sunni insurgency was in league with al-Qaeda, which by 2003 the Saudi leadership realized was a threat to its own rule in Saudi Arabia. The emergence of the Awakening Movements in late 2006-early 2007 provided the Saudis with ideal clients—anti-al-Qaeda Sunni Arabs cooperating with the United States. Riyadh is supporting those movements, but we should not exaggerate the Saudi influence upon them. They are indigenous, not Saudi-created or controlled. As mentioned above, Saudi Arabia also maintains ties with important Iraqi politicians across the sectarian divide.

The Iranians have a wider array of local allies, particularly armed allies, in Iraq. They created and continue to support ISCI, formerly the Supreme Council of the Islamic Revolution in Iraq. They have ties to other Shia groups, including the Sadrist movement. They have good relations with Kurdish parties, particularly the Patriotic Union of Kurdistan led by Iraqi President Jalal Talabani. They have a thriving trade with Iraq; tens of thousands of Iranian pilgrims visit the holy sites in Iraq every year. While the Shia religious establishments in Najaf and Qom have

something of a historical rivalry for leadership in Shia theology, we should not discount the personal and family ties and corporate identity which link the Shia ulama across the Iran-Iraq border.

The most important regional question affecting Iraq's stability is whether Saudi Arabia and Iran can find a workable arrangement that satisfies both of their regional ambitions. If they can, then they can encourage their local Iraqi allies to work out an accommodation. If they cannot, we can expect both states to continue to see Iraq as a contest for influence, with the Saudis seeking to prevent the consolidation of Iran's predominant influence in the country.

As mentioned above, the Turkish perspective on Iraq is not regional; it is domestic. Ankara views events in Iraq through the prism of its own Kurdish issue. It has accommodated itself since 1991 to the de facto independence of Iraqi Kurdistan. Turkish businesses are developing substantial interests there. However, it will not long tolerate any actions by the Iraqi Kurdish leadership which it sees as encouraging Turkish Kurds to dream of independence and revolt against the Turkish Government. While Turkey's military options are limited, it has demonstrated that it will use force in the border region against the PKK. It will use its diplomatic and economic influence to support Iraqi Turkomans in Kirkuk against the KRG's desire to annex the area. It will stand foursquare against Iraqi Kurdish independence.

AMERICAN DIPLOMACY, REGIONAL POWERS AND IRAQ

Many observers of the Middle East have urged the United States to take a more active role in bringing regional powers together in a diplomatic effort to stabilize Iraq. This was a major recommendation of the Iraq Study Group. It is not a bad idea, but we should not invest it with more importance and efficacy than it merits. It is not so much the actual convening of such a conference as the agreements and understandings which would precede it that could improve the prospects for a good outcome in Iraq. None of the regional parties will pay a price just to sit at that table. Each believes that it has assets regarding Iraq which it will not give up just for the privilege of joining such a meeting.

The kinds of understandings which Turkey would require to play a constructive role in stabilizing Iraq could be achieved comparatively easily by an active American diplomatic effort, because we have influence both in Ankara and with the Iraqi Kurdish leadership. As long as we can assure the Turks that the Iraqi Kurds will not harbor and support the PKK and will not move to separation from Iraq and formal independence, we can reassure Ankara that its vital interests will not be compromised. The Kirkuk issue will be harder for American diplomacy to finesse, as the Kurdish leadership appears intent upon integrating Kirkuk into the KRG. Turkey will oppose this, but it does not pose the same kind of threat to fundamental Turkish interests that the PKK and Kurdish independence do. The Bush administration has handled the Turkish side of the Iraq issue relatively well, at least since the debacle of Turkish refusal to allow the opening of a northern front during the 2003 war. Working out and sustaining a modus vivendi between Turkey and the KRG can be accomplished without a regional conference.

American diplomatic efforts to encourage a Saudi-Iranian understanding would be much more difficult. First, we have no influence on the Iranians. Second, we join the Saudis in seeking to contain their influence in the region. We are not brokers, as we could be between Turkey and the Iraqi Kurdish leadership. We are participants in the regional contest for influence. In fact, the Saudis have a more nuanced view of their contest with Iran, including keeping lines of communication open to Teheran, than we do. The Iranians are certainly not going to pay a price simply to sit at a table with us and other regional powers to discuss Iran's future. By skipping the last scheduled bilateral meeting in Baghdad, the Iranians signaled that they are hardly panting for dialogue with us.

Any constructive engagement with Iran on regional issues, including Iraq, requires an engagement on the bilateral American-Iranian relationship. There is not much that we can give the Iranians in Iraq. They already have enormous influence with many of the Iraqi players, including the Iraqi Government. If there is anything that Iran wants from us, it involves their relationship with us—an end to the threat of attack, some acceptance of its nuclear stance, an acknowledgement of its regional role—not our ability to "give" them something in Iraq.

In the same way that we should not exaggerate the results of convening a regional conference, we should not assume that direct engagement with Iran will lead automatically to a more cooperative Iranian attitude. The Iranian leadership will inevitably see such a bilateral initiative as an admission of weakness on our part, at least at the outset. However, such engagement will place the Iranians, who are themselves divided on a number of regional issues, in front of difficult choices.

It could constrain the more ambitious elements of the leadership, strengthening those who argue for more modest Iranian regional goals. It will place the Iranian leadership before hard choices that they have been able to kick down the road up to now.

In the context of an Iranian-American bilateral engagement that is moving forward, it might be (I emphasize "might") possible to achieve a larger regional understanding that major regional parties can live with. Such an understanding would involve acknowledgement of Iran's influence in Iraq, Iran's acknowledgement that Arab-Israeli and Palestinian-Israeli peace is a global concern which Iran should not block and an understanding in Lebanon that gives Hezbollah a commensurate role in Lebanese politics without a veto over an elected Lebanese Government while assuring a stable Israeli-Lebanese border. There is no guarantee that a bilateral American-Iranian understanding can be achieved and can lead to these other positive results, but it is almost certain that we will not be able to reach these goals without some kind of American-Iranian understanding.

With an American-Iranian dialogue commenced, if it demonstrates any promise, the possibility of a successful regional conference on Iraqi issues increases. The U.S. can then use its influence with Saudi Arabia to urge Sunni Arab Iraqi groups to play a constructive role. Moreover, such regional progress could put pressure on the Syrian-Iranian alliance, as Damascus could begin to doubt Teheran's commitments. Distance in that relationship can only increase the chances of positive movement in Lebanon and opens up the possibility of progress on the Syrian-Israeli track of the Arab-Israeli peace process.

This analysis of regional politics has been made in the spirit of the hearing, calling for imaging a relatively positive outcome for Iraq in 2012 and how we might get there. While the positive effects of American-Iranian bilateral understandings are plausible, they are by no means inevitable—neither American-Iranian agreements nor the positive consequences. However, it is hard to imagine good Iraqi and regional outcomes without some kind of American-Iranian understanding.

AMERICAN WITHDRAWAL FROM IRAQ AND REGIONAL POLITICS

One of the persistent arguments put forward against American military withdrawal from Iraq is the spill-over effect of Iraqi instability in the region as a whole. The argument has three elements: (1) That domestic violence in Iraq will spill over into bordering countries—Kurdish violence in Turkey, Iraqi refugee flows destabilizing Syria and Jordan, Sunni-Shia tensions leading to domestic violence in Kuwait, Saudi Arabia, and Bahrain; (2) that all-out civil war in Iraq will draw in the forces of neighboring states, with Turkish intervention in the north, Iranian intervention in the south and Arab state interventions in response, turning Iraq into a full-fledged regional war; and (3) that al-Qaeda would be so emboldened by our withdrawal that it would be able to take its fight against pro-American Arab regimes across Iraq's borders.

One should never bet against the worst possible outcomes in the Middle East. However, it is hardly inevitable that American withdrawal from Iraq would lead to any of these bad results. On the contrary, I will make the case that an announced intention to withdrawal on a realistic timetable might (again, I stress "might") actually push regional powers to take more cooperative stances on Iraq.

The prospects of violent spill-over from Iraq are much more limited than the worst case scenarios about American withdrawal assert. Undoubtedly, withdrawal will be accompanied by violence within Iraq, as various groups test their strength both in intra- and intersectarian contests. But it is hard to see in most cases how that violence would spill over the borders. The Kurdish area would not be subject to such violence, as it is relatively well ordered now (with the important exception of violence in the Kirkuk region should the KRG move to formalize its control there). The spill-over prospects into Turkey have more to do with the status of the PKK in Iraqi Kurdistan, which would not be greatly affected by events to the south. Sectarian tensions could rise in Saudi Arabia, Kuwait, and Bahrain with increased sectarian violence in Iraq. That was certainly the case during 2006-early 2007. However, increased tensions and violence are two different things. The states in all three countries have adequate police and security forces and are more than willing to use them to maintain order and state power. The most likely areas of spill-over from Iraq are Syria and Jordan, which have taken in the bulk of Iraqi refugees. International efforts would be necessary to support these states and relieve the burden upon them of new refugee inflows. This is a serious issue, but a far cry from the picture of widespread regional destabilization one sometimes hears.

The prospect of regional intervention into Iraq, making an Iraqi civil war into a regionwide conflict, is also highly unlikely. First, there is already substantial foreign

intervention (besides our own) in Iraq. The Iranians have considerable influence and the Saudis are building theirs, as was discussed above. The Turkish military will intervene in Iraqi Kurdistan when it thinks it is necessary. It is hard to see why these interventions would escalate with American withdrawal. The Iranians already have what they want in Iraq—substantial influence both with the Baghdad government and with major actors in border regions to the south and the north. The Turks do not want to occupy Iraqi Kurdistan or annex it. The Saudi Army is hardly capable of serious cross-border operations. Foreigners will play in Iraqi politics as long as Iraq is weak and Iraqi parties seek foreign support. They are doing it now, with the American military there. They will continue to do it. But they do not appear to have the desire (in some cases, like Turkey and Iran) or the means (Saudi Arabia) to intervene in a direct, sustained military way that could lead to a wider regional war.

Undoubtedly, al-Qaeda will claim victory with an American withdrawal. But making that fact, over which we have no control, the reason to maintain our presence in Iraq gives Osama bin Laden a veto over American policy. That cannot be a good thing. Were we to have withdrawn in 2006, as al-Qaeda in Iraq was enjoying some successes in Sunni Arab areas, this objection to withdrawal would be more compelling. However, thanks to the turn in Sunni Arab politics over the past 18 months and to the surge, AQI has suffered important reverses. It is not eliminated, but it is certainly not on the march in Iraq. As long as Sunni Arab sentiment continues on its current course, it is highly unlikely that a group as small as AQI will be able to achieve any major victories in the area. Bin Laden can claim what he wants; people in the region will see the results on the ground.

The regional risks of American withdrawal are not as great as some contend. There could also be regional benefits to withdrawal. As long as we remain in Iraq with substantial military forces, neither Iran nor Saudi Arabia has to face up to the regional consequences of a chaotic Iraq. The Iranians can rest assured that we will not allow the government which they support to be defeated militarily. The Saudis can assume that we will not allow complete Iranian control over Iraq. Both can build up their allies with little regard to the consequences for longer term Iraqi politics, as both are protected against their worst-case outcomes. However, the prospect of our withdrawal might (again, I emphasize "might") lead both Teheran and Riyadh to face up to the prospect that a complete deterioration of security in Iraq could increase the prospects of their worst-case outcomes. It could lead to a more realistic sense of what an acceptable outcome for both states would be and a willingness on Iran's part to compromise on its more ambitious goals in Iraq.

Such an understanding would involve Iran: (a) Discouraging its client ISCI from pushing for the 9-province regional government of the center and the south, (b) encouraging the Baghdad government to include Sunni Arab leaders who emerge from new provincial and national elections, and (c) accepting a Prime Minister other than Nouri al-Maliki. Such an understanding would require Saudi Arabia to encourage its allies in the Awakening Movements to accept the reality of Shia demographic weight in Iraqi politics and discourage them from thinking that they had the chance to defeat the government and Shia militias and claim power on their own.

CONCLUSIONS: IRAQ 2012

While regional actors will be important players in how Iraqi politics develops, the real decisions will be made by Iraqis themselves. Iran's allies in Iraq have varying degrees of loyalty to Teheran, from relatively strong for ISCI to relatively weak for the Sadrists. The Saudis exercise only influence, not control, over Sunni Arab actors. The Kurds answer only to the United States as an outside power patron, and we certainly do not control them.

While more violence is inevitable over the coming years, the hope for a minimally violent transition to a more effective Iraqi state relies on two political processes. First, the new Sunni Arab leadership which has emerged in the Awakening and Sons of Iraq movements must be integrated into provincial and national political and security structures. This could be accomplished through new elections, at both the provincial and national levels, which would empower this new leadership. Second, the split among the Shia components of the Unified Iraqi Alliance, which has been obvious for the past year and was most recently manifested in the fighting of this week, has to work itself out politically. The Sadrists need to compete on their own against ISCI and Dawa and other Shia groups in the provinces and in national elections. Splitting the Shia bloc opens up the possibilities for cross-sectarian political alliances which could mitigate sectarian tensions and encourage a more stable central government.

This optimistic scenario relies upon other important developments. The Kurdish leadership must show forbearance regarding Kirkuk. Efforts to incorporate the Kirkuk area into the KRG could spark new violence between Kurds and Arabs. While this might unite Arabs across sectarian lines, it would hardly be a good thing for the development of a more stable Iraq. The central government must control oil revenues, at least in the Arab areas. Only through its ability to use and distribute revenue can the central government begin to build its capacity to govern. ISCI must give up its dream to establish a 9-province "Shiastan" in the center and the south. It is a divisive proposal among Shia (the Sadrists are dead set against it) and absolutely unacceptable to even the most moderate Sunni Arabs.

There is no guarantee that Iraq can be saved from a descent into worse political violence, either if the United States remains in the country or if it leaves. If there were easy solutions to the problems of Iraq, we would have found them by now. However, there is the possibility that domestic and regional forces might be able to mitigate violence and encourage the gradual establishment of state authority in Iraq. On the regional level, that result will require an American-Iranian understanding.

The CHAIRMAN. Thank you very much. Pretty good for a "Sallies" guy.

Dr. GAUSE. Thank you, sir.

The CHAIRMAN. No. Thank you. It was very good. I appreciate it very much.

Dr. Pascual.

STATEMENT OF HON. CARLOS PASCUAL, VICE PRESIDENT, DIRECTOR OF FOREIGN POLICY, BROOKINGS INSTITUTION, WASHINGTON, DC

Ambassador PASCUAL. Mr. Chairman, Senators, thank you very much for the opportunity to testify before this committee, particularly given the leadership role that you've played in sustaining a dialog on the political aspects of the conflict in Iraq. And, as you emphasized from the beginning, Mr. Chairman, this is a really crucial issue that we face today.

I believe that the failure of American policy in Iraq presents us with an untenable situation as we consider the situation in 2012. On the one hand, I believe that withdrawal of American troops will most likely result in an internal conflagration that could, to some extent, spill over borders, although, as we have just heard, not in a formal war; that it can increase the threat of transnational terrorism; that it can send oil prices soaring even further; and that it would add to the number and anguish of 4.5 million Iraqi refugees and displaced people. Yet, keeping American troops in Iraq is an unsustainable stopgap in the absence of major progress toward a political settlement among Iraq's competing and warring factions.

As we consider what Iraq might look like in 2012, Mr. Chairman, I think this presents us with quite a challenge. We can't predict precisely what Iraq will look like in 4 years. We do have some certainty that Iraqis will determine what Iraq will look like. We can make a reasonable guess at what some of the principal factors might be. Let me outline what I think some of those core issues might be, based on some of the discussions that we already have had.

The first is that there must be some understanding on federal-regional relations. That issue has been clearly put on the table.

The second is that there must be an understanding around the sharing of oil revenues, and that, inevitably, will require some level of compromise and revision to the Constitution, because currently

the Constitution provides for the provinces to have the dominant authority for the development of oil resources in the country.

The third is that militias and their roles must be formalized and brought into state control. They can no longer be allowed to operate on their own.

Fourth, there must be an understanding for the protection of minority rights, particularly in areas where those minorities are seeking to continue to live their lives where they no longer have national protections in law.

The fifth is the need for working out provisions for political inclusion. Some legislation has been passed to reverse some of the aspects of de-Baathification which have occurred, but it is unclear how it will be implemented and how it will be extended to senior levels.

And, sixth, there must be an understanding around Kirkuk and the Kurdish areas in a way that provides for the autonomy of those regions, yet, at the same time, is sufficiently reassuring, that doesn't result in the kinds of Turkish incursions that we have seen over the past months.

These provisions may very well require some suspension of formal competitive politics in Iraq. The Iraqis will need to decide if, during this period, they actually need to consolidate their government, rather than engage in further politics.

What, ideally, we would see is a return of some of the 4.5 million refugees and displaced persons. We, ideally, would see some consistent degree of security on the ground. But, it is inevitable that what would also be required is a major international security presence, most likely on the order of 50,000 troops, if not even higher. And I think it would be delusionary if we think that a sustainable peace can be maintained in Iraq, under any circumstances, if there isn't this kind of international presence. But, it can only happen if, in fact, there is, as you said at the beginning, Mr. Chairman, a political settlement.

I would like to take a couple of minutes to underscore why that political settlement is so critical right now, and why it is such a critical factor in sustaining some of the progress that we've seen in the reductions of violence.

You have already heard, in the hearings that you've conducted, and you certainly will hear from General Petraeus, an impressive array of statistics of how violence has gone down. And the question I think we all have to ask is, Is it sustainable? The answer to this lies in the briefings that the U.S. military has, in fact, been giving us. Over the past weeks, we've had an opportunity, at Brookings, at hosting some of the generals and colonels who have been involved in the war in different parts of Iraq, and here are some of the things that we hear.

The first is credit to the willingness of Sunni militias and tribes to cooperate with the United States against al-Qaeda in Iraq. They hate al-Qaeda in Iraq more than the United States. And that has been positive. There are now 85,000 people participating in the Sunni Awakening, which is, in fact, actually extending beyond the Sunnis. The United States is paying them. And, as a result, that is putting food on the table, but there is also an argument to be made that some may be using that money to rearm.

The second factor that we hear is the de facto truce that the Shia have declared against American troops. The reasons for that may vary, but one of the things that certainly has occurred is a refocusing of Shia attention to conflict in the Basra region in the south as they seek to control Iraq's wealthiest areas. And we have seen how that truce could so easily break apart in the last few weeks as a result of an extraordinarily convoluted set of relationships, of perceptions of whether the United States was supporting an Iraqi incursion—Iraqi Security Forces attacking, particularly the Sadrist forces and supporting the Islamic Supreme Council of Iraq. As a result of that, retaliatory attacks occurred in the Green Zone. The greatest irony is that the Sadrists were acting in retaliation for American support of what was perceived as the strongest pro-Iranian party in the south. It underscores the complexity and the bizarre nature of these arrangements, and how fragile that they can be.

In addition to that, what we have to recognize is that we have, in fact, a situation which is almost impossible to understand. You have an increase of capacity and strength on the Sunni militias, a stand down on the part of the Shia, what would normally be absolutely untenable with one another, and has been allowed because of U.S. forces maintaining a balance in between. And whether that can be sustained very much depends on the nature of the Iraqi political base.

What we've seen is that there has been some progress: The passage of an amnesty law, which one would expect. Most militias would want the prospect of amnesty. There has been a reversal of some de-Baathification measures, which still have not been implemented. There's been a very important 2008 budget law that was passed, which was given a boost, obviously, by high international oil prices. There is a provincial election law that was passed, with elections that are going to take place in October, and could be potentially destabilizing, because the Islamic Supreme Council of Iraq knows that it will lose seats, and it will resist it in every possible way.

And then, beyond that, let's look at the core factors. There's still no agreement on federal-regional relations, there's no agreement on revenue-sharing, there's no agreement on militias, there is no agreement on minority rights. And we've seen the sensitivity of the Turkish situation, vis-a-vis the Kurds.

If U.S. forces are taken away from this equation, I think the results are predictable: An upsurge in violence, possibly at even greater levels than seen in the past, because of the regrouping of Sunni militias that have still not accepted a Shia-dominated national government. Yet, to leave United States forces in the midst of this quagmire is also irresponsible if efforts are not made to address the fundamental political issues that drive the Iraqis to war. And hence, your opening statement and the importance of this kind of political settlement.

Now, on this matter, I would hope that there should be no partisan divide in the United States, and that there should be a focused and urgent attention given to negotiating a political settlement, where Iraq's neighbors will at least agree to honor the settlement, if not support it.

President Bush has made clear that force levels are not dropping significantly during his term. The process of implementing a diplomatic strategy focused on the future of Iraqi politics, I believe, has to start now, when the United States force presence can at least enhance diplomatic leverage.

In my testimony, I have tried to outline some specific steps that need to be taken. I have proposed that the United Nations can be an important and constructive force. There are many who are skeptical about the U.N., but let's remember that in April 2004, when the United States could not reach a deal on an Iraqi interim government, the United States turned to the United Nations and Lakhdar Brahimi essentially negotiated and brokered that deal on behalf of the United States to be able to make it possible.

What we have to see from the U.N. has to be of that nature—not business as usual, but a specialized team, and a specialized team that has the capacity to talk to all Iraqis of all political stripes, across the core negotiating issues that I mentioned at the outset of my testimony.

On the basis of that, judgments have to be made about whether a deal can be brokered. Discussions are going to have to be held with the neighbors. I believe those discussions have to start out sequentially, rather than initially bringing them together into a room where the posturing will be overwhelming and it will be impossible to get to some form of a deal.

I believe that, at some point, a judgment call will have to be made about whether to have something that resembles a Dayton Conference or something like the Bonn Agreement. But, I would also underscore that if the United Nations is playing a role here, it does not mean a suspension of American diplomacy. Let's remember the Bonn Agreement process, where Lakhdar Brahimi was at the center of negotiations, yet the United States had Jim Dobbins and Zalmay Khalilzad playing a critical and essential role with all of the individual parties, bilaterally, and in reinforcing the United Nations process.

I think we also have to be realistic. The chances of something like this succeeding are not high; yet, at the same time, I believe the costs are low. And even if it does not succeed, I think it is still worth the effort.

Europe, China, Japan, Russia, and India all have a stake in the stability of the Middle East and the gulf. They should have an incentive to invest in regional stability. I think a focused diplomatic effort by the United Nations could begin the process of reengaging these countries and seeking their support to control the potential spillover of war into the region, as well as to address the plight of refugees.

Mr. Chairman, I believe that, without such an initiative, we have a danger of continuing to allow our troops to remain in an untenable situation, and I believe you have an opportunity now, with this committee, to begin to refocus attention, not so much on the military dimensions of the war, but how you bring in a diplomatic and a political process that can help support a sustainable peace.

Thank you very much.

[The prepared statement of Ambassador Pascual follows:]

PREPARED STATEMENT OF HON. CARLOS PASCUAL, VICE PRESIDENT, DIRECTOR OF FOREIGN POLICY, BROOKINGS INSTITUTION, WASHINGTON, DC

Mr. Chairman, thank you for the opportunity to present this testimony. It is an honor to appear before this committee. I commend the role so many of you have played to focus attention on the need for a political and diplomatic strategy in Iraq. The lack of a meaningful U.S. strategy in this area continues to threaten the prospects for sustainable progress. If anything has become clear over the past 5 years in Iraq it is that a strong military strategy, underpinned with poorly conceived gestures at political reconciliation, will not result in Iraq becoming a peaceful and viable state.

The failure of American policy in Iraq presents us with an untenable situation. The withdrawal of American troops from Iraq will most likely result in an internal conflagration that could spill over borders, increase the threat of transnational terrorism, send oil prices soaring further, and add to the number and anguish of 4.5 million Iraqi refugees and displaced people. Yet, keeping American troops in Iraq is an unsustainable stopgap in the absence of major progress toward a political settlement among Iraq's competing and warring factions.

This is a critical moment for Congress to give the administration the strongest possible impetus to undertake a focused diplomatic initiative with the United Nations and key international partners to seek a brokered political settlement in Iraq. Such an initiative must go beyond well-worn platitudes about the administration's commitment to diplomacy. It must focus on building a sustainable compromise among key Iraqi parties. It must recognize that the U.S. would benefit from a strong U.N. political role—if that role and its leadership are well structured. It must reflect the need to coordinate diplomatic activity and American military assets.

We must also be realistic. Although the chances for a diplomatic initiative producing a brokered political settlement are not high, it is still worth trying. The cost of trying is low. The gains from succeeding are huge. The fallout from failure is limited. The process of reviving an international diplomatic process on Iraq could help our friends and allies come to appreciate that they too have a stake in contributing to regional efforts to mitigate the spillover from war.

In this testimony, I would like to address the vulnerability that Iraq's ongoing crisis presents for U.S. troops, key elements for a revised diplomatic strategy for Iraq, and critical issues that I hope this committee can inject into the policy debate.

FRAGILE AND UNSUSTAINABLE PROGRESS

There is no doubt that General Petraeus will present an impressive array of statistics illustrating reductions of violence in Iraq when he testifies before Congress. All key indicators on insurgent attacks, bombings, and civilian and military fatalities demonstrate that violence is down, even if attacks and fatalities still remain unacceptably high. General Petraeus and the U.S. military deserve credit and praise for the ways in which they have carried out a new counterinsurgency strategy in Iraq.

I would also predict that if most senior military officers were asked if this progress in security is viable without a political settlement in Iraq, their answer would be "no." The reasons for that lie in the fragile underpinnings of the factors contributing to the reductions in violence. U.S. military spokespersons acknowledge that the military surge was necessary to reduce violence, but the surge alone was not enough. Sunni militias in Anbar and increasingly in other parts of the country decided that they hated al-Qaeda in Iraq more than the United States, and beginning in late 2006 they started cooperating with the U.S. military against al-Qaeda's brutality. Now there are around 85,000 "concerned citizens" participating in this Sunni "Awakening." They are paid by the U.S. military for contributions to local security. These payments have no doubt helped put food on the table for many families, and they may have also provided the cash they need to rearm.

Shia militias, particularly Muqtada al-Sadr's Mahdi Army, called a cease-fire against U.S. troops that generally held until late March. In part, the Shia cease-fire toward U.S. forces may reflect a calculated judgment to gauge the impact and capacity of surging U.S. forces. Meanwhile, Shia militias have confronted each other in Basra, with the Mahdi Army, the Badr Organization associated with the Islamic Supreme Council of Iraq (ISCI), and Fadhila engaged in a struggle to control the resources and power in Iraq's wealthiest city and region.

The Shia cease-fire toward the U.S. came apart, at least temporarily, in late March when the Iraqi Security Forces launched a campaign against what the Iraqi Government deemed "outlaws" in Basra. Others argue that the Iraqi Government used Iraqi forces to target Sadr's Mahdi Army and take sides in favor of ISCI, which is reputed to have strong ties to Iran. Details are far from clear, but it is plausible

that some Sadr followers retaliated against the U.S. compound in the Green Zone because the U.S. supports the Iraqi Government and security forces, which are supporting Sadr's pro-Iranian enemies in Basra. As of April 1, 2008, it appears that a new cease-fire may have been struck with Sadr, but the convoluted web of fighting and retaliation over the previous week underscored the fragility of the Shia cease-fire toward coalition forces.

The combined development of strengthened Sunni militias and a Shia cease-fire would normally seem unimaginable. It has been possible because both Sunni and Shia have seen a strong U.S.-force presence as a balancing factor that, for now, serves each of their interests. Putting aside the current conflict in Basra, one can argue that better security has facilitated incremental political progress: An improved 2008 budget, an Amnesty Law that (unsurprisingly) militia leaders support, some reversal of the de-Baathification laws, legislation to authorize provincial elections in October, and signs of improved governance in some provinces.

One must see this narrow base of political progress against a wider backdrop. There is still no understanding of the core political issues dividing Iraqi society: Federal-regional relations, long-term revenue allocation, disarmament and demobilization of militias, the inclusion of former Baathists in senior political positions, and protection of minority rights. We have already seen in the past month the fragility of the situation in the Kurdish areas and the potential for Turkish incursions. Iran's role also remains a point of debate, but there is no question that Iran can be disruptive when it wants to. Iraqi Security Forces have improved, but they still cannot carry out operations effectively on their own. The Iraqi police have not succeeded in enforcing the rule of law.

If U.S. forces are taken away from this equation, the results are predictable: An upsurge in violence, possibly at even greater levels than seen in the past given the regrouping of Sunni militias that have still not accepted a Shia-dominated national government. Yet to leave U.S. forces in the midst of this quagmire is also irresponsible if efforts are not made to address the fundamental political issues that drive the Iraqis to war.

On this matter, there should be no partisan divide in the United States: There must be focused and urgent attention to negotiating a political settlement in Iraq, where Iraq's neighbors will at least agree to honor the settlement, if not support it. President Bush has made clear that force levels are not dropping significantly during his term. The process of implementing a diplomatic strategy focused on the future of Iraqi politics must start now, when the U.S.-force presence can enhance diplomatic leverage. It will take time and other partners, as I will discuss shortly. The diplomatic options must be set up for the next U.S. President to expeditiously demonstrate a new course that is nonpartisan and can be accepted internationally.

The argument for a brokered settlement in Iraq has a strong foundation in international experience. Civil wars in Bosnia, Kosovo, East Timor, Congo, Sudan, Haiti, South Africa, and Northern Ireland have all demonstrated that peace cannot be achieved without a political agreement among the warring parties. Military force can help induce a political settlement or create space to implement it, but force alone cannot sustain peace. Even when parties reach agreements, they often fail—and it could very well be the case that Iraqis are simply not "done fighting." Shias may still believe they can "win." Sunnis are committed to making sure that Shia do not. Militias may be so splintered that it is difficult for any actor to rein them in, or for any group of leaders to speak credibly on behalf of the sectarian groups they claim to represent.

If a settlement is not reached, the spillover from Iraq could threaten the entire region. The refugee crisis could become a new source of instability, as major refugee flows have in virtually every other part of the world. Insurgents would likely cross borders seeking support, recruits and perhaps to widen conflict. Neighbors would likely be drawn further into backing sectarian brethren. Wider instability would help al-Qaeda franchises gain stronger holds in the region, including the potential for further destabilization in Lebanon. A referendum in Kirkuk and signs of Kurdish nationalism could risk Turkey acting again in Kurdistan. All these factors would create greater instability around Israel. And beyond the region, the risks to energy production and transit would likely manifest themselves in yet higher prices—radically so if there are real disruptions to supply when there is virtually no spare short-term oil production capacity outside of the gulf.[1]

[1] For an overview of international oil supply options, see the 10 August 2007 International Energy Association Oil Market Report (http://omrpublic.iea.org/archiveresults.asp?formsection=full+issue&formdate=2007&Submit=Submit), especially pp. 18–27. The Saudis continue to have the largest spare capacity at about 2 million barrels per day (mbd). Russia is producing far

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A NEW DIPLOMATIC STRATEGY

All of these factors make peace in Iraq a long shot. Yet that should not stop serious attempts at reconciliation. U.S. efforts, however, must match the complexity of the task.

Even if the path to stability is uncertain, what should be clear is that the current American strategy for reconciliation—setting benchmarks and demanding that a failed Iraqi state achieve them—will not succeed. As of March 2008, over one-quarter of Iraq's Cabinet seats are vacant or only nominally filled. The state cannot perform basic functions such as maintaining law and order. It is unrealistic to expect Iraq to fix itself through a sequential process of passing laws and holding elections and referendums. Issues such as oil revenues, federal-regional relations, and the question of de-Baathification are interrelated. It is unrealistic to expect warring parties to settle on part of this equation without understanding the outcomes on related issues. Local reconciliation in some provinces where security has improved is indeed important, but at some point that needs to translate into a willingness to accept and support a national government, which is certainly not yet the case among Sunni militias in Anbar.

Regional diplomatic efforts have not had the strategic focus to advance prospects for a settlement, nor is it likely that they could without massive work. Regional meetings in Istanbul, Baghdad, and Sharm el-Sheikh did not have a clear goal of supporting an Iraqi settlement or an agenda to sustain it. The International Compact for Iraq (ICI) is a framework for assistance conditioned on policy actions by Iraq, similar in spirit to the conditionality packages developed for the former Soviet states in the 1990s. In the short term, the ICI is a self-defining mechanism for stalemate as Iraq cannot realistically meet the conditions. Visits by Secretaries Rice and Gates intended to encourage the Gulf States to support Iraq will produce little concrete action as long as "support" suggests bolstering what is perceived as Shia dominance in Iraq. Moreover, simply convening regional actors without a strategic agenda could complicate serious negotiations among Iraqis, as each regional player may seek to advance its parochial interests. To move forward with a realistic agenda for peace in Iraq, regional gatherings would need a clear focus around a defined agenda, which to date is nonexistent.

A new approach is needed. It should be led by the U.N. But in order for the U.N. to even consider such a role, the United States must make clear that it welcomes U.N. involvement and that it will coordinate military action to support the diplomatic process. All Iraqi parties that are not associated with al-Qaeda in Iraq should be given a voice in the process. To succeed, regional actors would have to endorse a political settlement, or agree at a minimum not to undermine it. If an agreement is reached, it will require international troops and oversight to implement it.[2] Political agreements to end civil wars require massive preparation and negotiation. They do not spontaneously generate.

To be effective, the U.N. must also be mindful of its shortcomings, and Member States must take seriously that they constitute the U.N. Members of the Security Council must place international imperative over political bickering. Given widespread anti-American sentiments, some countries will be content to see the United States continually bogged down in a protracted and humiliating quagmire. China and Russia could play a constructive role in advocating for the U.N. to seek a viable place in Iraq, if they act on their interests in a stable Middle East and international energy markets. All Member States have to put behind them the controversies of the Oil for Food program, drawing lessons on corruption and transparency from past management mistakes.

U.N. Security Council Resolution 1770, passed on August 10, 2007, provides the necessary mandate to seek political reconciliation in Iraq. Implementing this mandate will require U.N.-equivocal political backing, careful calibration of expectations, and skilled diplomacy. To undertake this task, the U.N. needs a special team and a flexible mandate. It cannot be business as usual. The lead negotiator should report to the Secretary General, and must be empowered to engage regional and international actors directly. The team should include individuals who know Iraq, and who can liaise effectively and credibly with key external constituencies such as the United States, the EU, the Permanent Members of the Security Council, and the Gulf States.

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above historical trends and is seen to have little spare capacity. Neither Nigeria nor Iraq are reliable fallbacks for oil. A disruption or perceived disruption in gulf oil production or transit, with few ready alternatives, could produce sharp price hikes and fuel international speculation.

[2] Carlos Pascual and Kenneth M. Pollack, "The Critical Battles: Political Reconciliation and Reconstruction in Iraq," Washington Quarterly, vol. 30, no. 3, Summer 2007.

Running such a political process is as much art as science. It will require engaging all the key actors in Iraq, all the neighboring states, and all the major external actors (the U.S., EU, others in the P5, major donors, and potential troop contributors). The following are some of the critical strategic considerations.

- *Core Elements.* Any agreement will likely revolve around a "five plus one" agenda: Federal-regional relations; sharing oil revenues; political inclusion (redressing the de-Baathification issue); disarmament, demobilization and reintegration of militias; and minority rights. Even under a minimalist Federal Government arrangement, Sunnis will need assurance of a role in an equitable allocation of oil revenues. Minority rights are key to protecting those who do not succumb to sectarian pressures to move. Demobilization of militias will be needed for the state to regain control over the use of force. The Kurds will insist on retaining regional autonomy. The "plus one" is the timing of a referendum on Kirkuk, which is guaranteed by the Constitution but could trigger pressures for Kurdish independence and draw Turkey and Iran into the conflict. Because these issues are so interconnected they should be negotiated as a package rather than sequentially, in order to maximize options for viable compromises.
- *Five-Year Truce.* The focus should be agreement on a 5-year truce—provisions that can create sufficient confidence to stop the fighting—with the option to extend the timeframe annually. At this point animosities are too sharp to expect that the parties can negotiate permanent solutions to the core agenda. Also, developments over the coming years may produce better options than those can be developed in just a few months.
- *Iraqi Positions.* As a condition for participating in the negotiation process, Iraqi political parties and militia leaders will need to condemn the role of al-Qaeda in Iraq and agree to cooperate against it. The U.N. negotiator must have leeway on whom to consult. As seen in the current U.S. military experience, that may entail militias that once attacked American forces.[3] The U.N. Representative will likely need to meet separately with the Iraqi actors, mapping out their positions against the "five plus one" agenda in order to determine if there are potential deals to be made that also respect core substantive objectives. That may lead to small group meetings among parties to test potential alliances.
- *Regional Players.* Along with surveying Iraqis, the neighboring states should be engaged on the core agenda. Again, these meetings should start separately to mitigate the inevitable posturing and gamesmanship that occurs when competing actors are in the same room. From these meetings, the U.N. Representative will need to determine which outside actors have useful leverage, with whom, and issues where potential spoilers need to be isolated or neutralized.
- *Support Team.* Iraqi and regional consultations will need a dedicated expert support team to provide guidance on issues ranging from the commercial viability of revenue-sharing arrangements on oil, to international experience on legal and constitutional arrangements. The U.N. will need to organize experts available in real time to support the negotiation process. It will also need to develop public information strategies, using local and regional television and radio, to explain the U.N. role and mitigate attempts at disinformation from al-Qaeda and other potential spoilers.
- *Brokering an Agreement.* Eventually a judgment will need to be made on whether to try for a major meeting to broker an agreement—like the Bonn Agreement for Afghanistan or the Dayton Accords for Bosnia. The meeting must be a carefully orchestrated process of negotiating among an inner circle of key Iraqis while engaging (separately and in a more limited way) a wider contact group of the neighboring states. The U.S. will need to sustain constant bilateral diplomacy throughout this process, coordinating every step of the way with the U.N. Representative. The Bonn Agreement exemplified such coordination, with the U.N. Special Representative Lakhdar Brahimi running the core meetings, and U.S. Special Envoys Jim Dobbins and Zalmay Khalilzad engaging the external actors.

The desire for a political agreement should not result in accepting any settlement. The U.N. Representative, the negotiating team, and key partners in the negotiations will need to determine if the commitments are genuine, adequate, and sufficiently encompassing of the key players to be viable. The initial peace agreement for Darfur in April 2006, for example, was stillborn because it did not involve all key rebel fac-

[3] Thomas E. Ricks, "Deals in Iraq Make Friends of Enemies," Washington Post, 20 July 2007. Available: http://www.washingtonpost.com/wp-dyn/content/article/2007/07/19/AR2007071902432.html?nav=emailpage; accessed: 9 August 2007.

tions. In 1999, the Ramboulliet negotiations on Kosovo were called off because the Serbs would not consider viable compromises on Kosovar autonomy.

Strong coordination is critical between diplomacy and military action to control potential spoilers. U.S. forces must continue during this period to prevent and respond swiftly to insurgent attacks. The Iraqi Government must say publicly and unequivocally that it supports the peace process. Similar support must be gained from Sunni, Shia, and Kurds for the process, even if they cannot precommit to the outcomes. Every step must be taken to isolate insurgents in their opposition to seeking a settlement, making it more difficult for them to find shelter among Iraqis.

For Republicans, the hardest point to accept in this strategy is this: If Iraqis are given the chance to broker a political settlement and reject it, then this eclipses the rationale to keep American troops in Iraq. U.S. forces cannot fix Iraq for them. We would need to tell Iraqis clearly that if they do not take this opportunity, we will withdraw and reposition U.S. forces to control the spillover from Iraq. For Democrats the point of discomfort comes with success. If a settlement can be reached, then Iraqis will need sustained international support in order to implement it. A unbrokered settlement increases the prospects to diversify the international military presence, but the core military effort would still have to be borne by the United States.

If attempts at a settlement fail, this diplomatic initiative is still worth the effort. As argued earlier, Europe, China, Japan, Russia, and India all have a stake in stability in the Middle East and the gulf. They should have an incentive to invest in regional stability. A focused diplomatic effort, led by the U.N., could begin the process of reengaging these countries and seeking their support to control the spillover of war into the region, as well as to address the plight of refugees. Without such an initiative that can change the diplomatic dynamics around Iraq, the military costs of containment will fall on the United States, as well as the people in the surrounding countries who would feel the direct impacts of a return to an intensified Iraqi conflict.

KEY ISSUES FOR THE CONGRESS

To date, the debate on Iraq has focused on the role of the U.S. military—whether to continue to fight for a decisive outcome or to withdraw from a seemingly irresolvable quagmire. Military force must factor into any future strategy in Iraq, but America's fixation on the military has obscured both attention to, and pressure for, a diplomatic process than can help produce a sustainable payoff for the lost lives and trillions of dollars that the United States will eventually invest in Iraq.

Congressional hearings next week are a chance to put into central focus the need for a diplomatic strategy that can take Iraq toward a political settlement. The Bush administration has already signaled that it will not shift its strategy in Iraq. That clearly ties the hands of the Congress. However, it does not prevent the Congress from sustaining pressure for diplomatic action in order to give the next American President a chance to take the actions, ignored by this administration, to at least create the prospect for a political settlement in Iraq. In that spirit, I offer the following 10 questions as a contribution to framing the interrelationship between political process and military action in Iraq, and the role that the United States and the internal community might play.

1. Can a U.S. military presence in Iraq, of whatever size, produce sustainable results without a political settlement?

2. What are the critical issues that must be addressed together to achieve a sustainable political outcome in Iraq? The administration has already highlighted federal-regional relations, revenue-sharing, minority rights, and the status of militias. What is the best way to achieve an understanding across these issues?

3. Is the Iraqi Government, Parliament, or any Iraqi group or political party capable of leading and conducting a political process that could produce a political settlement that secures a truce among Iraq's competing and warring factions?

4. What are your expectations for Kirkuk, and how will developments there play into the fragile status between Turkey and Kurdish areas?

5. Will provincial elections in October increase the prospects for stability by giving a chance to more credible leaders, or will they sharpen political and ethnic competition in the provinces?

6. What are prospects for and limits of political reconciliation at a provincial level as long as there is disarray in national politics? How far can the bottom-up process go and how can it be used more constructively?

7. How significantly has Iraqi military capacity expanded? Can Iraqi forces substitute for U.S. forces to sustain the relative balance among Sunni militias and between Sunni and Shia militias seen since the surge?

8. Can Iraqi police enforce any semblance of a rule of law in Iraq, or is order still largely dependent on U.S. or Iraqi military forces?

9. What are the implications for U.S. military strategy, tactics, and force levels taking into account these political factors and the status of Iraqi capabilities?

10. What is the administration's strategy to mobilize a focused diplomatic initiative that can put before Iraqis clear options for a brokered political settlement?

CONCLUSION

Realities on the ground in Iraq and in American and international politics will shift rapidly and affect the nature of what can be done in Iraq. American policy has thus far failed in dealing with the complex nature of security, political, and economic challenges in Iraq. This failure has created new threats: Risks of a wider sectarian conflict in the region between Sunni and Shia, an emboldened Iran, a network of al-Qaeda franchises operating throughout the Middle East and North Africa, U.N.-governed spaces in Iraq that can become bases for exporting transnational terrorism, and instability and lack of resiliency in international oil markets. These threats are regional and global. They call for multilateral engagement that the United Nations can lead. Yet there should be no illusions about simple success.

A political agreement to end the war is not an end point, but a milestone on a course to sustainable peace. From there, the complexity of implementing the agreement takes hold. It will be a long-term proposition. International forces stayed in Bosnia for over a decade, they are still in Kosovo, and even in resource-rich countries such as Russia and Ukraine that went through massive transitions without wars, it took almost a decade to halt their economic declines after the collapse of communism. The international community must recognize that it will take a decade of sustained peace for Iraq to become stable and prosperous.

That timeframe alone underscores why any single nation, even the United States, cannot unilaterally support Iraq onto a path of prosperity. The demands on personnel and resources are too great to be sustained credibly by one international actor. The strains on our military and Foreign Service personnel serving in Iraq demonstrate that the current strategy is not sustainable. If the international community does not have a role in brokering peace, there will be less incentive to contribute seriously to the expensive and time-consuming process of building a viable state.

The United Nations should consider a peace-building role in Iraq only if there is a binding political settlement, which is accepted by the main sectarian groups in Iraq (with clear indication that militia leaders will follow political leaders) and endorsed by Iraq's neighbors. Without such an agreement, attempts at peace-building will result in unsustainable half measures constrained by violence and will not make a meaningful difference to most Iraqis. The U.N. will fare no better than the United States. Without a political agreement, the U.N. should limit its role in Iraq to humanitarian relief.

To maximize the next U.S. President's chances to advance a political settlement in Iraq, the process needs to begin to explore the prospects now. It should be made clear to Iraqis and the international community that if the Iraqis will not take advantage of a credible multilateral process to reach a political compromise, then American troops cannot make a sustainable difference in Iraq and will be withdrawn. What should not be forgotten under any circumstance is that diplomatic and military strategies must reinforce each other as part of a coherent policy. In Iraq, the United States seems to have forgotten the meaning of proactive diplomacy to achieve peace.

The limits of unilateralism also apply to containing the spillover from war in Iraq if it is not possible to broker, at this point, a political compact among the parties. The United States should encourage a U.N. role in diplomacy to get commitments from Iraq's neighbors not to fuel the Iraq civil war with money and weapons, and by implication exacerbate the foundations for international terrorism. Perhaps other nations, not from the Middle East, could contribute troops or observers to control the spillover. An even broader lesson is that the disruption of diplomatic ties with perceived enemies only hampers our capacity when we have no choice but to find common ground. At present the very question of a dialogue with Iran has become an issue, when the real focus should be on the substance of such a dialogue.

America's image around the world has reached an all time low. The Pew Global Attitude Project Survey Report from June 2006 showed that the United States military presence in Iraq is seen by most nations as a greater threat to world peace

and security than Iran.[4] The Pew Global Attitude Project Survey Report released on June 27, 2007, showed that, in nearly all countries surveyed, more people view China's influence positively than make the same assessment of U.S. influence."[5] World Public Opinion 2007, a report published by the Chicago Council on Foreign Affairs and WorldPublicOpinion.org, shows that "In 10 out of 15 countries, the most common view is that the United States cannot be trusted to 'act responsibly in the world.'"[6] The United Nations cannot solve these problems for the United States. But the next American President may well find that engaging seriously in multilateral fora, investing in rebuilding the United Nations, respecting and abiding by international law, and resorting to unilateral action only under imminent threats could restore respect for the United States and American leadership. In Iraq, American advocacy for U.N. political and humanitarian leadership may not only help the United States in Iraq, it may begin to give credence to a reawakening of American diplomacy and international engagement.

Senator LUGAR [presiding]. Well, thank you very much.

The Chairman had to take an emergency call, and asked me to conduct my questioning, and then I will yield to him as he returns. And he's asked that we have a 10-minute spell for each of our members.

It has been mentioned in these hearings that the United States presence will be required for the foreseeable future, and clearly we're going to hear, I suspect, from General Petraeus and Ambassador Crocker, at least a similar thought. A question from yesterday intersects with our thoughts today, was over the level of the United States presence, and how it is to be sustained over an extended period of time. And the generals, in essence, were saying that our Armed Forces are stretched. We are in a position in which, in order to fulfill our obligations in Afghanistan, and to encourage, as we are doing presently, NATO allies to be there, and at the same time to have at least the forces that could meet other strategic problems facing the United States, we are headed toward fewer troops in Iraq.

Now, at one point, one of you mentioned "perhaps 50,000" was an adequate level. Whether that be the number, clearly this would raise the question: If there are 150,000-plus now, where do you redeploy them from, or how do you disperse, or what missions would you assign to the 50,000 who remain? Or what is the nature of the U.S. military presence while, as some of you have said, a diplomatic process, which is clearly uncertain, may or may not work out, may involve the U.N., may involve other parties? Perhaps our diplomacy becomes more active and successful. But, if you can, address what I suspect is going to be an immediate problem for our Armed Forces, and the successful continuation of all of our missions—which is: How do we do this with fewer people? What would that fewer number be in your judgment, and over what period of time? Give us as well, some of your thoughts on the expense of this in terms of levels of expenditure among the many economic and budgetary challenges we will face. And if we're to look at a cost-benefit analysis, is it worth it? And why?

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[4] "America's Image Slips, But Allies Share." "U.S. Concerns Over Iran, Hamas," Pew Global Attitudes Project, Survey Report, 13 June 2006, p.3. Available: http://pewglobal.org/reports/display.php?ReportID=252; accessed: 9 August 2007.

[5] "Global Unease With Major World Powers," Pew Global Attitudes Project, Survey Report, 27 June 2007, p.44. Available: http://pewglobal.org/reports/display.php?ReportID=256; accessed: 9 August 2007.

[6] "World Public Opinion 2007," the Chicago Council on Global Affairs and WorldPublic Opinion.org, 25 June 2007, p.30. Available: http://www.thechicagocouncil.org/UserFiles/File/POS%20Topline%20Reports/WPO__07%20full%20report.pdf; accessed: 9 August 2007.

Ambassador Pascual, would you try that out for size? And then I'd invite others.

Ambassador PASCUAL. Senator, thank you. I'd be pleased to begin, especially since I used the figure of 50,000. And let me explain the context of that.

I put that in the context of 2012, with the assumption that there is a political agreement that all sides have agreed to. I would add that it would be a political agreement that would be brokered by the United Nations. And my assumption is that it would be an international force, with multicountry—multiple countries participating in it.

That level is certainly not viable today. And the dilemma that we face right now is that we have seen that we need a significant force presence, and I think it would be hard to argue that 160,000 is too many to be able to continue to play the role that has been needed to, in fact, begin to sustain the reductions in violence throughout the country.

The problem is that even that number cannot do it for all of Iraq. And so, what we end up facing right now is that 160,000 allowed some progress in the security situation, but the argument that I was seeking to make is that it's an unsustainable progress, and that what we need to refocus attention on is not just the troop levels, but, in fact, the political process that makes any level of troops, whether that be 100,000 or 150,000, in fact, a viable and sustainable one.

The difficult part of this process is that, for, I think, many Republicans, if we engage in Iraq in a political—provide for the Iraqis a chance to engage in a brokered political process, and the Iraqis say "No," and do not take that option, then the rationale for sustaining a U.S. force presence is, I think, eclipsed. The flip side of the equation, which is difficult for many Democrats, is that if, in fact, there is a brokered political process and the Iraqis say "Yes, we are willing to buy into this," it's going to mean a sustained international presence for a period of time, and the United States is going to have to play into that.

And so, I think that right now what we find ourselves at is a juncture point, that we have 150,000 or so troops there, the President has indicated he's going to sustain that throughout the rest of his term, for the most part, and can something be done over the next 6 months that puts in place a prospect for the next President of the United States to actually create something which is sustainable. And I would argue that the focus to make that sustainable should be not so much on the security side or the military side, but, right now, really has to come on the political side, because that's the part that we have not been able to give enough of an impetus.

Senator LUGAR. What evidence is there that other countries want to participate in this international aspect? Most of our allies have indicated that they've rejected our idea of going into Iraq, to begin with, are not about to be drawn back into this. You've mentioned the neighbors. Perhaps. But, what gives you any confidence that some type of international group is going to wrestle with this?

Ambassador PASCUAL. I think one of the critical factors is—and this is one of the important reasons to try to approach this brokered settlement through the United Nations—in the past months,

we've had discussions with a number of European friends, and we have engaged them in this very question, because we've said, "You have as much of a stake here in stability as we do, and you have as much of a concern about international energy prices as we do, and so, you should be willing to invest in this stability." And what many have indicated is that they need something that shows that there has been a change in the dynamic of the political process. And that is, in part, what a brokered political process can actually do. It can at least begin to send the signal that it is not business as usual, with the United States dominating the scene, but that we are, in fact, trying to encourage a multilateral process that can bring in other countries to make investments. Some of those might be in the form of troops, some of them might actually be in form of money.

It will not be simple. It does not play well in the politics of Europe or in the politics of Asia. Yet, at the same time, many recognize that we have to get beyond where we are today, and the combination of a U.N.-brokered process and the incumbency of a new President of the United States who will be given some degree of leeway, actually makes—gives us an opportunity to turn the corner and to try something new.

Senator LUGAR. Professor O'Leary, do you have any comment about the situation?

Professor O'LEARY. Yes, if we're starting from 2008, I think we have to revisit the oil law. And remember that there was a draft—the Kurds and the Shia had come to an agreement—there was a draft. I've seen the draft. Things happened. Personalities got involved. And so, we have to bring them back to that draft, because having a viable oil law, I think, can set the stage, along with moving forward on federalism, for the political parties to be able to control their areas.

The militias are a reality. I think we have to accept them, for the time being. And from my point of view, although I have no military expertise, we will be drawing down troops, and we simply have to deal with Iraq as it is, and push them forward, particularly on the oil law.

Senator LUGAR. Dr. Kelly, do you have a thought?

Dr. KELLY. I would not hazard a guess on what troop levels are needed, because I don't think the analysis has been done, based on what U.S. interests are. And I think, Senator Lugar, the interests that I have in my written testimony are very close to what you have in your opening statement.

But, I would observe that the need for security forces is to address the dysfunctionality of Iraqi political and social structures. And until those are fixed, no amount of security forces is going to fix the situation in Iraq. So, that raises the question of whether or not we need 150,000 United States troops there, or do we need some other combinations of ways to influence both Iraqi society and Iraqi political leaders.

I would also point out that there's two tiers of players here. There's the local, or maybe provincial, players, who we've dealt with to get the violence down. There's also national-level leaders who control the big levels of violence, and there are a discrete number of people there; we know who they are. I think we can provide

them carrots and sticks to change their behaviors if we go about it in a logical way.

Senator LUGAR. Dr. Gause.

Dr. GAUSE. I've never worn the uniform and don't know much about the military, but it does seem to me that, in the inevitable circumstance of the drawdown of our forces, whether it's total withdrawal or just a reduction to a sustainable level, we should be concentrating on our enemy, which is al-Qaeda in Iraq. And that means supporting the Sunni turns that we've seen in the last 18 months, making sure that those areas in the west, the northwest, and in Baghdad do not become safe areas for al-Qaeda to operate. And I don't think that we should be picking sides in inter-Shia fighting, as we've done in the last few days, because we don't have the resources to materially affect—to have one side actually beat the other, which might actually lead to some progress. If we can't do that, then we should stay out of that kind of fighting.

Senator LUGAR. How about the charges that, by arming the Sunnis, that we are setting up a civil war in which they're better prepared to fight the Shiites?

Dr. GAUSE. It's entirely possible. But, given that, it seems to me, our major enemy in Iraq is al-Qaeda in Iraq and preventing Iraq from becoming a base for al-Qaeda operations, the turn in Sunni politics is something that's been positive for us, and should be supported. There's also the ancillary benefit that, when we eventually do withdraw, the fact that the Sunni militias are armed up in a better way, while it might lead to some fighting, would reduce the chances of a complete victory for one side over another that could actually lead to enormous civilian casualties. I don't say that there won't be fighting, but there might be a balance of forces, which would allow a better negotiated outcome.

Senator LUGAR. Mr. Chairman, I've run through my time. I yield back to you.

The CHAIRMAN [presiding]. Well, thank you very much.

And let me say to my two colleagues, even if other Senators come in, you'll be recognized next, because of the 10 minutes we're using here, and because of your incredibly patience the last couple of days. So—although that's not a formal new rule, I say to my friend from Florida. But, I—I'd like, first of all, thank you all. The testimony—you've responded exactly what we asked, and it's impressive, and I thank you very much.

What I'm going to do, if I may, in the few minutes I have, is ask each of you a specific question, and then—rather than have you all comment on each of the questions I ask, to try to get through some elements of what you said.

Let me start where you ended. Mr. Ambassador, I'm very impressed with your testimony, and I'd like to pursue the U.N. piece a little bit. I, for one, happen to think you're right, that you—I don't know that an attempt at coming up with a consensus is likely, but I know, absent trying, there's no good likely outcome. And the downside is not nearly as down as the upside, if we make any progress.

And I want to state, for the record, as one Democrat who tried to become a nominee, that I've said, throughout the process—and I've not changed my view—that I am one Democrat who would sup-

port—in the dilemma you outlined, support American forces remaining in Iraq if, in fact, it was in the context of a political settlement.

And the third point I'd like to make, leading to this question, is that I have believed all along—and I—realizing it is—it's a—just a best guess—that, in the context of a political settlement, and the threat of us physically getting out because of the political pressure here, it would have a significant impact on our European and Asian allies to consider participating in a—with a security force—much smaller, probably constrained, in terms of responsibilities. But, in that context—and I can make an analogy, broadly, to Bosnia—I think, in the context of people not being killed in large numbers, people would be much more prepared to sit on top of an internationally condoned, an internationally accepted, and regionally accepted, and locally noninflammatory settlement that will have, still, trouble, but, in that context, people participate.

The question, for me, is a practical one, as it is, I know, for you and everyone else—How do you get there? My view is that—and I hope I'm wrong, but my view is that we don't have a lot of credibility, the United States of America, right now, in the region or with our Asian and/or our European friends. And so, some months ago I went to see the Permanent Five ambassadors. They all expressly said, at that time—I haven't spoken to them since pre-Christmas—at that time, they would be prepared to participate—their countries, they believe, were prepared to participate, under the auspices of the Security Council. And the Secretary General implied to me that he would be prepared to have the U.N. be the broker, here.

So, the question I have, though, is—you talk about a specialized team—is it more likely that that specialized team could materialize under a broader umbrella of it being sought through, and by, the Security Council, or at least the Permanent Five in the Security Council, or is that an unnecessarily step? Do we have enough on our own, enough juice on our own, to get this done? To get it begun, let me put it that way.

Ambassador PASCUAL. Mr. Chairman, I think, first of all, one important measure is that the last U.N. Security Council resolution on Iraq for the mandate, 1770, actually provides the necessary authority to actually do something like this, so I don't think it actually requires further Security Council action.

One of the things that is critical——

The CHAIRMAN. But, I don't think—I know it does not legally require——

Ambassador PASCUAL. Right.

The CHAIRMAN [continuing]. More action. But, this administration has made it clear it does not want the United Nations——

Ambassador PASCUAL. Right.

The CHAIRMAN [continuing]. Determining what the next stage—I'm going to use layman's terms—the next stage of U.S. involvement is, relatively. That's why they're bilaterally negotiating this, quote, "agreement," whatever it is—whatever form it's going to take. They could easily do it through the United Nations——

Ambassador PASCUAL. Right.

The CHAIRMAN [continuing]. Under the existing resolution. So, I—you understand?

Ambassador PASCUAL. Yes, I think——

The CHAIRMAN. It's very important.

Ambassador PASCUAL. Absolutely. I think you're exactly right. And that is exactly the next point to come to, which is that this goes absolutely nowhere unless the United States is absolutely unequivocal, at the highest levels, that it's willing to engage and cooperate with such a process, and, ideally, would identify and name an individual that would work with a United Nations team.

Originally, when I had written on some of these issues, I proposed that it should be a senior international official. I had, in some cases, used somebody like Minister Bernard Kushner as an example of the kind of individual who——

The CHAIRMAN. Who took another job.

Ambassador PASCUAL. He has another job. [Laughter.]

He might take a leave of absence. [Laughter.]

But, in fact, what we've actually seen on the ground is, Stefan de Mistura has actually done a tremendously impressive job——

The CHAIRMAN. I agree.

Ambassador PASCUAL [continuing]. And has gained the respect of many people all across the board. And if the United States were willing to come to the U.N. and basically say to the Secretary General that, "We want to engage in this process, that we are committed to coordinating with you, that we want you to take this lead, that we will also coordinate on the security side, and that we want you to come to us with a proposal on how you would structure a team," my sense is that the other P–5 would be supportive of that, you know, if we——

The CHAIRMAN. That's my sense, as well. The thing that startles me, I say to my colleagues, is, I don't know why it's not in the political interests of the administration to do this. Why not let somebody else help take ownership of this? It boggles my mind. But, that's a different issue.

Let me move to you, Doctor, if I may—Dr. Gause. First of all, there's a second strike you have against you. Puneet Talwar, of my staff, was one of your students. You really messed him up. [Laughter.]

And that's an attempt at humor.

But, let me—there's so much you said that I agree with, but let me focus on one piece of what you said. And that is that the regional consequences of withdrawal are exaggerated. I've come to personally adopt that position. I did not believe that, 2 years ago, although, obviously, the caveat is, God only knows, anything could happen, and there are a lot of unintended consequences from actions. But, toward that end, if you—if you're going to also do a little bit of failsafe here—should we be doing more now through the International Community and us, as well—in dealing with and discussing with the nations which are, unfortunately, the beneficiaries of over 2 million refugees, helping accommodate their—the cost that they're incurring and the impact on the—potential impact on their domestic stability? And what would you do toward that end now, if you would?

Dr. GAUSE. I think the most important thing you can do on the refugee issue, for Jordan, is money. The Jordanians are overburdened, their school system is overburdened. Throwing money at problems doesn't always solve them, but it's certainly a first step toward solving them.

On the Syrian issue, we have conflicting interests, here. We're not particularly friendly to the Syrian Government, and the Syrian Government hasn't been particularly friendly to us recently, but they are the recipient of the vast bulk of the refugees who have left Iraq, not counting the displaced persons within Iraq.

And I do think that we have an interest in regional stability, more generally, and thus, in not seeing a Syria so destabilized by the 800,000 refugees that it's taken in that there's a political upheaval there. And thus, we might have to hold our nose a bit, but I do think that it's worth, maybe, throwing a little money at the Syrians, through U.N. mechanisms, so it doesn't go directly to the Syrian Government——

The CHAIRMAN. Thank you. My time is running out. Let me—and I'm going to come back, if others don't stay, to ask a few more questions.

But, again, I'm not being solicitous, Dr. Kelly, I was really impressed with your testimony. I'd like to ask you to—and I, unfortunately, have not read it, so you may have already answered this in your written statement—about some of the specific mechanisms you're talking about, that you reference in here. But, let me go to one specific point you made that I think is really an important point, and if you could elaborate on it a moment, and that is that "We may not want Iraq as a formal ally." Would you elaborate on that?

Dr. KELLY. Yes, Senator. I think the logic for what we do and the resources we expend needs to start with our core interests. And so, having Iraq as an ally may or may not provide any extra benefit toward those interests. So, if Iraq is capable of securing its own borders and it's capable of maintaining decent security forces that can keep international terrorism—and, by the way, I do agree that the prospects of regional instability are less now than they were a year ago—if Iraq is able to do that, then the question has to be asked, What benefit is to be gained from having Iraq as a formal ally?

The CHAIRMAN. I agree with you. Look, one of the things that I think I've come to—again, not that it matters to anyone—but, one of the conclusions I came to is, here we have some very, very, very bright people in this administration, and—who are—some are no longer there, some are still there—who had to understand some of the consequences that the Senator and I and this committee—and the committee—had pointed out we're likely to face. But, I can't believe they didn't understand it. I can't believe that they thought things were going well, for the 4 years that they talked about how well they were going. And the conclusion I came to is, I think they had a—at least two of the major players have a very Machiavellian view, and it would be great if it could have worked. One is, we'd be able to install a government that was beholden to us, which would not allow us to own the oil, but have leverage over it, in

OPEC environment. And, two, we'd have a permanent base in Iraq to thwart Iranian ambitions.

Which leads me to the issue of—now I don't quite understand, quite frankly, the administration's desire—strong desire to do something other than—other than have a Status of Forces Agreement—which is necessary—and go back to the U.N., under the existing authority.

So, it seems to me—I acknowledge the cynic in me—I think there is still a larger motive as to what they view to be our national interest as it relates to Iraq. To me—I've been saying it for 6 years—the best that could possibly happen is have a stable Iraq, not threatened by its neighbors, not a threat to its neighbors, not a haven for terror, that basically functions and is not a—does not operate a repressive regime. That—you give me that now, I take it, "Lord, you—, I got it, sign me up." And I don't need to be the ally of that country—a formal ally of that country. I don't want to be the enemy. I'd cooperate with it. So, that's why I raised the question.

And one of the things that, Dr. O'Leary, that I really am taken by—mainly because I think it makes sense—the idea of us using our—I mean, the biggest problem I find, whether I'm in—and this has been the case for 6 years, in the many times I've been to Iraq or Afghanistan—is the practical incapacity to turn on the street lights, have the water function, spray for that varmint that eliminates the date palm tree, actually have somebody who knows how to run something: Bureaucrats. As one three-star general said to me—General Chiarelli; he was three-star at the time—he said, "Senator, next time I hear anybody criticize a bureaucrat, I'm going to shoot them." I'm paraphrasing. He said, "God, give me some bureaucrats to actually figure out how to make a department function." And we even went to the point, as you remember, when the Brits proposed the idea of——

Professor O'LEARY. Yes.

The CHAIRMAN [continuing]. "Adopt an agency," you know, and—whether that would or would not have worked, I don't know.

But, I'm over my time, so I'll quickly get to this. With regard to the oil law, it seems to me, in my discussions with the CEOs and/or representatives of the major multinational oil companies—and they're all multinational—as well as with Mr. Yergin, of Cambridge Institute, whatever it is called—is that—I don't understand it. I suggested to the President, 4 years ago, that maybe he get together with some of these key oil powers to invite the major informed representatives of the Shia, Sunni, and Kurds, who understand the oil situation in Iraq, to Switzerland, or some neutral spot, and to lay out for them, and literally chart it, how much better off the Kurds would be if they gave up 10 percent of their oil, how much better off the Shia would be. Now there's no major, major investment taking place; not likely to be, unless there's a unified oil law, according to all the major oil interests—major companies in the world. And right now, to—figuratively speaking, they're getting—each getting 50 percent of $10 instead of 40 percent of $100. It seems to me, literally, part of this is an education process. Not us going in and instructing, but us doing what you talked about, and that is to actually run workshops on federalism, run workshops on oil, you

know, development. Is that the context in which you're talking about these workshops? I mean, it's kind of block-and-tackle stuff, but——

Professor O'LEARY. It is block-and-tackle, but that's exactly what we need. And from one person's perspective of 5 years' duration, it can work, and it does work. It may not, you know, have the resonance of, perhaps, some broader plan, but it works, it's "getting down and dirty." I think the idea of bringing the key oil brokers—Kurdish, Sunni, and Shia—together with oil experts is a very good idea, because now the impasse has hardened, and, I think, personally, as someone who focuses on culture, that the—when they were so close, at the draft level, and then it broke apart, it was old fears and——

The CHAIRMAN. Gotcha.

Professor O'LEARY [continuing]. Notions of each other—self and others——

The CHAIRMAN. Well, I'm going to get back to this, but I've really trespassed on the time of my colleagues, and I believe Senator Isakson is next.

And, Doctor, I have—if you're patient enough to wait, after we get a second round, I have three or four questions for you, if I may.

John.

Senator ISAKSON. Thank you, Mr. Chairman.

Let me ask Dr. Kelly. You said, "To make gains here, we must change the political calculations of Iraq's major players." What exact political calculations are they currently operating under that we must change?

Dr. KELLY. I think it's, perhaps, useful to talk about who these people are, and where they're coming from, and where they think they're going to, and then maybe——

Senator ISAKSON. Please do.

Dr. KELLY. Most of these political parties were resistant groups of one sort or another. The older ones were in Tehran or Damascus or London. The newer ones that have formed up since the violence started were mostly against the coalition and against the Iraqi Government. So, the way that they approach problems is a very confrontational one. It's not just ambitions, it's their calculations of political and personal survival that are critical here. And those are very important facts, and they drive people to make certain judgments and decisions.

I think, also, that most of the Iraqi political parties have maximal visions of what they can achieve. In other words, they believe that they can achieve all of their goals, and prevent the other people from achieving their goals.

And so, I think what's critically necessary is to make clear to them that—and this is all within the context of U.S. vital interests that we're agnostic to what their individual political and personal goals are, as long as they don't violate our interests in Iraq. And I think that in order to make that argument, the penalties and benefits of being with the United States or against the United States need to be made clear. We've made those rhetorically clear, but we've not used as strong measures as we could, in the past.

Well, let me leave it at that, Senator.

Senator ISAKSON. So the way we change it is, make it clear to these individuals that there are risks to them not being supportive. Is that what you mean?

Dr. KELLY. What I'm saying is, if they violate key U.S. interests, they need to know that there's a penalty. And if they support key U.S. interests, they need to know that there's a benefit to doing that.

Senator ISAKSON. OK. Give me, just conceptually, what the penalty is and what the benefit is.

Dr. KELLY. I'd prefer not to be too specific on that in open session.

Senator ISAKSON. OK. Well, then, let me just follow up.

Mr. Chairman, I've listened for 2 days, and I find myself at an interesting point. I think a lot of us are at this point where we're not focusing on the immediacy that's ahead of us. Everybody's worrying about whether we've won or lost something.

I was thinking, as I was listening to them talk, if, backing away from politics for a second, and trying to be as objective as I can, we went in, under the authorization of U.N. Resolution 1441, if I remember, and that was the U.N. resolution which the whole world thought—and the intent of the resolution was to find weapons of mass destruction. And everybody—Republicans, Democrats, our friends, our enemies—had some bad intelligence. Although we found the remnants and pieces; we didn't find the weapon.

The President declared two other goals when we went in. One was to allow the Iraqis to hold free elections, and, second, for the body they created to write a constitution.

So, although we may have made some mistakes here and there, we have actually accomplished the goals the President laid out—one, the U.N. authorization; second, the latter two—and it seems like now we need to establish a goal for the stage we are at. I think—I forgot what the general said, yesterday. I think he called it a "gathering place." Is that what he called it? We're at a——

The CHAIRMAN. Culminating place.

Senator ISAKSON [continuing]. Culminate—we're at a "culminating place." And it seems to me like everybody's talking around what the place ought to be. I mean, with all due respect, Dr. Kelly—and I understand why you said it—but, when you said, "I'd rather not get into the details in this forum," we need to start getting into the details of what this political calculation or political goal needs to be, and how it needs to be stated as the next point of achievement. I guess that's what I get to.

Everybody up here, with the exception of Dr. Gause, has said, "Look, there's going to have to be American troops there for a while." We're talking in the context of 2012. And even Dr. Gause said—he used the word "might," not "certain," in terms of what the future will bring—none of us know what the future's going to be. But, it seems like to me we—the United States Government, the President, and the Congress—need to decide if we are at the—what was it called? I know it wasn't "gathering place," it was called what?

The CHAIRMAN. Culminating place.

Senator ISAKSON. If we're at a culminating place—what is the next step? I mean, because we really accomplished the last three,

and can claim success, although we had some problems along the way. And it needs—I hear you all saying we basically need to have some political resolution in Iraq. I know we don't want to tell them, necessarily, what the resolution is. And I understand why we can't talk, sometimes, about certain things in open forum. But, if we don't ever describe—and I'm talking too much, and I asked a question. I apologize. But, if we don't ever describe what "it" is, you know, then we're never going to get to that next step.

So, I'm looking for some input from you all on what you would say that next step needs to be, if we are truly at that point.

We'll just start at that end, with the ladies, and work down.

Professor O'LEARY. Thank you.

I think the next step is very clear. The next step is to focus on the oil law, get that resolved and passed, and then to move toward an open discussion of federalism in which the majority Arab body politic—Sunni and Shia, tribal and not—can, in a sense, visit this issue anew, through the support of American and international experts convening meetings and workshops. Those, for me, are the next two key steps, because I believe the outcome we're moving to is a stable Iraq though a federal system of governance.

Senator ISAKSON. Yes, ma'am. Thank you.

Dr. BRANCATI. I agree. Once violence on the ground has been stabilized, the next step is then to look toward a political settlement. I also believe that we should bring in experts from the United States, as well as abroad, on federalism, to discuss how this political settlement should be, in practice. But, I also want to encourage it to look very specifically at the details of the federal system, rather than where the discussion lies right now, which is very general.

Senator ISAKSON. Ambassador.

Ambassador PASCUAL. I would underscore the importance of moving toward a political process, that that has to be the next step that brings together the parties, moving toward a political settlement, with the U.N. at the center of it. And I think, from the discussion on this panel, even though there have been disagreements on some points, the things that have been emphasized have been federal-regional relations, the sharing of oil revenues, an understanding of what to do with militias, dealing with minority rights, dealing with political inclusion, and dealing with Kirkuk. Those are the fundamental questions around which a deal has to be struck, and that's where we need to focus attention.

Dr. GAUSE. But, that deal can only be struck if we get new leadership in Baghdad and we rearrange—we can't do it—if Iraqis rearrange the power relations at the center. I think that entails two things: Provincial elections, which very possibly will generate new leadership, both in the Sunni community—we have Sunni leaders in Baghdad who cannot commit and who cannot bring their constituents along—we need new Sunni Arab leadership through provincial elections; and national elections, which I think should be accelerated, to be able to commit their side, to consolidate the security gains, politically.

On the Shia side, we actually need the opposite. We need elections, but to divide what was a dysfunctional electoral coalition, the Unified Iraqi Alliance. Right now, elements of that alliance are

fighting each other on the street. We need to get those elements of that alliance to test their real strength through elections at the provincial and, I would say, at the national, level, and then hope that new political alliances that cut across that sectarian divide can come to new understandings on federalism and on oil laws, because we're stuck, with the current configuration of power in Baghdad, on those important things.

Dr. KELLY. I'd like to make three quick points.

The first is that this is a much longer challenge than 2012. And while I agree that a political agreement is necessary for any kind of progress, I think that the prerequisites are not in place right now to reach a political agreement. In fact, we don't know, particularly on the Sunni side of the equation, who the valid representatives of that portion of the Iraqi polity is. So, I think, establishing the conditions for a political agreement is the short-term steps.

I would like to just say one thing on the oil law. The oil law is fundamentally a political issue that's tied up with Kurdish independence or quasi-independence, it's not an economic issue. So, while economic education on the cost and benefits of an oil law may be important, it's the overriding political issue which is driving the Kurdish perspectives on that.

And last, as a retired Army officer, I'd like to translate the Army term "culminating point" into the English language. That's not the point where you achieve your goals, rather that's the point where your resources are exhausted, and usually is reached before you achieve your goals. So, if that general was talking about a "culminating point," he's not talking about a place where everybody comes together, but a point where we can no longer continue on toward our objectives.

Senator ISAKSON. OK. Well, I'll just take an extra minute on that. I understood that. I mean, all of the generals—and I think everybody recognizes—one of them said, "Our troop levels are dictating our strategy, rather than our strategy dictating our troop levels." And that's because we are at a point of maximum deployment. And I guess what we really need is a catalytic agent to force people to come—I guess the sense I get from what I've heard a lot of you all say, and heard yesterday, is that the calculations by the Iraqis are, "Everything's going to stay the same for a while, so nobody's doing anything." And—that's simple English—and if we had a catalyst, which might be a new face appointed to go to the region to start talking, it would seem to me like if you brought somebody out of retirement who was well respected, and their authority was to go start bringing back a political settlement, all of a sudden these parties, who right now are accepting the status quo, might say, "Hey, I need to sit down and talk, or the train might leave the station." And, second, there, maybe needs to be a definitive requirement of the Iraqi Government to give them a chance to succeed or fail. And the oil law probably is that most likely requirement.

And my last point, I think a lot of these political divisions or power-sharing arrangements—once these provincial elections take place, a lot of people are going to have to show their hand, and that's when Maliki and everybody else are going to have to show their colors.

So, I've talked too much, but I'm looking for that catalyst. Instead of declaring victory or defeat, I think we can declare success that we've come to a point where we now need to determine how we culminate this thing. And it's going to take a catalytic agent to force the political parties and factors to come together and talk.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator.

Senator BILL NELSON. Those same generals, yesterday, basically have a different cut than any of you do about what's going to happen. They said that you can't sustain a war without the support of the American people; and therefore, we're going to withdraw; and, when we withdraw, another dictator is going to take over. He—one of the generals, General McCaffrey or General Odom, I can't remember which, said that it's—he posed that it would mean——

The CHAIRMAN. It was McCaffrey.

Senator BILL NELSON [continuing]. The rise of a new face, perhaps a major general.

Now, these are two completely different points of view. What do you all think about what they said? And that's my only question.

The CHAIRMAN. Well, Senator, if you can solve the Florida primary situation, you can handle this. [Laughter.]

We're——

Senator BILL NELSON. I'm working on it.

The CHAIRMAN. We're looking to you to move to settle Iraq after you settle Florida.

Senator BILL NELSON. I'm working on it.

The CHAIRMAN. I know you are.

Sir—go ahead, Doctor.

Dr. KELLY. Senator, I would agree that the current commitment is not sustainable. And I think that was a key point I tried to make in my written testimony. And that is why it's critical that we define what it is the United States needs to do, rather than what we would like to do for the Iraqis, and have a commitment that's sustainable over the long term. Otherwise, there is likely to be an unfortunate outcome.

And what that future for Iraq looks like may or may not include a democratic country. Whether that is one of our goals is a decision that will have to be made, based on analysis of what United States key vital interests are in Iraq.

Senator BILL NELSON. Well, you all are talking about all this democracy and balancing all these interests. You're talking about what the chairman has proposed for some period of time, which is a kind of federalist system. And these generals are up there and telling us this is all for naught.

Professor O'LEARY. To the general, with all respect, I would suggest that the devil is in the details of who the Iraqi general would be. And I have conducted interviews and conversations with former high-ranking Iraqi officers, in Jordan, and, at a minimum, let me say, the Kurdish issue is off the table, they accept the Kurdistan Regional Government, as it exists today. They wouldn't go to war with Kurdistan, which is not to say they would accept Kirkuk being annexed by the current Kurdistan Regional Government.

I think that a change in government in that direction depends very much on the motives of the military person. And if it were a tribal Arab Shia military—returned retired military officer who had made his bones, so to speak, in the Iran-Iraq war, I think that could be a rather, actually, unifying cross-sect phenomenon.

Senator BILL NELSON. What do you think, Ambassador?

Ambassador PASCUAL. I think one of the lessons that we've learned from the history of conflict is that you end conflicts through, eventually, some form of political agreement. Iraq is a—for the most part, in a failed state. It's been at war with itself. The expectation that it's simply going to fix itself through the passage of laws that somehow rectify the situation and go through—and that it goes through a normal political process to rectify its wounds, I think, is unlikely. It's almost an ahistorical experience. But, it does raise the question of, How do you, in fact, actually get to an agreement? And what we have understood over time, whether that's been in South Africa or Mozambique or Northern Ireland or in Bosnia or in Kosovo, is that it usually is necessary for some external actor to play a mediating role. You find exactly the same thing in labor negotiations in the United States. It shouldn't be surprising that you would—one would need it elsewhere.

And so, I think that if that is the case, the question is, Can we, in fact, spark it? And can we get some form of a brokered deal across this range of issues to, in effect, have a truce for a period of 4 to 5 years that then allow the Iraqis themselves to regroup and come together and make some of the bigger decisions about the future in—of the country, and a little more of a normalized situation that—they have right now?

Dr. GAUSE. About a year and a half ago, I participated in a scenario-building exercise in Iraq, at New York University, and that's exactly the scenario we came out with as most likely. We called this person the "national unity dictator." We assumed that he'd have a Sunni father and a Shia mother, and, hopefully, Kurdish grandparents somewhere in the background.

It does seem to me that when we go, whenever we go, this is a very plausible outcome. The things that work against that, though, in my view, Senator, are—Are you going to have an Iraqi Army by then that's not simply a representation of one particular sectarian party, the Islamic Supreme Council of Iraq? Are you going to have the reintegration of some of the old officer corps?—to the extent that you would have some kind of cross-sectarian Arab understanding that this was a national army and not a sectarian militia in army uniforms. I know that we've been working hard to do up an army like that. I don't know how far we'll get.

The other thing is that a number of these militias are pretty well armed now; some of them, by us. And to the extent that these militias can take on the army in their own particular areas, then it decreases the likelihood that any general would say, "Yeah, this is a job that I would want."

But, I do think that, given the dysfunction in Iraqi politics right now, if we don't see any change through catalytic events, as Senator Isakson said, that, when we go and we're no longer protecting the Iraqi Government in the Green Zone, I think that that's a very plausible outcome.

Dr. KELLY. One more comment, if I could, Senator.

Democracy in Iraq is actually a misnomer. Going to the ballot box and putting a piece of paper in a box does not a democracy make. It requires a set of laws that people understand and more or less follow, which is absolutely absent in Iraq. Perhaps the largest single challenge in Iraq is the total absence of the rule of law for anyone with any political power.

Senator BILL NELSON. Well, given what you've just said, is it possible that you'd have a dictator impose, on top of a—what do you call it? The federal system, where you've——

The CHAIRMAN. Federalism——

Senator BILL NELSON [continuing]. Where you've got a tripartite——

The CHAIRMAN [continuing]. Or a confederation. No, it's not a tripartite——

Senator BILL NELSON. Confederation.

The CHAIRMAN. Well, I mean, you—it's a federal system, but I think that Dr. Kelly—I don't think it's inconsistent—he's talking about, it's more like a confederation than it is—more like our Articles of Confederation than it was like——

Senator BILL NELSON. Can you——

The CHAIRMAN [continuing]. Our present legal system.

Senator BILL NELSON [continuing]. Have that with a dictator on top of it? No?

Dr. GAUSE. I don't think you can, because that dictator would want to have a unitary Iraqi Government, at least in the Arab sectors. I mean, I agree with Professor O'Leary, that, I think, for the time being, almost every Arab in Iraq basically says there's nothing they can do about the autonomy of the Kurdish Regional Government area. If they do try to get Kirkuk, then there could be fighting. But, I don't think that an army officer would say, "Yeah, I want to be President of Iraq, but I want the real power to be held by people out in the provinces."

Senator BILL NELSON. So, my question, then, would come to you, Mr. Chairman. How do we get your system of a federal system to work?

The CHAIRMAN. You missed that chance. I'm not going to be the nominee. [Laughter.]

No, I'm—that was an attempt at humor again. I'll be happy to discuss that. But, the bottom line is, I think, my understanding—and this is more of a conversation—is—I say to my colleague—is that the—I understood the generals to say that, at this point we've reached—as Dr. Kelly talks about it—which just essentially means the strategy that we've been running has run its string. We're at—as Yogi Berra said—we're at the fork in the road, and we've got to take it. So, what's next? What happens here, at this point? And my understanding from the generals was, if there was a consensus, that the most likely outcome, absent a strategy for a political accommodation, a political consensus, a political compromise, a political power-sharing arrangement—absent that, the country devolves into chaos, the chaos that we leave, in essence, and it is resolved by the emergence of a military strongman. That's what I thought they were saying.

And, since they did not speak to the political solution—they were not asked to—we did not have much discussion of what everyone here has said—and I think that it is stated most succinctly by the Ambassador—which is that it is—and I could find the exact statement, but it is not certain that a political compromise or a political accommodation or a political power-sharing is possible, but it is necessary to try. And it is the only real hope to not get to where the generals are saying we're going not to get. Or, another way people would say it is, it may not be a general, it may be an all-out civil war, it may be chaos, it may be a lot of things.

But, I think the way the general, yesterday, were talking about it, Bill, was in the context of, if there is no political accommodation made, we are not going to be able to sustain American forces at the level they are, and there is no political will. Several used the phrase "it's over," meaning the military side of this is over. That's how I read what the generals were saying.

Senator BILL NELSON. Well, I hope you're right, Mr. Chairman.

The CHAIRMAN. So——

Senator BILL NELSON. I read it the other way——

The CHAIRMAN. Yeah.

Senator BILL NELSON [continuing]. That they would certainly like the political accommodation, but they didn't think that was going to happen.

The CHAIRMAN. Oh, I think that's true. I think they think it's not likely to happen. And I don't think anybody here is willing to bet their career that it will happen. But, I think what we heard today is—everyone said, in one form or another—it is important to try to make that happen. It's better—to use an old saw, it's better to have tried and failed than it is not to have tried at all, here. And I think the way that Dr. Kelly has stated this is the most succinct and appropriate way to look at it from the standpoint of U.S. strategic interests, and that is that the current commitment is not sustainable. What we should decide is, What commitment is sustainable, consistent with our national interest? And that's what we're searching for here. And—at least as I see it—and so, I believe, still, because you've been supportive of the notion of federalism, I believe it is—some version of it is the last best hope for there to be the beginnings of a truce, to use the Ambassador's phrase, that may mature into a different system, 2 years, 5 years, 7 years, 10 years from now, but there's got to be something that takes away the need, from the perspective of the warring parties, to continue to attempt to dominate, at the expense of the rights of other constituencies in Iraq.

And so, for me, it is a federal or a confederation. It is only likely to come about as a consequence of—in my view, of international brokered intervention. I think the more the major powers are brought in, the more likely the outcome to succeed. But, it's really hard. It's really hard. And it may be that the only way this works—and I apologize to Senator Nelson for answering your question—I think the only way—and I'd be interested in a comment—the only other way is that we let it expire on the battlefield, we just—we're out of there, and we're not a player, and, you know, we just, sort of, as—a number of the generals did say that we should

withdraw and have a regional policy. I'm not sure that—how easy that is to do. I think that's a hard deal.

Senator BILL NELSON. Thanks.

The CHAIRMAN. Thank you.

Would any of you like to comment on the last point? Because that was raised by some of the generals, that we can't leave the region, but we're going to have to leave Iraq. Are they compatible?

Yes, Dr. Kelly.

Dr. KELLY. What happens in Iraq certainly needs to be seen from a regional perspective. It's not an Iraqi problem, it's a regional problem. I don't see how you can have a logical, regional approach that doesn't have some major effort invested in Iraq. All of these pieces are tied together. And, in some ways, for some of them, they come together in Iraq. That doesn't mean we have to have large-scale military presence there. But, staying engaged, I think, will be necessary, in some way.

The CHAIRMAN. Dick.

Senator LUGAR. I have no more questions.

The CHAIRMAN. I'd like to—and I don't want to hold you up, Senator, but I'd like to ask, if I may, Doctor, you a couple of questions about your statement, if I may, and maybe invite some comments, if I may. I promise I won't trespass on your time much longer.

You talked about the party system. And what—Professor O'Leary is one of the few people who have spoken to—is that there are—if you look at—I think you have to—far be it from me, but—have to look at the smallest subset, here, where there's real power, and that's tribal. It's a tribal society. And there are a couple "large" tribes that are neither fish nor fowl, in the eyes of most American commentators. Everyone thinks every tribe is either all Sunni or all Shia or Kurd. But, there are some tribes that span, internally, that religious division. And some of the experts we've had—on the culture, that we've had over the years, have come in and said that this is more of a tribal society than it is a religious society. It is divided more on tribe than religion. But—so, how do you—you say the system must, therefore, require, legislatively, that these parties are able to span regions, as—I assume, as well as ethnicity and/or religion, and how—what do you mean by "legislatively"?

Dr. BRANCATI. A number of countries have different mechanisms in part of their—in terms of their electoral systems that actually legislatively require groups to compete in multiple regions in order to take a seat in the government. So, you may say that, "In order to win seats in the legislature, you have to compete in these three regions." You not only have to compete in these three regions, you may even have to compete in a certain number of districts within each region. And that would allow you to have parties——

The CHAIRMAN. I see.

Dr. BRANCATI [continuing]. That are crosscutting. We have that system, essentially, in the Electoral College in the United States. It works the same way.

The CHAIRMAN. I see.

Dr. BRANCATI. And I think it's better to have them, within a party, working out their differences than across coalitions, because those coalitions wouldn't be stable.

The CHAIRMAN. I see. Again, for the record, if you could lay out for us any countries, other than our electoral system, that reflects that notion, legislatively or constitutionally, I'd appreciate it.

[The written response of Dawn Brancati as an amendment to her testimony in answer to Senator Biden's question follows:]

In my research I have found that the effectiveness of federalism is greatly reduced by the presence of regional parties, which reinforce regional identities, pass legislation harmful to other regions in a country and regional minorities; and mobilize groups to engage in intrastate conflict or support extremist organizations dedicated toward these ends. Electoral systems, however, may facilitate broad-based, multicultural political parties in a decentralized context. Below I have summarized four features of electoral systems that may facilitate party development in this direction, and examples of countries that have these systems in practice.[1]

CROSS-REGIONAL VOTING LAWS

If groups (e.g., ethnolinguistic, religious, and tribal) are segmented into different regions of countries, electoral laws requiring parties to compete in multiple regions (or every region) of a country, will encourage parties to incorporate various groups into their agendas. The U.S. Electoral College achieves this end in practice by requiring Presidential candidates to win 270 Electoral College votes in order to win the Presidency.

Additional examples

Hungary: Political parties that compete in multimember (MMD) districts must compete in one-fourth of the constituencies within these districts, and must compete in at least two MMD districts. To win compensatory seats, parties must compete in at least seven MMD districts.—*Chapter 2, Article 5, Act Number XXXIV of 1989 on the Election of Members of Parliament.*

Indonesia: Political parties must have branches in 9 of the country's 27 provinces and half of the districts in each of these provinces.—*Indonesian Electoral Law 1999.*

Mexico: Political parties must have members in at least 20 federal entities in Mexico or 300 members in at least 200 of the country's single-member districts.—*Second Title, Chapter 1, Article 24, Federal Code of Institutions and Electoral Procedures, 1990.*

Russia: Political parties must have: (1) Regional branches in more than half of the subjects of the Russian Federation, and (2) at least 10,000 party members and regional branches (with at least 100 members) in more than a half of the subjects of the Russian Federation.—*Article 3, 2001 Federal Law "On Political Parties."*

Turkey: Political parties must: (1) Be fully organized in at least half of the country's provinces and one-third of the districts within these provinces, and (2) have nominated two candidates for each parliamentary seat in at least half of the country's provinces.[2] —*Article 14, Law on Basic Provisions on Elections and Voter Registers, 1961.*

If regions are not completely homogenous, laws requiring parties to compete in a certain number of districts within a region may increase the likelihood of parties incorporating multiple groups into their agendas. This, of course, depends on the distribution of groups across districts and the demographic composition of these districts.

If regions are completely heterogeneous, laws requiring parties to compete in a certain number of regions of a country in order to win seats will not encourage parties to incorporate multiple groups into their agendas, since parties may incorporate a single group within each region and the same group across all regions.

ELECTORAL SEQUENCING

Holding national elections concurrently with subnational (i.e., provincial or local) elections can reduce the strength of regional parties at the subnational level. Statewide parties typically have stronger positions in national elections than in subnational ones, and when national and subnational elections are held at the same time, there is a coattails effect of national elections on subnational ones. Accordingly, parties that win a lion's share of national legislative seats tend to win a lion's

[1] One should not interpret the level of conflict in these countries as indicative of the utility of these laws since many other factors within these countries may contribute to conflict.

[2] See ACE Electoral Project http://www.aceproject.org regarding the second point.

share of subnational legislative seats when national and subnational elections are concurrent.

RESERVED SEATS/QUOTAS

Reserved seats are legislative seats that are set aside for representatives of particular groups (e.g., ethnolinguistic, religious, and tribal). While they ensure that certain groups are represented in the legislature, they may encourage people to vote on the basis of group membership rather than issues and consequently reinforce group identities.

Quotas, in contrast, require parties to place a certain number of representatives from different groups onto their electoral lists. Quotas have been commonly used to improve the representation of women in legislatures throughout the world (e.g., Bosnia-Herzegovina, Costa Rica, Iraq and Spain). Quotas, as a result, may encourage more broad-based political parties but they may also reinforce identities like reserved seats.

INTERNAL PARTY ORGANIZATION

Organizing statewide parties (i.e., parties that compete in every region of a country) to ensure strong representation of regions or groups within key committees or structures, can also facilitate representation of multiple groups within statewide parties.

The CHAIRMAN. My other question is that—you indicate that, "The war must first end, for federalism to operate effectively. Federalism also must be buttressed by economic development and a stable security that acts as a deterrent to violence. This is particularly problematic if the United States pulls out." What are the key structures that you envision having to be codified or put in place or agreed upon in order to get to the point where the—you know, the war has to end? I mean, part of—I must admit to you, part of what I've been thinking—and I think others—some others have—Les Gelb, and others—have been that federalism would not guarantee peace, but an accommodation, an agreement that that's the direction we're moving, is the thing that will cause these groups to focus on their own concerns.

Let me be purely Machiavellian for a moment. I do not take great comfort from Maliki using the Iraqi National Army for what I believe are both—you could argue are practical, but political reasons in trying to impact on events leading up to elections, provincial elections. Some cynics might suggest that was the purpose, or one of the overriding purposes. But, I think, ironically, just purely Machiavellian comment, it's better to have Shia fighting Shia for power and dominance than it has this—this intercommunal fighting of the same thing happening, only this time in Anbar province with Shia going in, with mosques being bombed, along sectarian lines.

Now, that's not much comfort, but—so, I've assumed that the basic requirement of agreeing that somehow there'll be some implementation of the Constitution—and that's where the rubber meets the road in the definition of what "regionalism" means, what a "region" means, and what some version of "federalism" means.

So, how do you end the war to get to the point where you can have a federal system? I mean, you don't talk about how you end the war.

Dr. BRANCATI. In 10 minutes or less? [Laughter.]

The CHAIRMAN. Well, no, I——

Dr. BRANCATI. No——

The CHAIRMAN [continuing]. You'd get the Nobel Prize if you do it in an hour. [Laughter.]

Dr. BRANCATI. Actually, I think the discussion among this group has actually changed my position slightly. I think—I've been enlightened, and I think you're right that a federal system would be something in—to hold out as a—to bring people to the table to allow this peace settlement.

But, I—what I mean here is that unless you stop violence and fighting first, that federalism can't stop violence and fighting.

The CHAIRMAN. I see what you're saying. OK.

Dr. BRANCATI. But, it can—you need military force to stop that fighting.

The CHAIRMAN. All right.

And the last question I have—and I—I'm not picking on you, I'm just impressed with your statement. You point out that, "In order to realize the goals, federalism needs the support and encouragement of the United States," and then you say, "Thus, a third party, like the United States, is needed to ensure that both parties commit to federalism and take action against violators of that system." Would you comment on how that notion intersects with what the Ambassador is talking about, more of—that is, the third party—us being part of the third party, but that it be a U.N. auspice—or have the patina, at least of broader international, you know, support?

Dr. BRANCATI. Absolutely. I think it's really important to have a third-party influence in—through workshops or through the United Nations, because if you allow the groups simply to design their system on their own, they're probably going to design the system that codifies their power and ensures that that, in the immediate term, it benefits themselves. That might allow for peace in the short term, but in the long term that's not a good idea. And so, you need experts there to move the system toward one that is more equitable among the different groups, and one that has both short-term perspectives in mind, as well as long-term perspectives. And that's what I mean about the commitment—classic commitment problems.

The CHAIRMAN. I see.

Oh, I'm glad Mr. Talwar pointed this out. Professor, you talked about this—the gradualist approach, here, and that, in effect, if the region's law were allowed to take effect now, and you had—of the 18 governates, you had—in addition to the ones that are already decided to be a region, in Kirkuk—if you had five, or three, or two more, it would be a problem. So, you talked about the "kafoo"—is that how you pronounce it?

Professor O'LEARY. Kufa.

The CHAIRMAN. Kufa. I'm sorry. The Kufa Regional Government. Can you elaborate on, why only one? And why Kufa? What that is about?

Professor O'LEARY. Yes. I spent a good number of minutes, obviously, pondering this question. I took to heart the instruction to be somewhat positive, and then I started to think as an anthropologist, and think hard about subnational divisions, both ethnic, tribal, and sectarian. And I pondered the Sunni region, Anbar. But, I came back to—to me, the next—after the Kurdistan region, the

next most likely region, based on sect, political parties, and, most of all, the influence of Sayyid Sistani, to come together, would be this region I'm calling the Kufa Regional Government.

The CHAIRMAN. Which is primarily Shia.

Professor O'LEARY. It would be primarily Shia, it would be the two holy cities, plus Qadisiyah—meaning Karbala, Najaf and Qadisiyah. And, because the next two—inasmuch as the next two governorates that might logically join—Babil, which contains Hillah, and Wasit, there is more inter-Shia political diversity, including the strong influence of Sadr, such as in Kut, so that I couldn't join them—in 2012—I decided not to be that optimistic—and to, instead, suggest their toughing it out and holding referenda to make the decision themselves.

The CHAIRMAN. I see.

Well, any of you—unfortunately, I have a thousand questions. I won't do that to you. I promised I'd let you go. Is there any closing comment any one of you would like to make?

[No response.]

The CHAIRMAN. I truly appreciate how seriously you've taken this, and all the work you've done. And, Dr. Kelly, I'd like to, maybe even just on the telephone or—follow up with you on getting into what you did not want to discuss in public session, and try to get more specific, for—at least illustrative for me—about this notion, which I agree with—I think we all agree with—What is sustainable? You know, what commitment is sustainable, consist with our interest? And that would be a—if you'd be willing to do that, at some point.

You've really been superlative. I appreciate it very, very much. And I just wish and hope—we're going to try to make sure all our colleagues get a sense of what you are about. I particularly thought—and I asked staff to compile it, ad seriatim, for me—each of your answers—2-minute answers to Senator Isakson, I thought were particularly succinct and informative, and they seemed to have a coherence to them, even though there were slightly different perspectives in each of them. And I found that very useful.

Again, thank you so much for your time. We truly appreciate it.

And we are adjourned.

[Whereupon, at 11:52 a.m., the hearing was adjourned.]

IRAQ AFTER THE SURGE: WHAT NEXT?

TUESDAY, APRIL 8, 2008

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met, pursuant to notice, at 2:37 p.m., in room SH–216, Hart Senate Office Building, Hon. Joseph R. Biden, Jr. (chairman of the committee) presiding.

Present: Senators Biden, Dodd, Kerry, Feingold, Boxer, Bill Nelson, Obama, Menendez, Cardin, Casey, Webb, Lugar, Hagel, Coleman, Corker, Voinovich, Murkowski, DeMint, Isakson, Vitter, and Barrasso.

OPENING STATEMENT OF HON. JOSEPH R. BIDEN, JR., U.S. SENATOR FROM DELAWARE

The CHAIRMAN. While our witnesses are taking their seats, let me begin by saying, to the audience: Welcome, we're delighted to have you here, but I will tell you now, anyone who speaks up, whether it's praiseworthy or otherwise, under any circumstances during the hearing, I will ask the Capitol Police to escort them permanently from the hearing room so that we can spend our time talking to the witnesses.

As I said in the anteroom to our distinguished witnesses, we're delighted to have you back. I don't know how delighted you are to be back. But, thank you for your patience. And, again, welcome to the Foreign Relations Committee.

To state the obvious, gentlemen, we—the two of you and all of us on this platform—share a common responsibility: To defend the security of the United States of America. And your assignment to do so is focused on Iraq, and you perform that mission with extraordinary skill and courage, in my view. This country owes you, and all the women and men who serve under each of you, a genuine debt of gratitude, both those in uniform and out of uniform. I want to, as one of the many on this platform who've visited Iraq on many occasions, point out that there are—that civilians are being killed, U.S. Foreign Service personnel are wounded, civilian personnel are injured, as well as our military women and men, and we owe them all—all of them—a great debt of gratitude, a debt, to state the obvious, we're not going to be able to fully repay.

But, gentlemen, your mission is limited to Iraq, and Congress and the President have a broader responsibility. We have to decide where and when to send troops, how to spend our treasure, not just in Iraq, but around the entire world. We have to prioritize among the many challenges to our security—I know you're fully aware of

what they are—but the many challenges to our security and the many needs of the American people, that extend and exceed Iraq. We have to judge how our actions in one place affect our ability to act in other places. And we have to make hard choices based on finite resources.

As you rightly said this morning, General, it is not your job to answer those questions, although you're fully capable of answering those broader questions; it's the responsibility of those, as you put it in an exchange, as I recall, with Senator Warner, who have a broader view to make these larger decisions about allocation of resources. Your focus is, and should be, and has been, well focused on America's interests in Iraq and how our interests are affected, based on how things go in Iraq. Our focus, then, must be America's security in the world and how to make us more secure at home, overall.

The purpose of the surge was to bring violence down so that Iraq leaders could come together politically. Violence has come down, but the Iraqis have not come together, at least not in the fashion that was anticipated. Our military has played a very important role, and the surge has played a role, in reducing the violence, but so, as you've acknowledged, did other developments. First, the Sunni Awakening, which preceded the surge, but was, in fact, enabled by the surge. Second, the Sadr cease-fire, which, to state the obvious, could end as we're speaking. And, third, the sectarian cleansing that has left Baghdad—much of Baghdad separated, with fewer targets to shoot at and to bomb, over 4½ million people displaced, in and out of Iraq. And a tactic—these tactical gains are real, but they are relative. Violence is now where it was in 2005, and spiking up again. Iraq is still incredibly dangerous. And, despite what the President said last week, it is very, very, very far from normal. These are gains, but they are fragile gains.

Awakening members, frustrated at their government's refusal to integrate them into the normal security forces, as you know better than I, General and Ambassador, could turn their guns on us tomorrow. Sadr could end his cease-fire at any moment, and maybe his cease-fire is beyond his control to maintain. Sectarian chaos could resume with the bombing of another major mosque. Most importantly, the strategic purpose of our surge, in my view, has not been realized, and that is genuine power-sharing that gives Iraqi factions the confidence to pursue their interests peacefully.

What progress we have seen has come at the local level, with deals and truces made among tribes and tribe members and other grassroots groups; that is political progress. Very different than was anticipated. There is little sustainable progress, though, at the national level; and, in my view, little evidence we're going to see any anytime soon.

Yes; Iraqi leaders have passed some laws, but the details, as they emerge, and implementation, as it lags, this progress seems likely to, in many cases, undermine reconciliation, as opposed to advance it.

Despite this reality, it is your recommendation that when the surge ends we should not further drawdown American forces for fear we'd jeopardize the progress we've made. If that's the case, are we appreciably closer than we were 15 months ago to the goal the

President set for Iraq when he announced the surge—and that is, a country that can, "govern itself, defend itself, and sustain itself in peace?" If we stay the course, will we be any closer, 15 months from now, to that goal than we are today?

It seems to me that we're stuck where we started before the surge, with 140,000 troops in Iraq and no end in sight. That, in my view, is unsustainable. It is unsustainable from a military perspective, according to serving and retired military officers, and it is unacceptable to the American people.

The President likes to talk about the consequences of drawing down our forces in Iraq, and he makes a dire case, which you echoed this morning. That's a debate we should have. The President's premises are highly debatable. We've heard detailed testimony in this committee, from military and civilian experts that disagree with the premises and the conclusions, as to what would follow if, in fact, we withdrew from Iraq. Would starting to leave really strengthen al-Qaeda in Iraq and give it a launching pad to attack America, as has been asserted, or would it eliminate what's left of al-Qaeda's indigenous support in Iraq? What about al-Qaeda in Pakistan and Afghanistan, the people who actually attacked us in—on 9/11? We know where they live, we know who they are, and we don't have the capacity to do much about it. If we leave, would they be emboldened, or would—to paraphrase the National Intelligence Estimate on Terrorism—would they lose one of their most effective recruiting tools, the notion that we're in Iraq to stay, with permanent military bases and control over the oil? Not our stated goals, but the propaganda tool being used. And would they, in fact, if we left Iraq, risk the full measure of American might, which they're able to avoid now in Afghanistan and Pakistan? What about Iran? Would leaving actually increase its already huge influence on Iraq, or would it shift the burden of Iraq from us to them and make our forces a much more credible deterrent to Iranian misbehavior?

These are open questions. Equally competent people as you have testified before us that the results would be the opposite that you and the President have posited. Worth debating.

Would our departure accelerate sectarian chaos, or would it cause Iraqi leaders and Iraqis' neighbors to finally begin to act responsibly and make the compromises they have to make in order to literally be able to live, if they're as exhausted with fighting as is asserted?

We should debate the consequences of starting to leave Iraq. It's totally legitimate. But more importantly is the debate we're not having. We should also talk about what the President refuses to acknowledge: The increasingly intolerable cost of staying in Iraq. The risks of leaving Iraq are debatable. The cost of staying with 140,000 troops are totally knowable, and they get steeper and steeper and steeper every single day. The continued loss of life and limb of our soldiers, the emotional and economic strain on our troops and their families due to repeated extended tours, as Army Chief of Staff George Casey recently told us, the drain on our treasury, $12 billion every month that we could spend on housing, education, health care, or reducing the deficit, the impact on the readiness of our Armed Forces, tying down so many troops that we've heard, from Vice Chief of Staff of the Army Richard Cody, we don't

have any left over to deal with new emergencies; the inability to send enough soldiers to the real central front in the war on terror, which lies between Afghanistan and Pakistan, where al-Qaeda has regrouped and is plotting new attacks, and is alive and well, and we know where they live.

Last month, in Afghanistan, General McNeill, who commands the international forces, told me that, with two extra combat brigades, about 10,000 soldiers, he could turn around the security situation in the south, where the Taliban is on the move. But, he then readily acknowledged, he knows they're not available. There's no way he can get 10,000 troops, because they're tied down in Iraq.

Even when we do pull troops out of Iraq, the Chairman of the Joint Chiefs, Admiral Mullen, says we would have to send them for a year of rest and retraining before we could even send them to Afghanistan, where everyone acknowledges more troops are needed.

Senator Levin, the chairman of the Armed Services Committee, and I wrote to Secretaries Rice and Gates to request that, like you, General McNeill and our Ambassador to Afghanistan testify jointly before our committees so we can make logical choices based on specific requests coming out of each of those theaters as to which is the place we should spend our limited resources.

We still don't have a response, I might add.

Fifteen months into the surge, we've gone from drowning to treading water, we're still spending $3 billion every week, and we're still losing—thank God it's less, but—30 to 40 American lives every month. We can't keep treading water without exhausting ourselves. But, that's what the President seems to be asking us to do. He can't tell us when, or even if, Iraqis will come together politically. He can't tell us when, or even if, we will drawdown below the presurge levels. He can't tell us when, or even if, Iraq will be able to stand on its own two feet. He says we'll stand down when the Iraqi Army stands up. Which Iraqi Army? A sectarian Iraqi Army, made up of all of Shia, or an interethnic Iraqi Army, trusted by all the people? He can't tell us when, or even if, this war will end.

Most Americans want this war to end. I believe all do, including you gentlemen. They want us to come together around a plan to leave Iraq without leaving chaos behind. They are not defeatist, as some have suggested. They are patriots. They understand the national interest and the great things America can achieve if we responsibly end the war we should not have started.

I believe it's fully within our power to do that, and the future of our soldiers, our security, and our country, will be much brighter when we succeed in getting out of Iraq without leaving chaos behind.

I yield to my colleague Chairman Lugar.

OPENING STATEMENT OF HON. RICHARD G. LUGAR, U.S. SENATOR FROM INDIANA

Senator LUGAR. Thank you very much, Mr. Chairman.

I join you in welcoming General Petraeus and Ambassador Crocker back to the Senate Foreign Relations Committee. We truly commend their skilled service in Iraq and the achievements that

United States military and diplomatic personnel have been able to bring forward under their leadership. We are grateful for the decline in fatalities among Iraqi civilians and United States personnel and the expansion of security in many regions and neighborhoods throughout Iraq.

Last week, our committee held a series of hearings in anticipation of today's inquiry. We engaged numerous experts on the situation in Iraq and on strategies for moving forward. Our discussions yielded several premises that might guide our discussion today.

First, the surge has succeeded in improving the conditions on the ground in many areas of Iraq and creating, "breathing space," for exploring political accommodation. Economic activity has improved, and a few initial political benchmarks have been achieved. The United States took advantage of Sunni disillusionment with al-Qaeda tactics, the Sadr faction's desire for a cease-fire, and other factors that construct multiple cease-fire agreements with tribal and sectarian leaders. Tens of thousands of Iraqi Sunnis, who previously had sheltered al-Qaeda and targeted Americans, are currently contributing to security operations, drawn by their interest in self-preservation and United States payments.

Second, security improvements derived purely from American military operations have reached, or almost reached, a plateau. Military operations may realize some marginal security gains in some areas, but these gains are unlikely to be transformational for the country, beyond what has already occurred. Forward progress depends largely on political events in Iraq.

Third, despite the improvements in security, the central government has not demonstrated that it can construct a top-down political accommodation for Iraq. The Iraqi Government is afflicted by corruption, and shows signs of sectarian bias. It still has not secured the confidence of most Iraqis or demonstrated much competence in performing basic government functions, including managing Iraq's oil wealth, overseeing reconstruction programs, delivering government assistance to the provinces, or creating jobs.

Fourth, though portions of the Iraqi population are tired of the violence and would embrace some type of permanent cease-fire or political accommodation, sectarian and tribal groups remain heavily armed and are focused on expanding or solidifying their positions. The lack of technical competence within the Iraqi Government, external interference by the Iranians and others, the corruption and criminality at all levels of Iraqi society, the departure from Iraq of many of its most talented citizens, the lingering terrorist capability of al-Qaeda in Iraq, seemingly intractable disputes over territories and oil assets, and power struggles between and within sectarian and tribal groups, all impede a sustainable national reconciliation. Iraq will be an unstable country for the foreseeable future. And if some type of political settlement can be reached, it will be inherently fragile.

Fifth, operations in Iraq have severely strained the United States military. These strains will impose limits on the size and length of future deployments to Iraq, irrespective of political divisions or the outcome of the elections in our country.

Last week, before the Senate Armed Services Committee, GEN Richard Cody, the Vice Chief of Staff of the Army, testified, "Today,

our Army is out of balance. The current demand for forces in Iraq and Afghanistan exceeds our sustainable supply of soldiers, of units and equipment, and limits our ability to provide ready forces for other contingencies. Our readiness, quite frankly, is being consumed as fast as we build it. Lengthy and repeated deployments with insufficient recovery time at home station have placed incredible stress on our soldiers and on their families, testing the resolve of the All-Volunteer Force like never before." Later in the hearing, General Cody said, "I have never seen our lack of strategic depth be at where it is today."

The lmitations imposed by these stresses were echoed in our own hearings. GEN Barry McCaffrey asserted that troop levels in Iraq have to be reduced, stating that the Army is experiencing "significant recruiting and retention problems" and that "10 percent of recruits should not be in uniform."

MG Robert Scales testified, "In a strange twist of irony, for the first time since the summer of 1863 the number of ground soldiers available is determining American policy, rather than policy determining how many troops we need. The only point of contention is how precipitous will be the withdrawal and whether the schedule of withdrawal should be a matter of administration policy." Now, if one accepts the validity of all or most of these five premises, the terms of our inquiry today are much different than they were last September. At that time, the President was appealing to Congress to allow the surge to continue, to create breathing space for a political accommodation. Today, the questions are whether and how improvements in security can be converted into political gains that can stabilize Iraq, despite the impending drawdown of United States troops.

Simply appealing for more time to make progress is insufficient. Debate over how much progress we have made and whether we can make more is less illuminating than determining whether the administration has a definable political strategy that recognizes the time limitations we face and seeks a realistic outcome designed to protect American vital interests.

Our witnesses last week offered a wide variety of political strategies for how we might achieve an outcome that would preserve regional stability, prevent the worst scenarios for bloodshed and protect basic United States national security interests. These included focusing more attention on building the Iraqi Army, embracing the concept of federalism, expanding the current bottom-up cease-fire matrix into a broader national accommodation, negotiating with the Iraqis in the context of an announced United States withdrawal, and creating a regional framework to bolster Iraqi security.

But, none of our witnesses last week claimed that the task in Iraq was simple or that the outcome would likely fulfill the ideal of a pluralist democratic nation closely aligned with the United States. All suggested that spoiling activities and the fissures in Iraqi society could undermine even the most well-designed efforts by the United States.

Unless the United States is able to convert progress made thus far into a sustainable political accommodation that supports our long-term national security objectives in Iraq, this progress will have limited meaning. We cannot assume that sustaining some

level of progress is enough to achieve success, especially when we know that current American troop levels in Iraq have to be reduced and spoiling forces will be at work in Iraq. We need a strategy that anticipates a political endgame and employs every plausible means to achieve it.

I thank General Petraeus and Ambassador Crocker for joining us. I look forward to our discussion of how the United States can define success and then achieve our vital objectives in Iraq.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Gentlemen. Mr. Ambassador.

STATEMENT OF HON. RYAN C. CROCKER, AMBASSADOR TO THE REPUBLIC OF IRAQ, DEPARTMENT OF STATE, WASHINGTON, DC

Ambassador CROCKER. Mr. Chairman, Senator Lugar, members of the committee, it is an honor to appear before you today to provide my assessment on political, economic, and diplomatic developments in Iraq.

When General Petraeus and I reported to you, in September, I gave my considered judgment on whether our goals in Iraq were attainable. Can Iraq develop into a united, stable country with a democratically elected government operating under the rule of law? Last September, I said that the cumulative trajectory of political, economic, and diplomatic developments in Iraq was upward, although the slope of that line was not steep.

Developments over the past 7 months have strengthened my sense of a positive trend. Immense challenges remain, and progress is uneven and often frustratingly slow, but there is progress. Sustaining that progress will require continuing U.S. resolve and commitment. What has been achieved is substantial, but it is also reversible.

Five years ago, the statue of Saddam Hussein was toppled in Baghdad. The euphoria of that moment evaporated long ago. But, as Iraq emerges from the shattering violence of 2006 and early part of 2007, there is reason to sustain that commitment and the enormous investment we have made in the lives of our young men and women and our resources. Let me describe the developments upon which I base such a judgment.

The first is at the national level, in the form of legislation and the development of Iraq's Parliament.

In September, we were disappointed that Iraq had not yet completed key laws. In the last several months, Iraq's Parliament has formulated, debated vigorously, and, in many cases, passed legislation dealing with vital issues of reconciliation and nation-building.

A Pension Law extended benefits to individuals who had been denied them because of service with the previous regime.

The Accountability and Justice Law, de-Baathification reform, passed after lengthy and often contentious debate, reflecting a strengthened spirit of reconciliation, as does the far-reaching Amnesty Law.

The Provincial Powers Law is a major step forward in defining the relationship between the federal and provincial governments. This involved a debate about the fundamental nature of the state,

similar in its complexity to our own lengthy and difficult debate over states rights. The Provincial Powers Law also called for provincial elections by October 1 of this year, and an electoral law is now under discussion that will set the parameters for these elections. All major parties have announced their support for elections, which will be a major step forward in Iraq's political development, and will set the stage for national elections in late 2009.

A vote by the Council of Representatives, in January, to change the design of the Iraqi flag means that flag now flies in all parts of the country for the first time in years.

And the passage of the 2008 budget, with record amounts for capital expenditures, ensures that the federal and provincial governments will have the resources for public spending.

All of this has been done since September. These laws are not perfect, and much depends on their implementation, but they are important steps.

Also important has been the development of Iraq's Council of Representatives as a national institution. Last summer, the Parliament suffered from persistent and often paralyzing debate—disputes over leadership and procedure. Now it is successfully grappling with complex issues, and producing viable tradeoffs and compromise packages.

As debates in Iraq's Parliament become more about how to resolve tough problems in a practical way, Iraqi politics have become more fluid. While these politics still have a sectarian bent and basis, coalitions have formed around issues and sectarian political groupings, which often were barriers to progress, have become more flexible.

Let me also talk about the intangibles: Attitudes among the Iraqi people. In 2006 and 2007, many understandably questioned whether hatred between Iraqis of different sectarian backgrounds were so deep that a civil war was inevitable. The Sunni Awakening Movement in Anbar, which so courageously confronted al-Qaeda, continues to keep the peace in the area, and keep al-Qaeda out.

Fallujah, once a symbol for violence and terror, is now one of Iraq's safest cities. The Shia holy cities of Karbala and Najaf are enjoying security and growing prosperity in the wake of popular rejection of extremist militia activity.

The Shia clerical leadership, the Marjaiyah, based in Najaf, has played a quiet, but important, role in support of moderation and reconciliation.

In Baghdad, we can see that Iraqis are not pitted against each other purely on the basis of sectarian affiliation. The security improvements of the past months have diminished the atmosphere of suspicion and allowed for acts of humanity that transcend sectarian identities.

When I arrived in Baghdad a year ago, my first visit to a city district was to the predominantly Sunni area of Dora. Surge forces were just moving into neighborhoods still gripped by al-Qaeda. Residents also were being terrorized by extremist Shia militias. Less than a year later, at the end of February, tens of thousands of Shia pilgrims walked through those streets on their way to Karbala to commemorate the martyrdom of Imam Hussein. Sunni

residents offered food and water as they passed through, and some joined the pilgrimage.

Mr. Chairman, news from Iraq in recent weeks has been dominated by the situation in Basra. Taken as a snapshot, the scenes of increasing violence and masked gunmen in the streets, it is hard to see how this situation supports a narrative of progress in Iraq. And there is still very much to be done to bring full government control to the streets of Basra and eliminate entrenched extremist, criminal, and militia groups.

But, when viewed with the broader lens, the Iraqi decision to take on these groups in Basra has major significance.

First, a Shia majority government, led by Prime Minister Maliki, has demonstrated its commitment to taking on criminals and extremists, regardless of sectarian identity.

Second, Iraqi Security Forces led these operations in Basra and in towns and cities throughout the south. British and United States elements played important roles, but these were supporting roles, as they should be.

The operation in Basra has also shaken up Iraqi politics. The Prime Minister returned to Baghdad from Basra shortly before General Petraeus and I left for Washington, and he is confident in his decision, and determined to press the fight against these illegal groups, but also determined to take a hard look at lessons learned.

The efforts of the government against extremist militia elements have broad political support, as a statement, April 5, by virtually all of Iraq's main political leaders—Sunni, Shia, and Kurd—made clear.

A wild card remains the Sadrist trend and whether the Iraqis can continue to drive a wedge between other elements of the trend and Iranian-supported special groups. A dangerous development in the immediate wake of the Basra operation was what appeared to be a reunification between special groups and mainline Jayish al-Mahdi. We also saw a potential collapse of the Jayish al-Mahdi freeze in military operations.

As the situation unfolded, however, Muqtada al-Sadr issued a statement that disavowed anyone possessing heavy weapons, which would include the signature weapons of the special groups. The statement can further sharpen the distinction between members of the Sadrist trend who should not pose a threat to the Iraqi state and members of the special groups, who very much do.

One conclusion I'd draw from these signs of progress is that the strategy that began with the surge is working. This does not mean that U.S. support should be open-ended or that the level and nature of our engagement should not diminish over time. It is in this context that we have begun negotiating a bilateral relationship between Iraq and the United States.

In August, Iraq's five principal leaders requested a long-term relationship with the United States, to include economic, political, diplomatic, and security cooperation. The heart of this relationship will be a legal framework for the presence of American troops similar to that which exists in nearly 80 countries around the world.

The Iraqis view the negotiation of this framework as a strong affirmation of Iraqi sovereignty, placing Iraq on par with other U.S. allies and removing the stigma of Chapter VII status under the

U.N. Charter, pursuant to which coalition forces presently operate. Such an agreement is in Iraq's interest and ours.

United States forces will remain in Iraq beyond December 31, 2008, when the U.N. resolution presently governing their presence expires. Our troops will need basic authorizations and protections to continue operations, and this agreement will provide those authorizations and protections.

The agreement will not establish permanent bases in Iraq, and we anticipate that it will expressly foreswear them. The agreement will not specify troop levels, and it will not tie the hands of the next administration. Our aim is to ensure that the next President arrives in office with a stable foundation upon which to base policy decisions, and that is precisely what this agreement will do. Congress will remain fully informed as these negotiations proceed in the coming weeks and months.

Mr. Chairman, significant challenges remain in Iraq. A reinvigorated Cabinet is necessary, both for political balance and to improve the delivery of services to Iraq's people. Challenges to the rule of law, especially corruption, are enormous. Disputed internal boundaries, the article 140 process, must be resolved. The return of refugees and the internally displaced must be managed. The rights of women and minorities must be better protected. Iraqis are aware of the challenges they face, and are working on them.

Iraq's political progress will not be linear. Developments, which are on the whole positive, can still have unanticipated or destabilizing consequences. The decision to hold provincial elections, vital for Iraq's democratic development and long-term stability, will also produce new strains. Some of the violence we have seen recently in southern Iraq reflects changing dynamics within the Shia community as the political and security context changes. Such inflection points underscore the fragility of the situation in Iraq, but it would be wrong to conclude that any eruption of violence marks the beginning of an inevitable backslide.

With respect to economics and capacity-building, in September I reported to you that there had been some gains in Iraq's economy and in the country's efforts to build capacity to translate these gains into more effective governance and services. The Iraqis have built on these gains over the past months, as it most evident in the revival of marketplaces across Iraq and the reopening of long-shuttered businesses. According to a Center for International Private Enterprise poll last month, 78 percent of Iraqi businessowners surveyed expect the Iraqi economy to grow significantly in the next 2 years.

With improving security and rising government expenditures, the IMF projects that Iraq's GDP will grow 7 percent, in real terms, this year, and inflation has been tamed. The dinar remains strong, and the central bank has begun to bring down interest rates.

Iraq's 2008 budget has allocated $13 billion for reconstruction, and a $5 billion supplemental budget, this summer, will further invest export revenues in building infrastructure and providing the services that Iraq so badly needs. This spending also benefits the United States. Iraq recently announced its decision to purchase 40 commercial aircraft from the United States, at an estimated cost of $5 billion.

As Iraq is now earning the financial resources it needs for bricks-and-mortar construction through oil production and exports, our assistance focus has shifted to capacity-development and an emphasis on local and post-kinetic development through our network of Provincial Reconstruction Teams and ministerial advisers. The era of U.S.-funded major infrastructure projects is over. We are seeking to ensure that our assistance, in partnership with the Iraqis, leverages Iraq's own resources.

Our 25 PRTs throughout Iraq have been working to improve provincial and local governance capabilities, particularly in budget design and execution. They are also helping to establish critical linkages between provincial and federal governments. Our PRTs are great enablers, and we are working to ensure their continued viability as our forces redeploy. The relatively small amounts they disburse through quick-response funds have major impacts in local communities, and congressional support is important, as it is for other vital programs in the FY08 global war on terrorism supplemental request.

Iraq increasingly is using its own resources to support projects and programs that we have developed. It has committed nearly $200 million in support of a program to provide vocational training for concerned local citizens who stood up with us in the Awakening.

Our technical assistance advisers have helped design new procurement procedures for Iraq's oil ministry. We developed the technical specifications from which Iraq's state-owned oil company will build new oil export platforms and underwater pipelines worth over a billion dollars.

And in Baghdad in the last 3 months, the municipality has stepped up to take over labor contracts worth $100 million that we had been covering under the Community Stabilization Program.

Like so much else, Iraq's economy is fragile, the gains reversible, and the challenges ahead substantial. Iraq will need to continue to improve governmental capacity, pass national-level hydrocarbon legislation, improve electrical production and distribution, improve the climate for foreign and domestic investment, create short- and long-term jobs, and tackle the structural and economic problems of the vital agricultural sector. We will be helping the Iraqis as they take on this challenging agenda, along with other international partners, including the United Nations and the World Bank.

Mr. Chairman, along with the security surge last year, we also launched a diplomatic surge focused on enhancing U.N. engagement in Iraq, anchoring the international compact with Iraq, and establishing an expanded neighbors process which serves as a contact group in support of Iraq.

The United Nations has taken advantage of an expanded mandate granted to the United Nations Assistance Mission in Iraq, UNAMI, to increase the scope of its activities and the size of its staff. Under dynamic new leadership, UNAMI is playing a key role in preparing for provincial elections and in providing technical assistance to resolve disputed internal boundaries.

UNHCR has returned international staff to Iraq to assist with the return of internally displaced persons and refugees.

The International Compact with Iraq provides a 5-year framework for Iraq to reform its economy and achieve self-sufficiency in exchange for long overdue Saddam-era debt relief.

Preparations are underway for a ministerial-level compact meeting in Sweden next month. Seventy-four nations were represented in last year's gathering in Egypt.

Iraq's neighbors also understand they have a major interest in Iraq's future. Turkey hosted the second ministerial meeting of Iraq's neighbors in November, and Kuwait will host the third meeting later this month. In addition to all of Iraq's neighbors, these expanded conferences also include the Permanent Five Members of the Security Council, the Arab League, and the G–8.

Support from Arab capitals has not been strong, and it must improve, for the sake of Iraq and for the sake of the region. Bahrain's recent announcement that it will return an ambassador to Baghdad is welcome, and other Arab states should follow suit.

Iraq is a multiethnic state, but it is also a founding member of the Arab League and an integral part of the Arab world. Last month, Iraq hosted a meeting of the Arab Parliamentary Union, bringing the leaders of Arab Parliaments and consultative councils to Iraq for the first major inter-Arab gathering since 1990. It is noteworthy that the meeting was held in the Kurdish city of Irbil, under the recently redesigned Iraqi flag, highlighting both the remarkable prosperity and stability of Iraq's Kurdish region and the presence of the Iraqi federal state.

We hope that this event will encourage more active Arab engagements with Iraq, and we expect that Prime Minister Maliki's effort against Shia extremist militias in Basra will receive Arab support.

The presence of the PKK terrorist organization in the remote mountains of Iraq, along the Turkish border, have produced tension between Turkey and Iraq, and led to a Turkish cross-border operation in February, including movement of Turkish ground forces into Iraq. At the same time, both governments are working to strengthen their ties, and Iraqi President Talibani made a successful visit to Turkey in March.

Syria plays an ambivalent role. We have seen evidence of efforts to interdict some foreign fighters seeking to transit Syria to Iraq, but others continue to cross the border. Syria also harbors individuals who finance and support the Iraqi insurgency.

Iran continues to undermine the efforts of the Iraqi Government to establish a stable, secure state through the arming and training of criminal militia elements engaged in violence against Iraqi Security Forces, coalition forces, and Iraqi civilians. The extent of Iran's malign influence was dramatically demonstrated when these militia elements clashed with Iraqi Government forces in Basra and Baghdad.

When the President announced the surge, he pledged to seek and destroy Iranian-supported lethal networks inside Iraq. We know more about these networks and their Quds Force sponsors than ever before, and we will continue to aggressively uproot and destroy them.

At the same time, we support constructive relations between Iran and Iraq, and are participating in a tripartite process to discuss the security situation in Iraq. Iran has a choice to make.

Mr. Chairman, almost everything about Iraq is hard. It will continue to be hard as Iraqis struggle with the damage and trauma inflicted by 35 years of totalitarian Baathist rule. But "hard" does not mean "hopeless." And the political and economic progress of the past few months is significant. These gains are fragile, and they are reversible.

Americans have invested a great deal in Iraq, in blood as well as treasure, and they have the right to ask whether this is worth it, whether it is now time to walk away and let the Iraqis fend for themselves. Iraq has the potential to develop into a stable, secure, multiethnic, multisectarian democracy under the rule of law. Whether it realizes that potential is ultimately up to the Iraqi people. Our support, however, will continue to be critical.

I said, in September, that I cannot guarantee success in Iraq. This is still the case, although I think we are now closer. I remain convinced that a major departure from our current engagement would bring failure, and we have to be clear with ourselves about what failure would mean.

Al-Qaeda is in retreat in Iraq, but it is not yet defeated. Al-Qaeda's leaders are looking for every opportunity they can to hang on. Osama bin Laden has called Iraq "the perfect base," and it reminds us that a fundamental aim of al-Qaeda is to establish itself in the Arab world. It almost succeeded in Iraq. We cannot allow it a second chance.

And it is not only al-Qaeda that would benefit. Iran has said, publicly, it will fill any vacuum in Iraq, and extremist Shia militias would reassert themselves. We saw them try in Basra and Baghdad, 2 weeks ago.

And in all of this, the Iraqi people would suffer on a scale far beyond what we have already seen. Spiraling conflict could also draw in neighbors, with devastating consequences for the region and the world.

Mr. Chairman, as monumental of the events of the last 5 years have been in Iraq, Iraqis, Americans, and the world ultimately will judge us far more on the basis of what will happen than what has happened. In the end, how we leave and what we leave behind will be more important than how we came.

Our current course is hard, but it is working. Progress is real, although fragile. We need to stay with it.

Mr. Chairman, in the months ahead, we will continue to assist Iraq as it pursues further steps toward reconciliation and economic development. Over time, this will become increasingly an Iraqi process, as it should be.

Our efforts will focus on increasing Iraq's integration, regionally and internationally; assisting Iraqi institutions, locally and nationally, to strengthen the political process and promote economic activity; and supporting the United Nations as Iraq carries out local elections toward the end of the year. These efforts will require an enhanced civilian commitment and continued support from the Congress and the American people.

Finally, Mr. Chairman, I want to recognize and thank all those who serve our country in Iraq, military and civilian. Their courage and commitment, at great sacrifice, has earned the admiration of

all Americans. They certainly have mine. And it is an honor to be with them out there.

Thank you, sir.

[The prepared statement of Ambassador Crocker follows:]

PREPARED STATEMENT OF HON. RYAN C. CROCKER, AMBASSADOR TO THE REPUBLIC OF IRAQ, DEPARTMENT OF STATE, WASHINGTON, DC

Mr. Chairman, Senator Lugar, and members of the committee, it is an honor to appear before you today to provide my assessment of political, economic, and diplomatic developments in Iraq. When General Petraeus and I reported to you in September, I gave my considered judgment as to whether our goals in Iraq were attainable—can Iraq develop into a united, stable country with a democratically elected government operating under the rule of law?

Last September, I said that the cumulative trajectory of political, economic, and diplomatic developments in Iraq was upward, although the slope of that line was not steep. Developments over the last 7 months have strengthened my sense of a positive trend. Immense challenges remain and progress is uneven and often frustratingly slow; but there is progress. Sustaining that progress will require continuing U.S. resolve and commitment. What has been achieved is substantial, but it is also reversible. Five years ago, the statue of Saddam Hussein was toppled in Baghdad. The euphoria of that moment evaporated long ago. But as Iraq emerges from the shattering violence of 2006 and the early part of 2007, there is reason to sustain that commitment and the enormous investments we have made both in the lives of our young brave men and women and our resources. Let me describe the developments upon which I base such a judgment.

RECONCILIATION: NATIONAL AND PROVINCIAL POLITICS

The first is at the national level in the form of legislation and the development of Iraq's Parliament. In September, we were disappointed that Iraq had not yet enacted some key pieces of legislation. In the last several months, however, Iraq's Parliament has formulated, debated vigorously, and in many cases passed legislation dealing with vital issues of reconciliation and nation-building. A pension law extended benefits to individuals who had previously been denied them because of their service under the former regime. The Accountability and Justice Law (de-Baathification reform), passed after lengthy and often contentious debate, reflects a strengthened spirit of reconciliation, as does a far-reaching Amnesty Law.

The Provincial Powers Law is a major step forward in defining the relationship between the federal and provincial governments. Passage of this legislation required debate about the fundamental nature of the state, similar in its complexity to our own lengthy and difficult debate over states' rights. The Provincial Powers Law also called for provincial elections by October 1, 2008, and an Electoral Law is now under discussion that will set the parameters for elections. All major parties have announced their support for these elections, which will be a major step forward in Iraq's political development and will set the stage for national elections in late 2009.

In January, a vote by the Council of Representatives to change the design of the Iraqi flag means the flag now flies in all parts of the country for the first time in years. The passage of the 2008 budget, with record amounts for capital expenditures, insures that the federal and provincial governments will have the resources for public spending. All of this has been done since September. These laws are not perfect and much depends on their implementation, but they are important steps.

Also important has been the development of Iraq's Council of Representatives (COR) as a national institution. Last summer, the COR suffered from persistent and often paralyzing disputes over leadership and procedure. Now, it is successfully grappling with complex issues and producing viable tradeoffs and compromise packages. As debates in Iraq's Parliament became more about how to resolve tough problems in a practical way, Iraqi politics have become more fluid. While politics still have a sectarian bent and basis, cross-sectarian coalitions have formed around issues, and sectarian political groupings which often were barriers to progress have become more flexible.

Let me also talk about the intangibles: Attitudes among the population and the conversations that are occurring among Iraqi leaders. In 2006 and 2007, many people understandably questioned whether hatred between Iraqis of different sectarian backgrounds was so deep that a civil war was inevitable. The Sunni Awakening movement in Al Anbar, which so courageously confronted al-Qaeda, continues to keep the peace in the area and keep al-Qaeda out. Fallujah, once a symbol for violence and terror, is now one of Iraq's safest cities. The Shia holy cities of An Najaf

and Karbala are enjoying security and growing prosperity in the wake of popular rejection of extremist militia activity. The Shia clerical leadership—the Marjaiyah—based in An Najaf—has played a quiet but important role in support of moderation and reconciliation. In Baghdad, we can see that Iraqis are not pitted against each other purely on the basis of sectarian affiliation. The security improvements of the past months have diminished the atmosphere of suspicion and allowed for acts of humanity that transcend sectarian identities.

When I arrived in Baghdad a year ago, my first visit to a city district was to the predominantly Sunni area of Dora. Surge forces were just moving into the neighborhoods still gripped by al-Qaeda. Residents also were being terrorized by extremist Shia militias. Less than a year later, at the end of February, tens of thousands of Shia pilgrims walked through those streets on their way to Karbala to commemorate the martyrdom of Imam Hussein. Sunni residents offered food and water as they passed through, and some joined the pilgrimage.

News from Iraq in recent weeks has been dominated by the situation in Basra. Taken as a snapshot, with scenes of increasing violence, and masked gunmen in the streets, it is hard to see how this situation supports a narrative of progress in Iraq. There is still very much to be done to bring full government control to the streets of Basra and eliminate entrenched extremist, criminal, and militia groups.

When viewed with a broader lens, the Iraqi decision to combat these groups in Basra has major significance. First, a Shia majority government, led by Prime Minister Maliki, has demonstrated its commitment to taking on criminals and extremists regardless of sectarian identity. Second, Iraqi Security Forces led these operations, in Basra, and in towns and cities throughout the south. British and U.S. elements played important roles, but these were supporting roles, as they should be.

The operation in Basra has also shaken up Iraqi politics. The Prime Minister returned to Baghdad from Basra shortly before I left for Washington—and he is confident in his decision and determined to press the fight against illegal groups, but also determined to take a hard look at lessons learned. The efforts of the government against extremist militia elements have broad political support as a statement April 5 by virtually all of Iraq's main political leaders—Sunni, Shia, and Kurd—made clear.

A wildcard remains the Sadrist Trend—and whether the Iraqis can continue to drive a wedge between other elements of the Trend and Iranian-supported Special Groups. A dangerous development in the immediate wake of the Basra operation was what appeared to be a reunification between Special Groups and the mainline Jaysh al-Mahdi (JAM). We also saw a potential collapse of the JAM "freeze" in military operations. As the situation unfolded however, Muqtada al-Sadr issued a statement that disavowed anyone possessing "heavy weapons"—which would include the signature weapons of the Special Groups. This statement can further sharpen the distinction between members of the Sadrist Trend, who should not pose a threat to the Iraqi state, and members of Special Groups, who very much do.

One conclusion I draw from these signs of progress is that the strategy that began with the surge is working. This does not mean, however, that U.S. support should be open-ended or that the level and nature of our engagement should not diminish over time. It is in this context that we have begun negotiating a bilateral relationship between Iraq and the United States. In August, Iraq's five principal leaders requested a long-term relationship with the United States, to include economic, political, diplomatic, and security cooperation. The heart of this relationship will be a legal framework for the presence of American troops similar to that which exists in nearly 80 countries around the world.

The Iraqis view the negotiation of this framework as a strong affirmation of Iraqi sovereignty—placing Iraq on par with other U.S. allies and removing the stigma of chapter VII status under the U.N. Charter, pursuant to which coalition forces presently operate. Such an agreement is in Iraq's interest—and ours. U.S. forces will remain in Iraq beyond December 31, 2008, when the U.N. resolution presently governing their presence expires. Our troops will need basic authorizations and protections to continue operations—and this agreement will provide those authorizations and protections.

The agreement will not establish permanent bases in Iraq, and we anticipate that it will expressly foreswear them. The agreement will not specify troop levels, and it will not tie the hands of the next administration. Our aim is to ensure that the next President arrives in office with a stable foundation upon which to base policy decisions, and that is precisely what this agreement will do. Congress will remain fully informed as these negotiations proceed in the coming weeks and months.

Mr. Chairman, significant challenges remain in Iraq. A reinvigorated Cabinet is necessary both for political balance and to improve the delivery of services to Iraq's people. Challenges to the rule of law, especially corruption, are enormous. Disputed

internal boundaries—the article 140 process—must be resolved. The return of refugees and the internally displaced must be managed. The rights of women and minorities must be better protected. Iraqis are aware of the challenges they face, and are working on them.

Iraq's political progress will not be linear. Developments which are on the whole positive can still have unanticipated or destabilizing consequences. The decision to hold provincial elections—vital for Iraq's democratic development and long-term stability—will also produce new strains. Some of the violence we have seen recently in southern Iraq reflects changing dynamics within the Shia community as the political and security context changes. Such inflection points underscore the fragility of the situation in Iraq, but it would be wrong to conclude that any eruption of violence marks the beginning of an inevitable backslide.

ECONOMICS AND CAPACITY-BUILDING

In September, I reported to you that there had been some gains in Iraq's economy and in the country's efforts to build capacity to translate these gains into more effective governance and services. Iraqis have built on these gains over the past months, as is most evident in the revival of marketplaces across Iraq and the reopening of long-shuttered businesses. According to a Center for International Private Enterprise poll last month, 78 percent of Iraqi business owners surveyed expect the Iraqi economy to grow significantly in the next 2 years.

With the improving security and rising government expenditures, the IMF projects that Iraq's GDP will grow 7 percent in real terms this year, and inflation has been tamed. The Iraqi dinar remains strong and the Central Bank has begun to bring down interest rates.

Iraq's 2008 budget has allocated $13 billion for reconstruction, and a $5 billion supplemental budget this summer will invest export revenues in building the infrastructure and providing the services that Iraq so badly needs. This spending also benefits the United States—Iraq recently announced its decision to purchase 40 commercial aircraft from the U.S at an estimated cost of $5 billion.

As Iraq is now earning the financial resources it needs for bricks and mortar construction through oil production and export, our primary focus has shifted to capacity development and an emphasis on local and post-kinetic development through our network of Provincial Reconstruction Teams (PRTs) and ministerial advisers. The era of U.S.-funded major infrastructure projects is over. We are seeking to ensure that our assistance, in partnership with the Iraqis, leverages Iraq's own resources. Our 25 PRTs throughout Iraq have been working to improve provincial and local governance capabilities, particularly in budget design and execution. They are also helping to establish critical linkages between provincial and federal governments. Our PRTs are great enablers, and we are working to insure their continued viability as our forces redeploy. The relatively small amounts they disburse through Quick Response Funds (QRF) have major impacts in local communities, and congressional support is important, as it is for other vital programs in the FY08 Global War on Terror Supplemental request.

Iraq increasingly is using its own resources to support projects and programs that we have developed. It has committed nearly $200 million in support of a program to provide vocational training for concerned local citizens who stood up with us in the Awakening. Our technical assistance advisers have helped design new procurement procedures for Iraq's Oil Ministry. We developed the technical specifications from which Iraq's state-owned oil company will build new oil export platforms and underwater pipelines worth over a billion dollars. And in Baghdad, in the last 3 months the municipality has stepped up to take over labor contracts worth $100 million that we had been covering under the Community Stabilization Program.

Like so much else, Iraq's economy is fragile, the gains reversible and the challenges ahead substantial. Iraq will need to continue to improve governmental capacity, pass national-level hydrocarbon legislation, improve electrical production and distribution, improve the climate for foreign and domestic investment, create short- and long-term jobs and tackle the structural and economic problems of the vital agricultural sector. We will be helping the Iraqis as they tackle this challenging agenda, along with other international partners including the United Nations and the World Bank.

REGIONAL AND INTERNATIONAL DYNAMICS

Along with the security surge last year, we also launched a diplomatic surge—focused on enhancing U.N. engagement in Iraq, anchoring the International Compact with Iraq, and establishing an expanded neighbors process, which serves as a contact group in support of Iraq.

The United Nations has taken advantages of an expanded mandate granted to the Untied Nations Assistance Mission in Iraq (UNAMI) to increase the scope of its activities and the size of its staff. Under dynamic new leadership, UNAMI is playing a key role in preparing for provincial elections and in providing technical assistance to resolve disputed internal boundaries. UNHCR has returned international staff to Iraq to assist with the return of internally displaced persons and refugees. The International Compact with Iraq provides a 5-year framework for Iraq to reform its economy and achieve economic self-sufficiency in exchange for long overdue Saddam-era debt relief. Preparations are underway for a ministerial level Compact meeting in Sweden next month; 74 nations were represented at last year's gathering in Egypt.

Iraq's neighbors also understand they have a major interest in Iraq's future. Turkey hosted the second ministerial meeting of Iraq's neighbors in November, and Kuwait will host the third meeting later this month. In addition to all of Iraq's neighbors, these expanded neighbors conferences also include the Permanent Five members of the Security Council, the Arab League, and the G–8.

Support from Arab capitals has not been strong—and must improve, for the sake of Iraq and the sake of the region. Bahrain's recent announcement that it will return an ambassador to Baghdad is welcome, and other Arab states should follow suit. Iraq is a multiethnic state, but it is also a founding member of the Arab League and an integral part of the Arab world. Last month, Iraq hosted a meeting of the Arab Parliamentary Union, bringing the leaders of Arab Parliaments and consultative councils to Iraq for the first major inter-Arab gathering since 1990. It is noteworthy that the meeting was held in the Kurdish city of Irbil, under the recently redesigned Iraqi flag, highlighting both the remarkable prosperity and stability of Iraq's Kurdish region and the presence of the Iraqi federal state. We hope that this event will encourage more active Arab engagement with Iraq, and we expect that Prime Minister Maliki's effort against Shia extremist militias in Basra will receive Arab support.

The presence of the PKK terrorist organization in the remote mountains of Iraq along the Turkish border has produced tension between Turkey and Iraq, and led to a Turkish cross-border operation in February, including movement of Turkish ground forces into Iraq. At the same time, both governments are working to strengthen their ties, and Iraqi President Talabani made a successful visit to Turkey in March.

Syria plays an ambivalent role. We have seen evidence of efforts to interdict some foreign fighters seeking to transit Syria to Iraq, but others continue to cross the boarder. Syria also harbors individuals who finance and support the Iraqi insurgency.

Iran continues to undermine the efforts of the Iraqi Government to establish a stable, secure state through the authority and training of criminal militia elements engaged in violence against Iraqi Security Forces, coalition forces, and Iraqi civilians. The extent of Iran's malign influence was dramatically demonstrated when militia elements armed and trained by Iran clashed with Iraqi Government forces in Basra and Baghdad. When the President announced the surge, he pledged to seek out and destroy Iranian-supported lethal networks inside Iraq. We know more about these networks and their Quds Force sponsors than ever before—and we will continue to aggressively uproot and destroy them. At the same time, we support constructive relations between Iran and Iraq and are participating in a tripartite process to discuss the security situation in Iraq. Iran has a choice to make.

LOOKING AHEAD

Mr. Chairman, almost everything about Iraq is difficult. It will continue to be difficult as Iraqis struggle with the damage and trauma inflicted by 35 years of totalitarian Baathist rule. But hard does not mean hopeless, and the political and economic process of the past few months is significant. I must underscore, however, that these gains are fragile, and they are reversible. Americans have invested a great deal in Iraq, in blood as well as treasure, and they have the right to ask whether this is worth it, whether it is now time to walk away and let the Iraqis fend for themselves. Iraq has the potential to develop into a stable, secure multiethnic, multisectarian democracy under the rule of law. Whether it realizes that potential is ultimately up to the Iraqi people. Our support, however, will continue to be critical. I said in September that I cannot guarantee success in Iraq. That is still the case, although I think we are now closer. I remain convinced that a major departure from our current engagement would bring failure, and we have to be clear with ourselves about what failure would mean.

Al-Qaeda is in retreat in Iraq, but it is not yet defeated. Al-Qaeda's leaders are looking for every opportunity they can to hang on. Osama bin Ladin has called Iraq "the perfect base," and it reminds us that a fundamental aim of al-Qaeda is to establish itself in the Arab world. It almost succeeded in Iraq; we cannot allow it a second chance.

And it is not only al-Qaeda that would benefit—Iran has said publicly it will fill any vacuum in Iraq, and extremist Shia militias would reassert themselves. We saw them try in Basra and Baghdad 2 weeks ago. And in all of this, the Iraqi people would suffer on a scale far beyond what we have already seen. Spiraling conflict could draw in neighbors with devastating consequences for the region and the world.

Mr. Chairman, as monumental as the events of the last 5 years have been in Iraq, Iraqis, Americans, and the world ultimately will judge us far more on the basis of what will happen than what has happened. In the end, how we leave and what we leave behind will be more important than how we came. Our current course is hard, but it is working. Progress is real although still fragile. We need to stay with it.

In the months ahead, we will continue to assist Iraq as it pursues further steps toward reconciliation and economic development. Over time, this will become increasingly an Iraqi process, as it should be. Our efforts will focus on increasing Iraq's integration regionally and internationally; assisting Iraqi institutions locally and nationally to strengthen the political process and promote economic activity; and supporting United Nations efforts as Iraq carries out local elections toward the end of the year. These efforts will require an enhanced civilian commitment and continued support from the Congress and the American people.

In closing, Mr. Chairman, I want to recognize and thank all those who serve our country in Iraq—military and civilian. Their courage and commitment, at great sacrifice, has earned the admiration of all Americans. They certainly have mine, and it is an honor to be with them.

The CHAIRMAN. General Petraeus.

STATEMENT OF GEN DAVID H. PETRAEUS, USA, COMMANDER, MULTI-NATIONAL FORCE–IRAQ, BAGHDAD, IRAQ

General PETRAEUS. Mr. Chairman, Senator Lugar, members of the committee, thank you for the opportunity to provide an update on the security situation in Iraq and to discuss the recommendations I recently provided by my chain of command.

Since Ambassador Crocker and I appeared before you, 7 months ago, there has been significant, but uneven, progress in Iraq. Since September, levels of violence and civilian deaths have been reduced substantially. Al-Qaeda–Iraq and a number of other extremist elements have been dealt serious blows. And capabilities of Iraqi Security Forces elements have grown.

There has been noteworthy involvement of local Iraqis and local security. Nonetheless, the situation in certain areas is still unsatisfactory, and innumerable challenges remain. Moreover, as events in the past 2 weeks have reminded us, and as I have repeatedly cautioned, the progress made since last spring is fragile and reversible. Still, security in Iraq is better than it was when Ambassador Crocker and I reported to you last September, and it is significantly better than it was 15 months ago, when Iraq was on the brink of civil war and the decision was made to deploy additional United States forces to Iraq.

A number of factors have contributed to the progress that has been made.

First, of course, has been the impact of increased numbers of coalition and Iraqi forces. You're well aware of the U.S. surge. Less recognized is that Iraq has also conducted a surge, adding well over 100,000 additional soldiers and police to the ranks of its security forces in 2007, and slowing increasing its capacity to deploy and employ these forces.

A second factor has been the employment of coalition and Iraqi forces in the conduct of counterinsurgency operations across the country, deployed together to safeguard the Iraqi people, to pursue al-Qaeda, to combat criminals and militia extremists, to foster local reconciliation, and to enable political and economic progress.

Another important factor has been the attitudinal shift among certain elements of the Iraqi population. Since the first Sunni Awakening, in late 2006, Sunni communities in Iraq increasingly have rejected al-Qaeda's indiscriminate violence and extremist ideology. These communities also recognize that they could not share in Iraq's bounty if they didn't participate in the political arena.

Over time, Awakenings have prompted tens of thousands of Iraqis, some former insurgents, to contribute to local security as so-called "Sons of Iraq." With their assistance and with relentless pursuit of al-Qaeda–Iraq, the threat posed by AQI, while still lethal and substantial, has been reduced substantially.

The recent flareup in Basra, southern Iraq, and Baghdad, underscored the importance of the cease-fire declared by Muqtada al-Sadr last fall, as another factor in the overall reduction in violence. Recently, of course, some militia elements became active again. Though a Sadr standdown order resolved the situation to a degree, the flareup also highlighted the destructive role Iran has played in funding, training, arming, and directing the so-called "special groups," and generated renewed concern about Iran in the minds of many Iraqi leaders. Unchecked the special groups pose the greatest long-term threat to the viability of a democratic Iraq.

As we look to the future, our task, together with our Iraqi partners, will be to build on the progress achieved, and to deal with the many challenges that remain. I do believe that we can do this while continuing the ongoing drawdown of the surge forces.

In September, I described the fundamental nature of the conflict in Iraq as a competition among ethnic and sectarian communities for power and resources. This competition continues, influenced heavily by outside actors, and its resolution remains the key to producing long-term stability in Iraq. Various elements push Iraq's ethnosectarian competition toward violence. Terrorist insurgents, militia extremists, and criminal gangs pose significant threats. Al-Qaeda's senior leaders, who still view Iraq as the central front in their global strategy, send funding, direction, and foreign fighters to Iraq.

Actions by neighboring states compound Iraq's challenges. Syria has taken some steps to reduce the flow of foreign fighters through its territory, but not enough to shut down the key network that supports al-Qaeda–Iraq. And Iran has fueled the violence in a particularly damaging way, through its legal support to the special groups.

Finally, insufficient Iraqi governmental capacity, lingering sectarian mistrust, and corruption add to Iraq's problems.

These challenges in recent weeks, violence notwithstanding, Iraq's ethnosectarian competition in many areas is now taking place more through debate and less through violence. In fact, the recent escalation of violence in Baghdad in southern Iraq was dealt with, temporarily at least, by most parties acknowledging that the

rational way forward is through political dialog rather than street-fighting.

As I stated at the outset, though Iraq obviously remains a violent country, we do see progress in the security arena. As this chart illustrates, for nearly 6 months security incidents have been at a level not seen since early to mid-2005, though the level did spike in recent weeks as a result of the violence in Basra and Baghdad. The level of incidence has, however, begun to turn down again, though the period ahead will be a sensitive one.

As our primary mission is to help protect the population, we closely monitor the number of Iraqi civilians killed due to violence. As this chart reflects, civilian deaths have decreased over the past year to a level not seen since the February 2006 Samarra Mosque bombing that set off the cycle of sectarian violence that tore the very fabric of Iraqi society in 2006 and early 2007.

This chart also reflects our increase in use of Iraqi-provided reports, with the top line reflecting coalition and Iraqi data, and the bottom line reflecting coalition-confirmed data only. No matter which data set is used, civilian deaths due to violence have been reduced significantly, though more work clearly needs to be done.

Ethnosectarian violence is a particular concern in Iraq, as it is a cancer that continues to spread, if left unchecked. As the box on the bottom left of this chart shows, the number of deaths due to ethnosectarian violence has fallen since we testified last September. A big factor has been the reduction of ethnosectarian violence in Baghdad, density plots for which are shown in the boxes depicting Iraq's capital over time.

Some of this decrease is, to be sure, due to sectarian hardening of certain Baghdad neighborhoods. However, that is only a partial explanation, as countless sectarian fault lines and numerous mixed neighbors still exist in Baghdad and elsewhere. In fact, coalition and Iraqi forces have focused along the fault lines to reduce the violence and enable Sunni and Shia leaders to begin the long process of healing in their local communities.

As this next chart shows, even though the number of high-profile attacks increased in March as al-Qaeda–Iraq lashed out, the current level of such attacks remains far below its height a year ago. Moreover, as we have helped improve security and focused on enemy networks, we've seen a decrease in the effectiveness of such attacks. The number of deaths due to ethnosectarian violence, in particular, as I mentioned, has remained relatively low, illustrating the enemy's inability, to date, to reignite the cycle of ethnosectarian violence.

The emergence of Iraqi volunteers helping to secure their local communities has been an important development. As this chart depicts, there are now over 91,000 Sons of Iraq—Shia as well as Sunni—under contract to help coalition and Iraqi forces protect their neighborhoods and secure infrastructure and roads. These volunteers have contributed significantly in various areas, and the savings in vehicles not lost because of reduced violence, not to mention the priceless lives saved, have far outweighed the cost of their monthly contracts.

Sons of Iraq have also contributed to the discovery of improvised explosive devices and weapons and explosive caches. As this next

chart shows, in fact, we have already found more caches in 2008 than we found in all of 2006. Given the importance of Sons of Iraq, we are working closely with the Iraqi Government to transition them into the Iraqi Security Forces or other forms of employment, and over 21,000 have already been accepted into the police or army or other government jobs. This process has been slow, but it is taking place, and we will continue to monitor it carefully.

Al-Qaeda also recognizes the significance of the Sons of Iraq, and al-Qaeda elements have targeted them repeatedly. However, these attacks, in addition to AQI's use of women, children, and the handicapped as suicide bombers, have further alienated al-Qaeda–Iraq from the Iraqi people. And the tenacious pursuit of al-Qaeda–Iraq, together with AQI's loss of local support in many areas, has substantially reduced its capability, numbers, and freedom of movement.

This chart displays the cumulative effect of the effort against AQI and its insurgent allies. As you can see, we have reduced, considerably, the areas in which AQI enjoys support and sanctuary, though there clearly is more to be done.

Having noted the progress, al-Qaeda–Iraq is still capable of lethal attacks, and we must maintain relentless pressure on the organization, on the networks outside Iraq that support it, and on the resource flows that sustain it.

This chart lays out the comprehensive strategy that we, the Iraqis, and our interagency and international partners are employing to reduce what al-Qaeda–Iraq needs. As you can see, defeating al-Qaeda in Iraq requires not just actions by our elite counterterrorist forces, but also major operations by coalition and Iraqi conventional forces, a sophisticated intelligence effort, political reconciliation, economic and social programs, information operations initiatives, diplomatic activity, the employment of counterinsurgency principles in detainee operations, and many other actions.

As we combat AQI, we must remember that doing so not only reduces a major source of instability in Iraq, it also weakens an organization that al-Qaeda's senior leaders view as a tool to spread its influence and foment regional instability. Osama bin Laden and Ayman al-Zawahiri have consistently advocated exploiting the situation in Iraq, and we have also seen al-Qaeda–Iraq involved in destabilizing activities in the wider Middle East region.

Together with the Iraqi Security Forces, we have also focused on the "special groups." These elements are funded, trained, armed, and directed by Iran's Quds Force, with help from Lebanese Hezbollah. It was these groups that launched Iranian rockets and mortar rounds at Iraq's seat of government 2 weeks ago, causing the loss of innocent life and fear in the capital, and requiring Iraqi and coalition actions in response. Iraqi and coalition leaders have repeated noted their desire that Iran live up to promises made by President Ahmadinejad and other senior Iranian leaders to stop their support for the "special groups." However, nefarious activities by the Quds Force have continued, and Iraqi leaders now clearly recognize the threat they pose to Iraq.

We should all watch Iranian actions closely in the weeks and months ahead, as they will show the kind of relationship Iran

wishes to have with its neighbor and the character of future Iranian involvement in Iraq.

The Iraqi Security Forces have continued to develop since September, and we have transferred responsibilities to Iraqi forces as their capabilities and the conditions on the ground have permitted.

Currently, as this chart shows, half of Iraq's 18 provinces are under provincial Iraqi control. Many of these provinces, not just the successful provinces in the Kurdish Regional Government area, but also a number of southern provinces, have done well. Challenges have emerged in some others, including, of course, Basra. Nonetheless, this process will continue, and we expect Anbar and Qadisiyah provinces to transition in the months ahead.

Iraqi forces have grown significantly since September, and over 540,000 individuals now serve in the ISF. The number of combat battalions capable of taking the lead in operations, albeit with some coalition support, has grown to well over 100. These units are bearing an increasing share of the burden, as evidenced by the fact that Iraqi Security Forces losses have recently been three times our own. We will, of course, conduct careful after-action reviews with our Iraqi partners in the wake of recent operations, as there were units and leaders found wanting, in some cases, and some of our assessments may be downgraded as a result. Nonetheless, the performance of many units was solid, especially once they got their footing and gained a degree of confidence, and certain Iraqi elements proved quite capable.

Underpinning the advances of the past year have been improvements in Iraq's security institutions. An increasingly robust Iraqi-run training base enabled the Iraqi Security Forces to grow by over 133,000 soldiers and police over the last 16 months, and the still-expanding training base is expected to generate an additional 50,000 Iraqi soldiers and 16 army and special operations battalions throughout the rest of 2008, along with over 23,000 police and 8 national police battalions.

Additionally, Iraq's security ministries are steadily improving their ability to execute their budgets. As this chart shows, in 2007, as in 2006, Iraq's Security Ministry spent more on their forces than the United States provided through the Iraqi Security Forces Fund. We anticipate that Iraq will spend over $8 billion on security this year and $11 billion next year, and this projection enabled us, recently, to reduce, significantly, our Iraqi Security Forces Fund request for fiscal year 2009 from $5.1 billion to $2.8 billion.

While improved Iraqi Security Forces are not yet ready to defend Iraq or maintain security throughout the entire country on their own, recent operations in Basra highlight improvements in the ability of the Iraqi Security Forces to deploy substantial numbers of units, supplies, and replacements on very short notice. They certainly could not have deployed a division's worth of army and police units on such notice a year ago. On the other hand, the recent operations also underscore the considerable work still to be done in the areas of expeditionary logistics, force enablers, staff development, and command and control.

We also continue to help Iraq through the U.S. Foreign Military Sales Program. As of March 2008, the Iraqi Government has purchased over 2 billion dollars' worth of equipment and services of

American origin through FMS. Since September, and with your encouragement of the organizations in the FMS process, delivery has improved as the FMS system has strived to support urgent wartime requirements.

While security has improved in many areas, and the Iraqi Security Forces are shouldering more of the load, the situation in Iraq remains exceedingly complex and challenging. Iraq could face a resurgence of AQI, or additional Shia groups could violate Muqtada al-Sadr's cease-fire order and return to violence. External actors, like Iran, could stoke violence within Iraq. And actions by other neighbors could undermine the security situation, as well.

Other challenges results, paradoxically, from improved security, which has provided opportunities for political and economic progress and improved services at the local, provincial, and national levels. But, the improvements have also created expectations that progress will continue.

The Commander's Emergency Response Program, the State Department's Quick-Response Fund, and the USAID programs enable us to help Iraq deal with its challenges. To that end, I respectfully ask that you provide us, by June, the additional CERP funds requested in the supplemental. These funds have an enormous impact. As I noted earlier, the salaries paid to the Sons of Iraq alone cost far less than the cost savings in vehicles not lost due to the enhanced security in local communities.

Encouragingly, the Iraqi Government recently allocated $300 million for us to manage, as Iraqi CERP, to perform projects for their people while building their own capacity to do so. The government has also committed $163 million to gradually assume Sons of Iraq contracts, $510 million for small-business loans, and $196 million for a joint training, education, and reintegration program. The Iraqi Government pledges to provide more as they execute the budget passed 2 months ago. Nonetheless, it is hugely important to have our resources continue, even as Iraqi funding begins to outstrip ours.

Last month, I provided my chain of command recommendations for "The Way Ahead in Iraq." During that process, I noted the objective of retaining and building on our hard-fought security gains while we drawdown to the presurge level of 15 brigade combat teams. I emphasized the need to continue work with our Iraqi partners to secure the population and to transition responsibilities to the Iraqis as quickly as conditions permit, but without jeopardizing the security gains that have been made.

As in September, my recommendations are informed by operational and strategic considerations. The operational considerations include recognition that the military surge has achieved progress, but that that progress is reversible; Iraqi Security Forces have strengthened their capabilities, but still must grow further; the provincial elections in the fall, refugee returns, detainee releases, and efforts to resolve provincial boundary disputes and article 140 issues will be very challenging; the transition of Sons of Iraq into the Iraqi Security Forces or other pursuits will require time and careful monitoring; withdrawing too many forces too quickly could jeopardize the progress of the past year; and performing the nec-

essary tasks in Iraq will require sizable conventional forces, as well as special operations forces and adviser teams.

The strategic considerations include recognition that the strain on the U.S. military, especially on its ground forces, has been considerable. A number of the security challenges inside Iraq are also related to significant regional and global threats. A failed state in Iraq would pose serious consequences for the greater fight against al-Qaeda, for regional stability, for the already existing humanitarian crisis in Iraq, and for the effort to counter malign Iranian influence.

After weighing these factors, I recommended to my chain of command that we continue the drawdown of the surged combat forces, and that, upon the withdrawal of the last surged brigade combat team in July, we undertake a 45-day period of consolidation of our forces and evaluation. At the end of that period, we'll commence a period of assessment to examine the conditions on the ground and determine when we can make recommendations for further reductions. This process will be continuous, with recommendations for further reductions made as conditions permit.

This approach does not allow establishment of a set withdrawal timeline; however, it does provide the flexibility those of us on the ground need to preserve the still-fragile security gains our troopers have fought so hard and sacrificed so much to achieve.

With this approach, the security achievements of 2007 and early 2008 can form a foundation for the gradual establishment of sustainable security in Iraq. This is not only important to the 27 million citizens of Iraq, it is also vitally important to those in the gulf region, to the citizens of the United States, and to the global community. It clearly is in our national interest to help Iraq prevent the resurgence of al-Qaeda in the heart of the Arab world, to help Iraq resist Iranian encroachment on its sovereignty, to avoid renewed ethnosectarian violence that could spill over Iraq's borders and make the existing refugee crisis even worse, and to enable Iraq to expand its role in the regional and global economies.

In closing, I, too, want to comment briefly on those serving our Nation in Iraq. We've asked a great deal of them, and of their families, and they have made enormous sacrifices. My keen personal awareness of the strain on them, and on the force as a whole, has been an important factor in my recommendations. The Congress, the executive branch, and our fellow citizens have done an enormous amount to support our troopers, our civilians, and their loved ones, and all of us are grateful for that. Nothing means more to those in harm's way than the knowledge that their country appreciates their sacrifices and those of their families.

Indeed, all Americans should take great pride in the men and women, civilian as well as military, serving our Nation in Iraq, and in the courage, determination, resilience, and initiative they demonstrate each and every day. It remains the greatest of honors to soldier with them.

Thank you very much.

[EDITOR'S NOTE.—The slides presented by GEN Petraeus during his testimony were not reproducible in this printed hearing. They will be maintained and can be viewed in the permanent record of the committee.]

[The prepared statement of General Petraeus follows:]

PREPARED STATEMENT OF GEN DAVID H. PETRAEUS, COMMANDER, MULTI-NATIONAL FORCE–IRAQ, BAGHDAD, IRAQ

Mr. Chairman, ranking member, members of the committee, thank you for the opportunity to provide an update on the security situation in Iraq and to discuss the recommendations I recently provided to my chain of command.

Since Ambassador Crocker and I appeared before you 7 months ago, there has been significant but uneven security progress in Iraq. Since September, levels of violence and civilian deaths have been reduced substantially, al-Qaeda–Iraq and a number of other extremist elements have been dealt serious blows, the capabilities of Iraqi Security Force elements have grown, and there has been noteworthy involvement of local Iraqis in local security. Nonetheless, the situation in certain areas is still unsatisfactory and innumerable challenges remain. Moreover, as events in the past 2 weeks have reminded us and as I have repeatedly cautioned, the progress made since last spring is fragile and reversible. Still, security in Iraq is better than it was when Ambassador Crocker and I reported to you last September, and it is significantly better than it was 15 months ago when Iraq was on the brink of civil war and the decision was made to deploy additional U.S. forces to Iraq.

A number of factors have contributed to the progress that has been made. First, of course, has been the impact of increased numbers of coalition and Iraqi forces. You are well aware of the U.S. surge. Less recognized is that Iraq has also conducted a surge, adding well over 100,000 additional soldiers and police to the ranks of its security forces in 2007 and slowly increasing its capability to deploy and employ these forces.

A second factor has been the employment of coalition and Iraqi forces in the conduct of counterinsurgency operations across the country, deployed together to safeguard the Iraqi people, to pursue al-Qaeda–Iraq, to combat criminals and militia extremists, to foster local reconciliation, and to enable political and economic progress.

Another important factor has been the attitudinal shift among certain elements of the Iraqi population. Since the first Sunni "Awakening" in late 2006, Sunni communities in Iraq increasingly have rejected AQI's indiscriminate violence and extremist ideology. These communities also recognized that they could not share in Iraq's bounty if they didn't participate in the political arena. Over time, Awakenings have prompted tens of thousands of Iraqis—some, former insurgents—to contribute to local security as so-called "Sons of Iraq." With their assistance and with relentless pursuit of al-Qaeda–Iraq, the threat posed by AQI—while still lethal and substantial—has been reduced significantly.

The recent flareup in Basra, southern Iraq, and Baghdad underscored the importance of the cease-fire declared by Muqtada al-Sadr last fall as another factor in the overall reduction in violence. Recently, of course, some militia elements became active again. Though a Sadr standdown order resolved the situation to a degree, the flareup also highlighted the destructive role Iran has played in funding, training, arming, and directing the so-called Special Groups and generated renewed concern about Iran in the minds of many Iraqi leaders. Unchecked, the Special Groups pose the greatest long-term threat to the viability of a democratic Iraq.

As we look to the future, our task together with our Iraqi partners will be to build on the progress achieved and to deal with the many challenges that remain. I do believe that we can do this while continuing the ongoing drawdown of the surge forces.

THE NATURE OF THE CONFLICT

In September, I described the fundamental nature of the conflict in Iraq as a competition among ethnic and sectarian communities for power and resources. This competition continues, influenced heavily by outside actors, and its resolution remains the key to producing long-term stability in Iraq.

Various elements push Iraq's ethnosectarian competition toward violence. Terrorists, insurgents, militia extremists, and criminal gangs pose significant threats. Al-Qaeda's senior leaders, who still view Iraq as the central front in their global strategy, send funding, direction, and foreign fighters to Iraq. Actions by neighboring states compound Iraq's challenges. Syria has taken some steps to reduce the flow of foreign fighters through its territory, but not enough to shut down the key network that supports AQI. And Iran has fueled the violence in a particularly damaging way, through its lethal support to the Special Groups. Finally, insufficient Iraqi governmental capacity, lingering sectarian mistrust, and corruption add to Iraq's problems.

These challenges and recent weeks' violence notwithstanding, Iraq's ethnosectarian competition in many areas is now taking place more through debate and less through violence. In fact, the recent escalation of violence in Baghdad and southern Iraq was dealt with temporarily, at least, by most parties acknowledging that the rational way ahead is political dialogue rather than street fighting.

CURRENT SITUATION AND TRENDS

As I stated at the outset, though Iraq obviously remains a violent country, we do see progress in the security arena.

As this chart [slide 1]* illustrates, for nearly 6 months, security incidents have been at a level not seen since early-to-mid-2005, though the level did spike in recent weeks as a result of the violence in Basra and Baghdad. The level of incidents has, however, begun to turn down again, though the period ahead will be a sensitive one.

As our primary mission is to help protect the population, we closely monitor the number of Iraqi civilians killed due to violence. As this chart [slide 2] reflects, civilian deaths have decreased over the past year to a level not seen since the February 2006 Samarra Mosque bombing that set off the cycle of sectarian violence that tore the very fabric of Iraqi society in 2006 and early 2007. This chart also reflects our increasing use of Iraqi-provided reports, with the top line reflecting coalition and Iraqi data and the bottom line reflecting coalition-confirmed data only. No matter which data is used, civilian deaths due to violence have been reduced significantly, though more work clearly needs to be done.

Ethnosectarian violence is a particular concern in Iraq, as it is a cancer that continues to spread if left unchecked. As the box on the bottom left of this chart [slide 3] shows, the number of deaths due to ethnosectarian violence has fallen since we testified last September. A big factor has been the reduction of ethnosectarian violence in Baghdad, density plots for which are shown in the boxes depicting Iraq's capital over time. Some of this decrease is, to be sure, due to sectarian hardening of certain Baghdad neighborhoods; however, that is only a partial explanation as countless sectarian faultlines and numerous mixed neighborhoods still exist in Baghdad and elsewhere. In fact, coalition and Iraqi forces have focused along the faultlines to reduce the violence and enable Sunni and Shia leaders to begin the long process of healing in their local communities.

As this next chart [slide 4] shows, even though the number of high profile attacks increased in March as AQI lashed out, the current level of such attacks remains far below its height a year ago. Moreover, as we have helped improve security and focused on enemy networks, we have seen a decrease in the effectiveness of such attacks. The number of deaths due to ethnosectarian violence, in particular, has remained relatively low, illustrating the enemy's inability to date to reignite the cycle of ethnosectarian violence.

The emergence of Iraqi volunteers helping to secure their local communities has been an important development. As this chart [slide 5] depicts, there are now over 91,000 Sons of Iraq—Shia as well as Sunni—under contract to help coalition and Iraqi forces protect their neighborhoods and secure infrastructure and roads. These volunteers have contributed significantly in various areas, and the savings in vehicles not lost because of reduced violence—not to mention the priceless lives saved—have far outweighed the cost of their monthly contracts.

Sons of Iraq have also contributed to the discovery of improvised explosive devices and weapons and explosives caches. As this next chart [slide 6] shows, in fact, we have already found more caches in 2008 than we found in all of 2006. Given the importance of the Sons of Iraq, we are working closely with the Iraqi Government to transition them into the Iraqi Security Forces or other forms of employment, and over 21,000 have already been accepted into the police or army or other government jobs. This process has been slow, but it is taking place, and we will continue to monitor it carefully.

Al-Qaeda also recognizes the significance of the Sons of Iraq, and AQI elements have targeted them repeatedly. However, these attacks—in addition to AQI's use of women, children, and the handicapped as suicide bombers—have further alienated AQI from the Iraqi people. And the tenacious pursuit of AQI, together with AQI's loss of local support in many areas, has substantially reduced its capability, numbers, and freedom of movement. This chart [slide 7] displays the cumulative effect of the effort against AQI and its insurgent allies. As you can see, we have reduced considerably the areas in which AQI enjoys support and sanctuary, though there clearly is more to be done.

Having noted that progress, AQI is still capable of lethal attacks, and we must maintain relentless pressure on the organization, on the networks outside Iraq that support it, and on the resource flows that sustain it. This chart [slide 8] lays out

the comprehensive strategy that we, the Iraqis, and our interagency and international partners are employing to reduce what AQI needs. As you can see, defeating al-Qaeda in Iraq requires not just actions by our elite counterterrorist forces, but also major operations by coalition and Iraqi conventional forces, a sophisticated intelligence effort, political reconciliation, economic and social programs, information operations initiatives, diplomatic activity, the employment of counterinsurgency principles in detainee operations, and many other actions. Related to this effort, I applaud Congress' support for additional intelligence, surveillance, and reconnaissance assets in the upcoming supplemental, as ISR is vital to the success of our operations in Iraq and elsewhere.

As we combat AQI, we must remember that doing so not only reduces a major source of instability in Iraq; it also weakens an organization that al-Qaeda's senior leaders view as a tool to spread its influence and foment regional instability. Osama bin Ladin and Ayman al-Zawahiri have consistently advocated exploiting the situation in Iraq, and we have also seen AQI involved in destabilizing activities in the wider Mideast region.

Together with the Iraqi Security Forces, we have also focused on the Special Groups. These elements are funded, trained, armed, and directed by Iran's Quds Force, with help from Lebanese Hezbollah. It was these groups that launched Iranian rockets and mortar rounds at Iraq's seat of government 2 weeks ago, causing loss of innocent life and fear in the capital, and requiring Iraqi and coalition actions in response. Iraqi and coalition leaders have repeatedly noted their desire that Iran live up to promises made by President Ahmadinejad and other senior Iranian leaders to stop their support for the Special Groups. However, nefarious activities by the Quds Force have continued, and Iraqi leaders now clearly recognize the threat they pose to Iraq. We should all watch Iranian actions closely in the weeks and months ahead, as they will show the kind of relationship Iran wishes to have with its neighbor and the character of future Iranian involvement in Iraq.

IRAQI SECURITY FORCES

The Iraqi Security Forces have continued to develop since September, and we have transferred responsibilities to Iraqi forces as their capabilities and the conditions on the ground have permitted. Currently, as this chart [slide 9] shows, half of Iraq's 18 provinces are under provincial Iraqi control. Many of these provinces—not just the successful provinces in the Kurdish Regional Government area, but also a number of southern provinces—have done well. Challenges have emerged in some others, including, of course, Basra. Nonetheless, this process will continue, and we expect Anbar and Qadisiyah provinces to transition in the months ahead.

Iraqi forces have grown significantly since September, and over 540,000 individuals now serve in the Iraqi Security Forces. The number of combat battalions capable of taking the lead in operations, albeit with some coalition support, has grown to well over 100 [slide 10]. These units are bearing an increasing share of the burden, as evidenced by the fact that Iraqi Security Force losses have recently been three times our own. We will, of course, conduct careful after-action reviews with our Iraqi partners in the wake of recent operations, as there were units and leaders found wanting in some cases, and some of our assessments may be downgraded as a result. Nonetheless, the performance of many units was solid, especially once they got their footing and gained a degree of confidence, and certain Iraqi elements proved quite capable.

Underpinning the advances of the past year have been improvements in Iraq's security institutions. An increasingly robust Iraqi-run training base enabled the Iraqi Security Forces to grow by over 133,000 soldiers and police over the past 16 months. And the still-expanding training base is expected to generate an additional 50,000 Iraqi soldiers and 16 Army and Special Operations battalions throughout the rest of 2008, along with over 23,000 police and 8 National Police battalions.

Additionally, Iraq's security ministries are steadily improving their ability to execute their budgets. As this chart [slide 11] shows, in 2007, as in 2006, Iraq's security ministries spent more on their forces than the United States provided through the Iraqi Security Forces Fund (ISFF). We anticipate that Iraq will spend over $8 billion on security this year and $11 billion next year, and this projection enabled us recently to reduce significantly our Iraqi Security Forces Fund request for fiscal year 2009 from $5.1 billion to $2.8 billion.

While improved, Iraqi Security Forces are not yet ready to defend Iraq or maintain security throughout the country on their own. Recent operations in Basra highlight improvements in the ability of the Iraqi Security Forces to deploy substantial numbers of units, supplies, and replacements on very short notice; they certainly could not have deployed a division's worth of Army and Police units on such short

notice a year ago. On the other hand, the recent operations also underscored the considerable work still to be done in the areas of logistics, force enablers, staff development, and command and control.

We also continue to help Iraq through the U.S. Foreign Military Sales program. As of March 2008, the Iraqi Government has purchased over 2 billion dollars' worth of equipment and services of American origin through FMS. Since September, and with your encouragement of the organizations in the FMS process, delivery has improved as the FMS system has strived to support urgent wartime requirements. On a related note, I would ask that Congress consider restoring funding for the International Military Education and Training Program, which supports education for mid- and senior-level Iraqi military and civilian leaders and is an important component of the development of the leaders Iraq will need in the future.

UPCOMING CHALLENGES

While security has improved in many areas and the Iraqi Security Forces are shouldering more of the load, the situation in Iraq remains exceedingly complex and challenging. Iraq could face a resurgence of AQI or additional Shia groups could violate Muqtada al-Sadr's cease-fire order and return to violence. External actors, like Iran, could stoke violence within Iraq, and actions by other neighbors could undermine the security situation as well.

Other challenges result, paradoxically, from improved security, which has provided opportunities for political and economic progress and improved services at the local, provincial, and national levels. But the improvements have also created expectations that progress will continue. In the coming months, Iraq's leaders must strengthen governmental capacity, execute budgets, pass additional legislation, conduct provincial elections, carry out a census, determine the status of disputed territories, and resettle internally displaced persons and refugees. These tasks would challenge any government, much less a still developing government tested by war.

The Commander's Emergency Response Program, the State Department's Quick Response Fund, and USAID programs enable us to help Iraq deal with its challenges. To that end, I respectfully ask that you provide us by June the additional CERP funds requested in the supplemental. These funds have an enormous impact. As I noted earlier, the salaries paid to the Sons of Iraq alone cost far less than the cost savings in vehicles not lost due to the enhanced security in local communities. Encouragingly, the Iraqi Government recently allocated $300 million for us to manage as "Iraqi CERP" to perform projects for their people, while building their own capacity to do so. The Iraqi Government has also committed $163 million to gradually assume Sons of Iraq contracts, $510 million for small business loans, and $196 million for a Joint Training, Education, and Reintegration Program. The Iraqi Government pledges to provide more as they execute the budget passed 2 months ago. Nonetheless, it is hugely important to have our resources continue, even as Iraqi funding begins to outstrip ours.

RECOMMENDATIONS

Last month I provided my chain of command recommendations for the way ahead in Iraq. During that process, I noted the objective of retaining and building on our hard-fought security gains while we drawdown to the presurge level of 15 brigade combat teams. I emphasized the need to continue work with our Iraqi partners to secure the population and to transition responsibilities to the Iraqis as quickly as conditions permit, but without jeopardizing the security gains that have been made.

As in September, my recommendations are informed by operational and strategic considerations. The operational considerations include recognition that:

- The military surge has achieved progress, but that the progress is reversible;
- Iraqi Security Forces have strengthened their capabilities but still must grow further;
- The provincial elections in the fall, refugee returns, detainee releases, and efforts to resolve provincial boundary disputes and article 140 issues will be very challenging;
- The transition of Sons of Iraq into the Iraqi Security Forces or other pursuits will require time and careful monitoring;
- Withdrawing too many forces too quickly could jeopardize the progress of the past year; and
- Performing the necessary tasks in Iraq will require sizable conventional forces as well as special operations forces and adviser teams.

The strategic considerations include recognition that:

- The strain on the U.S. military, especially on its ground forces, has been considerable;
- A number of the security challenges inside Iraq are also related to significant regional and global threats; and
- A failed state in Iraq would pose serious consequences for the greater fight against al-Qaeda, for regional stability, for the already existing humanitarian crisis in Iraq, and for the effort to counter malign Iranian influence.

After weighing these factors, I recommended to my chain of command that we continue the drawdown of the surge combat forces and that, upon the withdrawal of the last surge brigade combat team in July, we undertake a 45-day period of consolidation and evaluation. At the end of that period, we will commence a process of assessment to examine the conditions on the ground and, over time, determine when we can make recommendations for further reductions. This process will be continuous, with recommendations for further reductions made as conditions permit. This approach does not allow establishment of a set withdrawal timetable; however, it does provide the flexibility those of us on the ground need to preserve the still fragile security gains our troopers have fought so hard and sacrificed so much to achieve.

With this approach, the security achievements of 2007 and early 2008 can form a foundation for the gradual establishment of sustainable security in Iraq. This is not only important to the 27 million citizens of Iraq; it is also vitally important to those in the gulf region, to the citizens of the United States, and to the global community. It clearly is in our national interest to help Iraq prevent the resurgence of al-Qaeda in the heart of the Arab world, to help Iraq resist Iranian encroachment on its sovereignty, to avoid renewed ethnosectarian violence that could spill over Iraq's borders and make the existing refugee crisis even worse, and to enable Iraq to expand its role in the regional and global economies.

CLOSING COMMENTS

In closing, I want to comment briefly on those serving our Nation in Iraq. We have asked a great deal of them and of their families, and they have made enormous sacrifices. My keen personal awareness of the strain on them and on the force as a whole has been an important factor in my recommendations.

The Congress, the executive branch, and our fellow citizens have done an enormous amount to support our troopers and their loved ones, and all of us are grateful for that. Nothing means more to those in harm's way than the knowledge that their country appreciates their sacrifices and those of their families.

Indeed, all Americans should take great pride in the men and women serving our Nation in Iraq and in the courage, determination, resilience, and initiative they demonstrate each and every day. It remains the greatest of honors to soldier with them.

Thank you very much.

The CHAIRMAN. Thank you very much, gentlemen.

With Chairman Lugar's permission, I think we should do 7-minute rounds. And thank you, gentlemen, for your physical constitution, here, for being able to sustain all this. Let me begin with a statement.

Mr. Ambassador, I would not presume that, if the security agreement with Iraq goes beyond a Status of Forces Agreement, that you need only inform the Congress. You need to do much more than inform the Congress; you need the permission of the Congress if you're going to bind the next President of the United States in anything you agree to. But, that'll be something——

[Applause.]

The CHAIRMAN. There will be no response, please, from the audience.

But, we have plenty of time to discuss that. Let's assume, gentlemen, all the progress you assert has been made—and I don't think anybody denies there's been progress made. And let's assume that you—and I believe you mean what you say, that our commitment is not open-ended—how far along this continuum, if—as they say—as average Americans say, on a scale of 1 to 10, how far along are

we on this progress scale before we get to the point where we can significantly reduce American forces? Three, four, five, seven, eight, nine? Where are we?

General PETRAEUS. Well, Senator——

The CHAIRMAN. Give us some sense of how much progress has been made, relative to how much needs to be made—not in specific kinds of progress—that needs to be made in order for you to recommend to the President of the United States, "Mr. President, we can not only drawdown, totally, the surge, but well below—well below what we have committed—have had in place the last 3 years."

General PETRAEUS. Well, again, Senator, you just mentioned the fact that we are, in fact, drawing down the forces that did constitute the surge, and that was part of the recommendation. It would have been a very, very difficult recommendation to do, otherwise; but, certainly that was in the realm of the possible, and that was made possible by the progress that we have made, particularly against al-Qaeda in Iraq——

The CHAIRMAN. You're allowed to draw——

General PETRAEUS [continuing]. Sunni insurgents——

The CHAIRMAN. You recommended drawing down, before a pause, to the level that's 10,000 above what it was before the surge. Is that about right?

General PETRAEUS. Sir, it's actually less than that. But, again, it's——

The CHAIRMAN. But, it's——

General PETRAEUS [continuing]. That's in the ballpark.

The CHAIRMAN. But, it's above——

General PETRAEUS. It is——

The CHAIRMAN [continuing]. What it was——

General PETRAEUS. It is above, because of certain enablers; in particular——

The CHAIRMAN. But, in the interest——

General PETRAEUS [continuing]. Military——

The CHAIRMAN [continuing]. Of time, can you give me a sense—if you don't want to answer, just tell me you don't want to answer—on this scale of 1 to 10, to get to the point where you turn to the President and say, "Mr. President, we can go down well below 130," which is the presurge level—how far along are we?

General PETRAEUS. Well, I think we're in a 6 or a 7, or somewhere along there, Senator Biden. And——

The CHAIRMAN. Thank you very much.

General PETRAEUS. And what we'll do, again, is assess the conditions. Now, it doesn't mean that we have to wait, beyond——

The CHAIRMAN. No; I understand.

General PETRAEUS [continuing]. Much longer——

The CHAIRMAN. I just want to——

General PETRAEUS [continuing]. Much longer beyond 45 days.

The CHAIRMAN [continuing]. Get a sense of where we are in this continuum.

General PETRAEUS. OK, sir.

The CHAIRMAN. Second, Mr. Ambassador, is al-Qaeda a greater threat to United States interests in Iraq or in the Afghan/Pakistan border region?

Ambassador CROCKER. Mr. Chairman, al-Qaeda is a strategic threat to the United States wherever it is, in my——

The CHAIRMAN. Where is——

Ambassador CROCKER [continuing]. Judgment.

The CHAIRMAN [continuing]. Most of it?

Ambassador CROCKER. That——

The CHAIRMAN. If you could take it out—you had a choice, the Lord Almighty came down, sat in the middle of the table there and said, "Mr. Ambassador, you can eliminate every al-Qaeda source in Afghanistan and Pakistan or every al-Qaeda personnel in Iraq," which would you pick?

Ambassador CROCKER. Well, given the progress that has been made against al-Qaeda in Iraq, the significant decrease in its capabilities, the fact that it is solidly on the defensive and not in a position, as far as——

The CHAIRMAN. Which one would you——

Ambassador CROCKER [continuing]. I can judge——

The CHAIRMAN [continuing]. Pick, Mr. Ambassador?

Ambassador CROCKER [continuing]. I would, therefore, pick al-Qaeda in the Pakistan/Afghanistan border area.

The CHAIRMAN. That would be a smart choice.

Now, assume that all the progress you assert has occurred. What further is required for you to suggest—either of you—that the progress can be sustained at levels under 140,000 troops, $12 billion a month, 30 to 40 deaths a month, and 225 wounded a month? Because that's where we are now. To maintain where we are now, you're saying to us, at least for the next 45 days, we have to continue to have 140,000, roughly, troops in place, we have to spend $12 billion a month, we're going to probably sustain 30 to 40 deaths a month, and we're going to have somewhere around 225 wounded a month. So, what has to happen—what has to happen for us to be able to reduce the costs in life and in dollars and in deployment?

General PETRAEUS. There has to be progress in various local areas that we will look at, Senator. Because, again, what we'll be doing is the—an essentially—a combination of battlefield geometry that looks the enemy in the friendly situations, it looks at other factors. And there's also what the Ambassador has termed the "political/military calculus." And you take that into account in local areas—most likely, province by province—and determine—we already have four or five locations that we are looking at most closely and determining whether to off-ramp those units at an appropriate moment——

The CHAIRMAN. Well, let me——

General PETRAEUS [continuing]. Assuming progress can continue.

The CHAIRMAN. Thank you. My time is running out. Tell me whether or not there are any conditions under which you would recommend to us leaving—"conditions," meaning they got a lot worse—you say, "to maintain the progress"—is there any conditions in which—those charts you showed us—if, this time in November or October, the American deaths have spiked back up to 2006 levels; if, in fact, the Awakening has decided it's awake and it's not going to be integrated, and it's better to go to war with the Shia, the civil war becomes more a reality; if, in fact, the numerous

militia that exist among the Shia are in open war, not just in Basra, but for an extended period of time with one another—are any of those conditions such that you would say, "We're going to have to withdraw and contain," or would you just automatically say—not "automatic"—would you say we have to, once again, infuse more forces back into Iraq to settle it?

We talk about this in terms of—you say, "to sustain the progress." What happens, notwithstanding the pause, if, in fact, the progress is reversed obviously, significantly, and unalterably? What do you do then? Do you just come back and tell us the same?

Ambassador CROCKER. Mr. Chairman, it would be—it would depend on the specifics at the time.

The CHAIRMAN. Let me give you the specifics: 90,000 Shia say, "We're not getting dealt in," and the same kind of exchange in violence between Sunni and Shia is reignited in September, from Anbar province into Baghdad, and that same level of ethnosectarian violence is once again established. That's the condition. What do you do?

Ambassador CROCKER. Mr. Chairman, I really don't think you can have a productive conversation that is purely based on those hypotheticals.

The CHAIRMAN. They're not——

Ambassador CROCKER. I mean, how did it——

The CHAIRMAN [continuing]. Hypotheticals.

Ambassador CROCKER. How did it get that way? How did it get that way? I don't see that as likely, given what is lying ahead, in terms of provincial elections, for example. I think that is where you're going to not see both Sunnis and Shia focus to prepare for those who——

The CHAIRMAN. What happens if the elections don't get carried off because of violence?

Ambassador CROCKER. Then we'll—we'll look at the circumstances and assess.

The CHAIRMAN. I can't think of any circumstance where you fellows are likely to recommend—no matter how bad things got, where you would withdraw. But I may be mistaken. That's part of everyone's concern, at least mine.

I yield to my colleague Senator Lugar.

Senator LUGAR. Well, thank you, Mr. Chairman.

You have mentioned in your response to questions this morning, and, likewise, a little bit in your testimony, that you cannot assess the entire circumstances of our country. For example, presently, hopefully, somebody in the Defense Department or elsewhere is taking a look at the status of our military equipment overall. Briefings and hearings in other committees have highlighted deficiencies in a good number of categories of equipment for all of our Armed Forces. Or, as I mentioned in my opening statement, taking a look at the personnel situation. How are we going to maintain the Armed Forces that we have? Do we make changes in how we recruit and retain people for our Armed Forces? Are young Americans prepared, or even qualified to serve in sufficient quantities that may be required to meet our national security demands?

Likewise, you cannot quite assess, nor can most of us, what impact a potential economic recession in our country means, or should

it spread to other countries in the world, which then deprive us of resources, generally speaking.

Likewise, what deficiencies do we have in energy security? How do food shortages throughout the world come into play.

As you've pointed out, your job today is to discuss your responsibilities and the United States responsibilities in Iraq. But, these come in the midst of huge changes that are going on in our own context, some of them of our own making—the lack of savings on the part of the American people, the problems of subprime mortgages, and many other things that really are not a part of Iraq—but factor into our preparedness, and our ability to respond.

Now, I put it this way because usually when persons—not yourselves, but others—are asked, "What if we were to withdraw significant American forces from Iraq?"—some people say we would have to rely, then, upon diplomacy to a greater extent, we would have to have a better consort with the countries that surround Iraq, or the United Nations, or NATO, or somebody else to fill in for that which we are not providing; or others would just simply say there will be dire consequences, and the consequences might be civil war, increased sectarian violence in many parts of the country, intervention by other countries, a halt in oil production that could cause further economic upheaval.

But, let me just pose that particular question to the two of you. What are the dire circumstances?

And then, second, what sort of contingency planning are we making, as a nation, for those dire circumstances? In other words, in the event that these dire circumstances occur, with or without 140,000 troops, what and who really comes to the rescue? How do we meet greater civil war, for example, or intervention by other countries, or the things that are usually predicted in the event that the core of American forces is mitigated or removed?

General PETRAEUS. Well, Senator, what we have both identified as concerns if the progress is put into jeopardy, if other factor conspire against it, revolve around al-Qaeda regaining lost ground and influence, and then perhaps using that as a base to spread further——

Senator LUGAR. Well, what do we do about that——

General PETRAEUS [continuing]. The——

Senator LUGAR [continuing]. General? Let's——

General PETRAEUS. Well, we're staying after al-Qaeda, is what we're doing about it, Senator, tenaciously. We are——

Senator LUGAR. Then you need——

General PETRAEUS [continuing]. We are battling——

Senator LUGAR [continuing]. More forces——

General PETRAEUS [continuing]. Al-Qaeda every day. And——

Senator LUGAR. But, you'd need more forces, would you not, in the event that——

General PETRAEUS. We——

Senator LUGAR [continuing]. Despite all of this——

General PETRAEUS. We have the forces that we need right now, I believe. We've got to continue—we have to—we have our teeth into their—our teeth into their jugular, and we need to keep it there. We have tough fighting to do—in particular, in Mosul and Ninawa province—and we have to continue, and we have to con-

tinue and press the fight. And that's why I laid out the comprehensive approach that we are taking, which, by the way, very much involves diplomacy with source countries, it involves communications indirectly to Syria, it involves help from neighbors and so forth just to take action, such as, for example, not allowing a military-aged male to take a one-way ticket from some Sunni Arab country to Damascus, for example.

Beyond that, other concerns, of course, the resumption of the ethnosectarian violence that tore Iraq apart in 2006 and 2007—you saw the statistics on that; over 55 dead bodies a day, just in Baghdad, just from ethnosectarian violence—which caused so much of the tearing of the fabric of Iraqi society, and which the surge was, indeed, intended to stop and then to try to help people have the time to put a few stitches back into it.

The Ambassador and I have both raised concerns about Iranian influence. As we mentioned this morning, the involvement of Iran with the so-called special groups and their activities in this indirect fire on the international zone, the seat of Iraqi Government came out in very high relief and generated enormous concern among Iraqi leaders, as well as, of course, among coalition leaders and civilians, because a number of these fell short, and, in fact, probably more civilian lives were lost than were others.

Senator LUGAR. What do you do about that, General, about the Iranian influence, even as it is high profile?

General PETRAEUS. What we have done, sir, is, we have detained special-group members. We are going to lay out for the press, here, at some point in the future, what we have learned from them about their—the Quds Force training, equipping, funding, and directing of the so-called special groups, and the help that Lebanese Hezbollah has provided them. As I believe I reported to you in September, we detained the deputy head of Lebanese Hezbollah Department 2800, which is responsible for assisting the Iranian Quds Force in the training and equipping of these so-called special groups. And we've since detained a number of the special-group members, some of their financiers, some of their leaders, and four of their 16 master trainers. We'll lay that out, and we'll lay out the various weapons caches and other finds that we have had, that, again, show the very, very clear involvement of Iran in Iraq.

That ties into regional stability. And then, of course, it all ties, eventually, into the global economy. And it is noteworthy that the progress in Iraq has enabled it to reach, in fact, recently, the highest export levels ever, I believe it is, out of the north, and the levels have exceeded their export goals now for the first 3 months of the year. And so, again, an area of progress, due to security progress, as well.

Senator LUGAR. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Dodd.

Senator DODD. Thank you, Mr. Chairman.

And welcome, to both of you. As the chairman has said, you've got a long day, and a long day tomorrow coming up, and I'm sure some of these questions will be repeated, in one form or another. So, we thank you for your patience and your willingness to share with us your thoughts on all of this.

I'd like to, first of all, pick up on something Senator Lugar has begun. I think it's very important in making these assessments, to look at the broader context, what we're dealing with. And one of the reasons I was a couple of minutes late getting over here, was that I was in the midst of trying to deal with a piece of housing legislation. We've got some 8,000 people a day in this country that are entering into foreclosure on their homes. Numbers on inflation, unemployment rates, all of these factors which are contributing to a lot of people's concerns about, generally, where things are heading.

I'd like to focus, if I can, just on two quick questions. One, I think, more specifically, for you, General, and one for the Ambassador.

One has to do with the condition of our troops. I think all of us here, certainly at this dais, representing our constituency—whatever views we have on policy, there's an incredible admiration for what our men and women are doing in uniform. You've both raised it. It's been raised by others. It's very important, I think, that our troops know that. Arguments over policy are one thing, but our commitment to these men and women serving know no division whatsoever.

But, I was sort of surprised and stunned on some of the recent numbers. A study done by the Department of Defense found that with each additional deployment, soldiers are 60-percent more likely to develop severe combat-related stress issues, while a study conducted by the Surgeon General of the Army found that soldiers suffering from high levels of combat stress are twice as likely to find themselves in a situation where they are in violation of the Armed Forces ethics standards, and seven times more likely to hit an Iraqi civilian.

So, I'd like to ask you, if I could, General, as someone who has really written the book on counterinsurgency—and I say that with great admiration for your background and abilities—what impact is the stress of repeated combat tours having on our military's ability to effectively conduct the counterinsurgency campaign? What effects could such high levels of combat stress have on soldiers who must regularly interact with Iraqis, and ultimately win the hearts-and-minds argument?

Both the Army Chief of Staff, GEN George Casey, and Chairman of the Joint Chiefs of Staff, Admiral Mullen, have raised serious concerns about our Armed Forces capability to react to emerging threats, going to the point Senator Lugar raised about other contingencies where our forces may be called upon. I'll just quote for you, which I'm sure you're aware of, General Cody's comments at a recent hearing before the Armed Services Committee, where we were this morning. And I think, in relationship to the surge, talking about the surge, he said, "Right now, all the units that are back at home station are training to replace next units in Afghanistan and Iraq. If the surge comes down the way we predict, and we get so many troops back and brigade combat teams back, and we can get the dwell time right, we'll start getting those units trained to full-spectrum readiness for future contingencies. I don't know what those future contingencies are," he went on to say, "but I know that this Nation and this Joint Force needs to have a division-ready bri-

gade, an airborne brigade ready for full-spectrum operations, a heavy brigade combat team ready for full-spectrum operations, and a Stryker brigade combat team ready for full-spectrum operations. And we don't have that today." He went on to say, "Right now, as I've testified—and I've been doing this for 6 years—I was a G–3 of the Army, and a Vice Chair," now former Chair, "and I've never seen our lack of strategic depth at where it is today."

Now, if we're talking about continuing our forces in Iraq, adding to the stress with assessments being done by the Surgeon General and the Defense Department's own study, in light of these other issues you're dealing with, on the ground in Iraq, what additional pressures are we placing on these men and women serving? What additional pressures are we placing on ourselves and our ability to respond to other contingencies, given the pressures that have been recognized by some of your colleagues here at the Department of Defense?

General PETRAEUS. Well, let me talk about Iraq, Senator. Obviously, that's what I'm riveted on, and that's what my mission is. And when I got back to Iraq, in February 2007, there were two enormous changes. The first was the damage done to Iraq by ethnosectarian violence—as I mentioned, the fabric of society torn; the second, how much more our troopers understand what it is that we are trying to do in this very complex endeavor that is counterinsurgency operations.

By the way, counterinsurgency operations require full-spectrum operations. They require offense. And we do a lot of it. In the past year, we did the Ramadi clearance, Baqubah, south Baghdad. Some of these were multiple—certainly multiple battalions and beyond brigade combat team operations. These are big operations, in other words, not just hearts-and-minds activities. Certainly, it involves force protection, some defense, and it involves stability-and-support operations, which a lot tend to associate with counterinsurgency, once the security situation reaches that point.

Our troopers really very much understand it, and they are far better at this—far better because of changes made in the institution, in the Army that General Cody is the Vice Chief of, in the training of our troopers, their education of the leaders, the collective mission rehearsal exercises, the lessons-learned process, and all the rest of that.

Now, there's no question but that these multiple tours have put enormous strain on the force. Absolutely. It is something, again, I am personally very keenly aware of.

Paradoxically, reenlistment rates seem to be quite high. Again, I track the units in Iraq, and one of the divisions that is there on its third tour—in fact, getting ready to come home—is a unit that—the division commander reported the other day—that met their reenlistment goal for the entire fiscal year at this point right now—obviously, about halfway into it.

So, again, while the troopers very much feel the strain, while I would personally welcome—I look forward to the opportunity for the Army and so forth to come back to 12-month tours, vice 15-month, which are particularly difficult, the troopers that we see in Iraq are doing a magnificent job. They also happen to be the best-equipped force—they are vastly better equipped than we were

when I was a division commander and we went through the berm, flew over the berm in the fight to Baghdad. And I can give you case after case after case of equipment that places our forces in an absolutely unique position in the world now. And we monitored this when we saw another country starting to do some operations recently in that area, and recognized the vast differences between our situational awareness, intelligence, surveillance, and reconnaissance assets, the satellite communications, the fusion of conventional special forces and special mission units, and all the rest of that. It is vastly better than we were in the beginning. And, again, our troopers do an extraordinarily good job, despite the enormous strain that clearly they and their families have experienced over the course of the last number of years.

Senator DODD. Well, I thank you for that answer. I'm still deeply concerned about these reports on stress levels and so forth that are mounting up. And——

General PETRAEUS. Sir, I share that. Again, as I stated—and that is a factor in my recommendations. And again, I have, you know, personal experience with that.

Senator DODD. No, I know you do. I didn't get to the question, Ambassador Crocker, about these militias. Again, the good news is this Awakening and dealing with the Sunni militias dealing with al-Qaeda is the good news. But it's not a long-term strategy. And exactly the point I think Senator Biden is driving at, in a sense, here, where we're arming and engaging these militias, and, at the same time, calling for a strengthened central government to respond to all of this, how you turn that around, it seems to me, when you're counting on these militias, and then——

General PETRAEUS. Right.

Senator DODD [continuing]. Trying to integrate them is going to raise some huge issues, I think.

General PETRAEUS. Senator, let me take that one, if I could, because there's few misconceptions. We don't arm any of these Sons of Iraq. They are tribal members, to begin with. Every Iraq is allowed an AK–47 in his own house, by law, and they are more than heavily enough armed.

What we have done is, we've stood by them—initially, when the first tribe came forward, in October 2006, before the surge; but then, subsequent to that, as the chain reaction took place in Ramadi and went up and down the Euphrates River Valley in the early spring and then summer of 2007, enabled by the additional forces out in Anbar, then in Baghdad, south Baghdad, Diyala, and so forth—these individuals have decided to reject the extremist ideology of al-Qaeda, their oppressive practices, and the indiscriminate violence that they've visited on this—on all communities in Iraq—not just Shia, but Sunni Arab communities, as well. And that's a hugely significant shift. It's a seismic shift in the Sunni Arab world, and one that we hope to see extend even farther.

Senator DODD. I hear that. We're paying them, of course.

General PETRAEUS. Well, sir, they started out, volunteering. And they did volunteer for a long time. And we said—you know, we did the math, and that math is $16 million a month that we pay them with CERP, and now, as I mentioned, the Iraqis are giving $300 million in CERP, or how many tens of millions of loss of vehicles

or loss of priceless lives? And I think that was the best investment that we've made in Iraq. And now we are transitioning them; as I mentioned, over 21,000 transitioned to Iraqi Security Forces or other positions, and slowly, but surely—not easily—nothing in Iraq is easy.

Senator DODD. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Hagel.

Senator HAGEL. Mr. Chairman, thank you.

And, gentlemen, welcome.

I want to go back, just very briefly as I open my questions, to a point that Chairman Biden noted at the beginning, and that is, we all recognize that the two of you and who you represent are implementers of policy. You don't set policy. You can help influence it, shape it, mold it. But, I know from my brief military experience, General, when the commander tells you to take the hill, you take the hill, or you sure as hell try. And we have the best force structure in the world to do that. And I think we all acknowledge that.

And my point in opening with that comment is to make certain that you understand, as well as all of your colleagues, that this is not a session——

General PETRAEUS. Right.

Senator HAGEL [continuing]. Today, to pick on you, to pick on any of you, or certainly not acknowledge the kind of sacrifices that you both acknowledged here today, and we respect that, and we appreciate it.

But, I have always believed in one dynamic of this business, and that is, if we are to be held accountable—elected officials—for any one thing, it is that we should be held accountable to developing and setting policy worthy of the sacrifices of our men and women that we ask to implement policy. So, I wanted to put that on the table before I ask a couple of questions.

As we sit here today—and the two of you are acutely aware of this—your headquarters in the international zone, Green Zone, the last few days, has continually been rocketed, mortared. We took casualties there the other day, as you know, of course; a number of Americans killed and wounded. And there's, it seems to me, some disconnect in the abstraction that we're dealing with today, as you both have presented—not a glowing report, but, I think, a fair report—what you see as not just progress made, but where we're going and what this is about. But, the reality is, since the President announced the surge, last January, we have lost over 1,000 dead Americans—January of 2007. And I know you're painfully aware of that, General. We've lost certain elements of our units, as well as in—the wounded, over 6,300 wounded, and all the other dynamics that have been alluded to.

And the reason I'm bringing that up is because I think those are the realities that we're talking about here, and I want to move to one particular area that you have both covered in your testimony, and that is, Where do we go from here? Whether it's to pause and then you will assess, or whether it's what Ambassador Crocker noted, that I will get to specifically, the regional and international dynamics—as you have it, a diplomatic surge. But, the fact is, also—and I think anyone who takes an honest evaluation of this—

and certainly we've seen the U.S. Institute of Peace's report, the part-two of the Iraqi Study Group Report, your former colleagues, General, who were up here last week, and others who have been involved with Iraq, the military, and foreign affairs for some time. The fact is, regardless of whether we're in or whether we're out or whether—when we leave, or the timeframe when we leave—because we are going to unwind, we are going to leave, at some point, if for no other reason than what my colleagues have noted here, because we don't have the capacity to sustain it—if for no other reason—and, just as you said, Ambassador Crocker, it's a matter of how we leave and what we leave, as best we can, but we're dealing with uncontrollables well out of the capacity for the world's finest military to deal with this. And I would—just want to remind you, General, of something that you said in March last year, and I think it's something we should keep our eye on. You noted—this is your quote, "There is no military solution to a problem like that in Iraq, for the insurgency of Iraq." And then you went on to say, "A political resolution is what will determine, in the long run, the success of that effort."

When you were both here in September, you both noted that, that the surge was to buy time, essentially, for some political reconciliation, or at least some accommodation.

And then, a couple of weeks ago, General Petraeus, you gave an interview, which was in the Washington Post, and you noted, "No one in the U.S. and Iraqi Government feels that there has been sufficient progress, by any means, in the area of national reconciliation."

Now, if we all generally agree that the sacrifices that we're making are all about the underpinning dynamic that, in the end, is all that's going to count—certainly, security is important; we understand that—but, how we arrive, or the Iraqis arrive, at some political accommodation to sort all this out, then that's—should be our focus. And the fact is, by any analysis, we're going to continue to see a bloody Iraq. We are going to continue to see, as you have both noted in your testimony, an Iraq that will ricochet from crisis to crisis. And I am wondering, as I have listened to both of you carefully, if we are not essentially holding our policy captive to Iraqi developments. Certainly, conditions, as you've noted, General, dictate tactics. But, I'm not sure that conditions should dictate policy.

And, with that, I want to launch into Ambassador Crocker's testimony, when you talk about a "diplomatic surge." Now, a "diplomatic surge," I assume, is somewhat similar to the surge we saw, militarily, meaning that you put tens of thousands of more troops on the ground, and you did the things you felt you needed to do to surge. But, as I read the testimony, Ambassador, it's pretty thin. I don't know if I would equate "surge" with "Turkey hosted the second ministerial meeting of Iraq's neighbors in November—last November, and Kuwait will now host the third meeting later this month." I don't know if that's a surge. "Support from Arab capitals has been strong—has not been strong." I don't know how we think we would find any regional diplomatic effort that's going to work if we can't get the regional neighbors to work with us. "Syria plays an ambivalent role. Iran continues to undermine the efforts of the Iraqi Government."

So, where's the surge? What are we doing? I don't see Secretary Rice doing any Kissingeresque flying around. Where is the diplomatic surge? In my opinion, the one core issue that, in the end, is going to make the difference as to the outcome of Iraq, and will certainly have an awful lot to do with how we come out of this—so, where is the surge? What are you talking about?

Ambassador CROCKER. The neighbors process is predicated on biannual ministerial meetings. So, in November, in Istanbul; April, a little bit ahead, at 6 months, in Kuwait. That's the schedule we run to. The first ministerial was in last May, in Sharm el-Sheikh. In between the ministerials, there are meetings of working groups on energy, border security, and refugees. The border security—the energy and refugee working groups have met over the course of the last month. Border security will meet, I think, in this coming week. So, there is activity.

Does there need to be more activity on the part of the region? Clearly, yes. And I noted in my statement, the Arabs need to be more engaged. We have pressed them on that. I have made a swing through the region. Of course, the President and the Vice President were both on regional tours in the first part of this year. And, ultimately, again, the Arabs are going to have to make their own decisions. But, they also need to understand that this is important to their interests, it's not a favor to us or to Iraq. So, that is a message we continue to press them on.

Similarly, with Iran, as I noted in my statement, we have taken the position that we are prepared to discuss, face to face with the Iranian security, Iraq—at Iraqi request. The Iraqis have announced that they would like to see another meeting occur. We have said we're ready to participate. It's now up to the Iranians.

Again, we can't compel the neighbors to behave constructively and positively, but we can certainly send a message that it's in their interest to do so.

Senator HAGEL. My time is up, Mr. Chairman. I appreciate it. Thank you.

The CHAIRMAN. Thank you.

Senator Kerry.

Senator KERRY. Thank you, Mr. Chairman.

Ambassador Crocker, General Petraeus, welcome. We are delighted to have you here. And we thank you both for what you are doing on behalf of our country.

General Petraeus, I particularly want to thank you and acknowledge, as I don't think you've heard enough from all sides of the aisle in this country, that we really do respect and understand that you have achieved some measure of a kind of progress. And it's a progress that is within your purview, as commander of Armed Forces in Iraq and on the military field, to be able to achieve. And you've done about as good a job of playing a tough hand as somebody could do. So through you, to all of our troops, we want them to understand the degree to which we respect and recognize that accomplishment.

The problem is, for all of us, that there's a larger set of balancing. I think you know that. You've repeatedly said how you're limited to Iraq. We Senators are not. We're looking at how we

defend the larger interests of our country, protect it, and do a better job of fighting the war on terror.

So I look at this larger field, and I see a fundamental equation with respect to Iraq that essentially stays the same, notwithstanding whatever progress we have made.

There is a fundamental struggle—a sectarian power struggle—taking place, over which we do not have a lot of control; in fact, the Iranians have an increasing amount, partly because of our presence.

There is a dysfunctional Iraqi Government, stumbling here and there, occasionally trying to stand up, but fundamentally, most would agree, unable to effectively deliver services, only with the greatest difficulty to be able to reconcile the oil law, the constitutional changes—the real fundamentals that go to the core of the sectarian division.

There is a decreasing ability, as Senator Dodd has pointed to, and General Odom, last week, before our committee, and General McCaffrey, General Scales, and others, have all pointed to the decreasing ability of our military to sustain this over a long period of time. That is a message that, not only we have heard, but our opponents have heard; everybody in the world has heard it, including our troops, who live it with repeated deployments and stop-loss and other hardships.

The issue here is how do we see our way to conclude this successfully? In that regard, there has been much misinterpretation and sloganeering, and exploitation, because I don't know anybody on our side who is suggesting that you create chaos, pull the plug, and avoid responsibility. That is not the suggestion. The suggestion is that we change the dynamics, which require something more of the Iraqis themselves.

Your quote on March 14, that Senator Hagel pointed to earlier, "No one feels there has been sufficient progress, by any means, in the area of national reconciliation." Is that an accurate quote, General?

General PETRAEUS. It is, Senator, but thanks for the opportunity to note that I then laid out a number of areas in which there has been progress. And I think——

Senator KERRY. I agree. And you've laid them out to this committee already.

General PETRAEUS. Yes, sir.

Senator KERRY. I have limited time, so I don't want to go through them all again now.

General PETRAEUS. Right.

Senator KERRY. You have laid them out. And I've acknowledged them, too. There is some progress in those areas.

General PETRAEUS. What I was conveying was the impatience, candidly, that, well, actually all of us feel, and including the Iraqis.

Senator KERRY. You said, this morning, to the Armed Services Committee, that war is not a linear phenomenon, and that you can't predict certain things. That is true, if only war were, in fact, the determinant of what is going to happen in Iraq. Yet you yourself have said, "The war is not the determinant. There is no military solution." The solution lies on the political side, where you have now also acknowledged there is not sufficient progress.

I've met with the Sunni chiefs, who are now part of the Awakening. We have, basically, rented their allegiance. You've acknowledged the money we're paying them. There is a time when that allegiance may shift. They are not being integrated into the Shia forces, into the ISF forces. That lack of integration is viewed by the Shia, whether the chiefs arm themselves, they are being paid by us, they are viewed as an increasing force. And the fundamental struggle of Iraq remains the same.

My question is this: Has it struck you—as the chiefs acknowledged to me, saying, "Yes, we don't have to make a decision as long as we know you guys are here"—has it struck you, as I know it did your predecessor, at the open-endedness of the commitment of large forces without a sense of what the process will be—without specific deadlines and times—that it actually empowers Iraqis to avoid making the decisions and the reconciliation they have to make?

Ambassador CROCKER. It's an important question, Senator. And it's something I have thought about. Are there alternatives that give you as good, or better, outcomes? And I'm familiar with the argumentation on that one.

What I have seen during my little more than a year in Iraq now, is that when we do see movement forward, when we do see a spirit of compromise, something other than a zero-sum mentality, it's when leaders and the communities behind them are feeling relatively secure, secure enough to make tradeoffs, which is what——

Senator KERRY. We gave them security with 160,000 troops, and we didn't achieve the political progress we needed. How do you achieve it with fewer troops, facing the drawdown realities of our forces' sustainability?

General PETRAEUS. Senator, what we are doing, in fact, is helping achieve local bottom-up reconciliation. And, in fact, by the way, they are being integrated into the ISF. In fact, as a number of the Sons of Iraq in Anbar province, others in Baghdad, have been integrated into the police. Some of those fighting in Basra actually are from the 1st Iraqi Army Division, which has a substantial Sunni complement in it.

I do weigh this issue all the time. But, what we are seeing, at local level, actually——

Senator KERRY. Sunnis where?

General PETRAEUS [continuing]. In Anbar——

Senator KERRY. But it's a Sunni complement that operates as a Sunni complement.

General PETRAEUS. No. No, sir. It's part of——

Senator KERRY. It's fully integrated?

General PETRAEUS [continuing]. Part of an integrated Iraqi Army, yes, sir. In fact, the first commander of the 1st Division, I think, was Shia, and the second commander is actually Sunni. So——

Senator KERRY. How many are there?

General PETRAEUS. There are 13 divisions now, sir.

Senator KERRY. Again, that are fully integrated?

General PETRAEUS. Well, varying levels. And, again, depending on where they were raised, but the Iraqi Army is an integrated force. Again, some of it is less integrated than others—again, de-

pending on where it was recruited and trained. But, certainly, those in the midsection, and that's where the Iraqi 1st Division, as an example, is from.

In Anbar province, what we are doing is precisely this. There's a substantial reduction going on there, from 14 battalions down to about 6, and it is because there's not just—not just paying off the Sons of Iraq, they're actually being integrated into the provincial structure. There's all kinds of political to'ing and fro'ing. Some of that isn't pretty, at times. It hasn't been overly violent, though. And, gradually, they're also engaging with Prime Minister Maliki. Sheikh Ahmed, the head of the Awakening in Anbar province, has gotten more money out of Prime Minister Maliki——

Senator KERRY. But, isn't there a contradiction?

General PETRAEUS [continuing]. Than the provincial governor.

Senator KERRY. Isn't there a contradiction in your overall statement of the strategic imperative? You've kept mentioning al-Qaeda here today. First of all, al-Qaeda didn't exist in Iraq until we got there. The Shia were not deeply interrupted by AQI.

General PETRAEUS. Oh, sir, they were——

Senator KERRY. The Kurds——

General PETRAEUS [continuing]. They were blown up——

Senator KERRY [continuing]. To the same degree——

General PETRAEUS [continuing]. Right and left by AQI. That was the height of the sectarian violence.

Senator KERRY. I understand that. But most of the evidence of what's happened in the Anbar province with the Sunni—is that once they decided to turn on al-Qaeda and not welcome them, they have been able to turn around their own security.

General PETRAEUS. And we helped them, sir.

Senator KERRY. Of course.

General PETRAEUS. We cleared——

Senator KERRY. We helped them.

General PETRAEUS [continuing]. Ramadi, we cleared Fallujah, we cleared the belts of Baghdad——

Senator KERRY. And every plan——

General PETRAEUS [continuing]. Diyala, Baqubah, and everything else.

Senator KERRY. Every plan I've seen here in Congress that contemplates a drawdown contemplates leaving enough American forces there to aid in the prosecution of al-Qaeda and to continue that kind of effort.

General PETRAEUS. That's exactly right. Yes, sir.

Senator KERRY. Then why doesn't that change the political dynamics that demand more reconciliation, more compromise, accommodation, so we resolve the political stalemate, which is at the core of the dilemma?

General PETRAEUS. Sure, that's a—sir, it's a great question. One of the key aspects is that they are not represented right now, and that's why provincial elections, scheduled for no later than October, are so important. The Anbar sheikhs, for example, will tell you, "We want these elections," Senator, as they, I'm sure did, because they didn't vote in January 2005. Huge——

Senator KERRY. They expect——

General PETRAEUS [continuing]. Mistake.

Senator KERRY [continuing]. To do well.

General PETRAEUS. And they know it. They'll do much better this time than they did before. More important, even in Ninawa province, where, because they didn't vote, you have a different ethnic group, actually, that largely is the head of the provincial council. So, again, all of those——

Senator KERRY. I am out of time. Thank you.

General PETRAEUS. Yes, sir. Thank you.

The CHAIRMAN. Thank you.

Senator Coleman.

Senator COLEMAN. Thank you. Thanks, Mr. Chairman.

I want to continue the discussion about this bottom-up approach. Ambassador, that's something you've talked about a lot, that when we weren't seeing the success, before we got de-Baathification, before we got the central government doing a budget, a range of things, you talked about the bottom-up level.

There's a piece in the New York Times today, David Brooks, and—quotes Philip Carl Salzman. He's talking about—in societies, "Order is achieved not by top-down imposition of abstract law; instead, order is achieved through a fluid balance-of-power agreements between local groups." I take it that's a fair assessment of some of the things that we've been seeing in Iraq today. Is that a—would that be a fair assessment?

Ambassador CROCKER. Senator, actually, I think it's more complex than that. That is true, at one level. But, there also has to be a vertical integration, if you will.

Senator COLEMAN. And my—my question, that—the conclusion of this piece is, you know, this—if you kind of follow this, you can establish order that way, drawing down United States troops at a slow pace, continuing the local reconstruction efforts, supporting local elections, reaching informal agreement with Iran and Saudis, reduce outside inference, and then Iraq can, kind of, be held together. But, my question is, I'd—it is about the vertical piece, and I think there is something else missing. And I'm a little frustrated as—what can we do—where is the pressure that we can put on Maliki to do those things that we're still a little frustrated that aren't done? Where is the—it's—we can't have unconditional support, here; there's got to be conditions. What are some of those conditions, that are not in place today, that can help us accelerate at least the vertical piece to support the horizontal piece that is taking place?

Ambassador CROCKER. Well, if I could approach it from this direction, picking up on some of Senator Kerry's comments, too, because there is a synergy here. As the Sunnis turned against al-Qaeda in Anbar, then in Baghdad and other places, the Shia took note of that. They were less threatened by al-Qaeda, obviously. And, as General Petraeus notes, al-Qaeda did enormous damage to Shia civilians. As that diminished, the Shia began to relax a little. And that meant two things. First, there was no longer the need to rely on groups like Jayish al-Mahdi for security. And you then saw the reaction, in August, in Karbala, when Jayish al-Mahdi elements tried to take over one of the shrines—popular outrage against them, and that led Muqtada al-Sadr to declare a cease-fire. The Sunnis take note of that.

So, you see a lot of positive developments, bottoms-up, as it were, but that then begins to inform the national level. And that's what gives you the climate in which some of the legislative compromises, that we just couldn't get in the summer or in the fall, were then achievable in January and—December, January, and February. You take it another step.

You mentioned Prime Minister Maliki. I think his decision to go after extremist Shia militias in Basra, again, was a product, in part, of a much better cross-sectarian climate than existed heretofore. He could go after extremist Shia groups. How well he did it is something General Petraeus can address, but, on the political side, we saw, then, further reaction from the leadership, including the Sunni leadership. And right now—I can't say how it's going to develop, but right now there is probably broader support from the entire leadership for the Prime Minister and for getting on with the business of the state, including a reconciliation, than I've seen at any time since I got there.

Senator COLEMAN. Let me take—I'll give an optimistic scenario—we've had a number of worst-case scenarios—but, perhaps getting to the same question.

General, what you note, the surge has been, I think, certainly way beyond even my expectations, and I had some concerns, early on. But—I think it set the stage for what the Ambassador's talking about; the two go hand in hand—but, at a certain point in time, there's going to be a new administration coming in, you're going to be part of a transition, and they're going to ask the question, with the success that we've had militarily, with the movement that we've seen, both horizontally, from the ground up, as well as some vertically—all, I think, these pieces fit together. That is complex. What's, then, the best-case scenario, to say that we've reached that—Ambassador, your words—that stable, secure, multiethnic, multisectarian democracy that has the ability to support—to defend itself against enemies, both internal and external—assuming we're moving in that direction, what's, then, the best-case scenario to say, "Now we can set a timetable and tell the American public that when we step out"—not in failure, but in achieving success?

General PETRAEUS. Well, Senator, as I've explained, again, from a military perspective, as you would imagine, as a commander on the ground and the commanders under me, given the enormous effort it's taken to achieve this progress, it has to do with conditions again. And what we want to do is to look at conditions and determine where it is that we can make reductions without taking undue risks.

This is really about risk, by the way. It's also a risk well beyond Iraq. It's, Where do you take risk? Do you take it in Iraq? Do you take in the region? Do you take it elsewhere? And I fully understand the role of those folks up the chain of command from me in determining, Where do they take the risk? And, at the end of the day, as Senator Hagel said, you salute, and you try to take the hill with what you're given. But, what you have to do is lay out—"If this is the mission that you want us to perform, these are the objectives"—and you have to have that dialog very, very clearly—"then this is what we believe the resources will be to accomplish that, here's how we might be able to project again for you, just,

again, hypothetically at that point, to lay out what the requirements will be," and then it is up, of course, to the policymakers to determine, again, where do they want to take that risk, and based on, again, the various consequences and various locations.

Senator COLEMAN. I may have time for one more question. And perhaps this is one that you can't answer.

The—you mentioned, talked about Quds Force Iran is funding, is supporting the killing—efforts that resulted in the killing of coalition soldiers. In other times, that would be an act of war. What is it that we need to be doing that we're not doing to make it very——

General PETRAEUS. Well——

Senator COLEMAN [continuing]. Clear that that kind of action is—simply can't be tolerated?

General PETRAEUS. Well, Senator, again, my job is in Iraq. What we have done in Iraq is attempted to interdict the flow of what are called "lethal accelerants," this—these trained and equipped individuals and the weapons that have been provided to them in the funding, provided to them by the Iranian Quds Force. And then, of course, at the next level up, there has to be a regional approach; eventually, a global approach. But, that obviously has to be taken up by folks above me in the chain of command. But, again, obviously it's my job to raise what's going on, to lay out—you know, we've detained these individuals, we have detained Quds Force officers in Iraq, as I mentioned; we've detained the deputy head of Lebanese Hezbollah 2800. So, again, there's no secret about this. And, as the Ambassador and I have mentioned, their involvement came out in much higher relief during this latest violence.

Senator COLEMAN. I thank both you gentlemen, and those who serve under you, for your extraordinary service.

General PETRAEUS. Thank you, Senator.

The CHAIRMAN. Thank you very much.

Senator Feingold.

Senator FEINGOLD. Thank you very much, Mr. Chairman.

And thank you both for your coming again to testify here today. While we may not always see eye to eye on the current situation in Iraq or the way forward, I have great respect for your service to our country and for the difficult work that you're undertaking.

I hope you won't, and you should not, take it personally when I say that I wish we were also hearing today from those who look at Iraq from a broader perspective. The participation at this hearing of those charged with regional and global responsibilities would have helped us answer the most important question we face, which is not whether we are winning or losing in Iraq?" but "are we winning or losing in the global fight against al-Qaeda?"

Right now, Iraq is hurting our national security. It is the "'cause celebre' for jihadists, creating a deep resentment of U.S. involvement in the Muslim world," as the Intelligence Community so clearly stated. That is why we need to redeploy our troops. If we do, Iran, as well as Turkey, Syria, and other regional actors, will have to decide if Iraqi instability is really in their interests once we are no longer on the hook. Iraqi factions will have a new incentive to come to the negotiating table to create a viable power-sharing agreement. Finally, and perhaps most importantly, we will be able to adequately address what must be our top priority—the

threat posed by al-Qaeda around the globe, and particularly its safe haven in the Afghanistan-Pakistan region.

In that regard, again, according to the Intelligence Community, al-Qaeda has regenerated the core operational capabilities needed to conduct attacks inside the United States. And terrorists who would conduct those attacks, including an influx of Westerners, are being trained in the Federally Administered Tribal Areas of Pakistan. The Chairman of the Joint Chiefs of Staff testified that, "The most likely near-term attack on the United States will come from al-Qaeda," via its safe haven in Pakistan.

So, General, you were just talking about, Where do you take the risks? You repeated it several times. Where do you take the risks? General and Ambassador, do you agree with me that our top national security priority should be addressing the threat posed by al-Qaeda?

General.

General PETRAEUS. Go ahead.

Ambassador CROCKER. Clearly, al-Qaeda is our strategic threat. We, of course, have to look at this from the Iraq perspective. That's where our jobs are, that's what our mission is.

With respect to al-Qaeda, that's why I think what the surge has achieved over this past year has been so important, because al-Qaeda, in Anbar, in Baghdad, as well as the north, was well on its way to having the kind of base or safe haven in which it would be sufficiently unthreatened that it could do strategic planning from Iraq against us here.

Senator FEINGOLD. Well, let me ask the General, too, then. You've answered my question.

General, do you think al-Qaeda is our top threat?

General PETRAEUS. I do, Senator. And I think it's very important to remember what Zawahiri and Osama bin Laden have repeatedly stated, both publicly and privately, and that is that the central front of their global war on terror is in Iraq, and it is actually hugely important, not only that we have made the gains against al-Qaeda in Iraq, but that Sunni Arabs have come to reject al-Qaeda in Iraq. And that——

Senator FEINGOLD. But, General, al-Qaeda's safe haven is in Pakistan, not Iraq.

General PETRAEUS. There is certainly——

Senator FEINGOLD. Iraq is——

General PETRAEUS [continuing]. A safe haven in Pakistan, as well. The safe havens they had in Iraq are very much under threat, certainly——

Senator FEINGOLD. You would agree that——

General PETRAEUS [continuing]. By our effort.

Senator FEINGOLD [continuing]. The greater safe haven, at this point, and their greater operability, is in Pakistan or Afghanistan, rather than Iraq, correct?

General PETRAEUS. I believe that's so. Again, you'd—I'd go with the intelligence analysts, because my focus is in Iraq.

Senator FEINGOLD. All right. But, if Iraq is——

General PETRAEUS. I'm obviously aware that there is, in the Fatah area, a safe haven for al-Qaeda, and that's where al-Qaeda senior leadership issues its directives to folks like al-Qaeda–Iraq.

Senator FEINGOLD. Well, if Iraq is really the key, why has our current approach to counterterrorism in Iraq been an increased threat from al-Qaeda around the world? Why does our Intelligence Community say things are actually worse than they were before?

General PETRAEUS. Again, I—Senator, I'm talking about al-Qaeda in Iraq.

Senator FEINGOLD. Well, I—I'm talking——

General PETRAEUS. I can't speak——

Senator FEINGOLD [continuing]. About that, too. I'm asking about—given the fact that you say the key is to deal with them in Iraq——

General PETRAEUS. No, sir, I said——

Senator FEINGOLD [continuing]. Why is it that——

General PETRAEUS [continuing]. I said that——

Senator FEINGOLD [continuing]. As we're dealing with them in Iraq, has the threat, internationally, increased from al-Qaeda, rather than decreased?

General PETRAEUS. What I said, Senator, was that al-Qaeda views its central front in its global war on terror as being in Iraq. In other words, in a sense, their main effort. I can't speak to what they have been doing in the Fatah or how they have been growing there. Again, that's obviously not my area of——

Senator FEINGOLD. Well, that's interesting——

General PETRAEUS [continuing]. Operations.

Senator FEINGOLD [continuing]. Because al-Qaeda said several things. In fact, Osama bin Laden gave quite the speech, in 2004, which I think bears reading. He says that his goal is to destroy the United States by bankrupting the United States. I would suggest what he's doing to us, if that—in Iraq, is really—his goal is to suck our economic and military capacity and that—for us to somehow believe that staying in Iraq is not playing into his hands, I think, is a mistake.

General, you have stated that Iran is backing militias that are targeting U.S. forces. According to the Congressional Research Service, Iran also backs Maliki's political party, as well as the Islamic Supreme Council of Iraq and the Badr Brigade. Isn't it true that the Iraqi Security Forces we are arming, training, and fighting alongside continue to be infiltrated by militias, including the Iranian-backed Badr Brigade?

General PETRAEUS. First of all, it is no secret that Iran has supported all Shia movements, to varying degrees, in Iraq. The Supreme Council is a—in the Badr Corps were elements in Iraq. By the CPA law that was adopted, by policy, there is an integration of militias into the Iraqi Security Forces. And when they don't serve in the interests of the Iraqi Security Forces, then they are discharged. And, in fact, that's what's happened with some militia members and with some others.

So, there has been an integration of several different militias over time by, again, CPA law that was passed, back in 2004. But, backing, in a sense, politically, perhaps with money, undoubtedly with money, and providing training, arming, equipping, and direction of individuals, in particular, the special groups, is a very different matter.

Senator FEINGOLD. Ambassador, following what Senator Kerry was talking about, wouldn't you agree that part of the political stalemate in Iraq is the result of disagreement among Iraqi leaders about our military presence there?

Ambassador CROCKER. Actually, I don't think that is a significant element. As we have consulted with Iraq's leaders—we saw this in August, in the leadership communique there—the five principal leaders—again, Sunni, Shia, and Kurd—all stressed the importance of a long-term relationship with the United States, including security.

The only major element of the Iraqi political constellation that is on record as opposing U.S.-force presence is the Sadr trend. Just about everybody else understands that our presence there is extremely important to security and stability, at this juncture.

Senator FEINGOLD. Well, I see—my time's up, but let me just add the fact that the majority of Iraqi parliamentarians have called for a timetable for U.S. withdrawal. That's a pretty significant group. And Prime Minister Maliki was apparently so concerned that the Parliament would not agree to a renewal of the U.N. mandate that he basically did an end run around them and signed it without their consent, which I think may have been a violation of Iraqi law.

But, Mr. Chairman, I see my time is up.

The CHAIRMAN. Senator Corker.

Senator CORKER. Mr. Chairman, thank you.

And, to the two of you, I want to thank you very much for your service and your patience with all of us today. And certainly, I have deep respect for what you both do and what our men and women in uniform are doing in Iraq. And, again, thank you both for your testimony.

I've noticed, in today's questions, that whereas in the past we might have talked about some of the smaller issues, if you will, that relate to Iraq, and some of the things that are happening in a sectarian way, I think most of the questioning today is focused on the bigger picture. The surge has been successful, from the standpoint of creating greater security, and yet, I think people want a sense of what the end is going to look like. And I know that you share that same frustration.

And this morning, with Mr. Hadley and General Lute—talking a little bit with them about, historically, how we find ourselves in a unique place, where our military is performing exceptionally well and doing the things—everything that they've been asked to do, and more, and yet we're dependent upon a government, that we have, really, no control over, to perform equally well, for us to really be victorious. I don't even know if I want to use that word. But, to be successful. And so, it's a very frustrating situation.

I know we've described what our endgame is. In the big picture, we describe the country. But, General Petraeus, I wonder, for us if you could articulate, from the military standpoint, what you see the end to be.

General PETRAEUS. Well, what we want to do—and it will be done by local areas, not by a national light-switch, Senator—is to continue the handoff of security responsibilities to Iraqi officials and Iraqi forces, province by province—in some cases, district by district—enabling us to draw down, enabling us to move more to

an overwatch instead of a lead, a process that has been very much underway.

It's important to note, in fact, that in the recent flareup of violence during the Basra operations, that, in most of the other southern provinces, Iraqi Security Forces performed well. That was the case in Karbala and Babil province, in—Najaf was not really tested, but Qadisiyah, Dhi Qar, Muthanna, and, to a degree, Wasit. So, really all of the other southern provinces, again, forces did—generally did well. In some cases, we did provide overwatch or backup or some kind of assistance, but they were the ones carrying the ball. That's what we want to extend farther, in other provinces. As I mentioned, there are two additional provinces identified for provincial Iraqi control.

And that process continues, trying to keep the pressure, certainly, on al-Qaeda–Iraq, on their Sunni insurgent allies, and, over time, continue to reduce our footprint, our mission profile, and increase that of the Iraqi Security Forces, over time. That means that we will have—will stay heavily involved, over time, I would think, with the transition-team effort, with the adviser effort, certainly with our Special Operations Forces, and with a conventional base that is sufficient to support these other efforts. But, again, gradually coming down, in terms of enablers, in terms of our brigade combat teams, and so forth.

Senator CORKER. As we've drawn down, certain significant things have occurred, as has been mentioned, from the standpoint of benchmarks. And I don't know how the two of you go about leveraging, if any takes place—I hope it does—of existing government, but can you state to us any sense of how the drawdown has affected leverage, if you will, with the Maliki government and/or others, and whether a pause in that drawdown—what effect that may or may not have in regards to the same?

General PETRAEUS. Well, there's a dual-edged sword there, Senator. Again, the recognition that we are drawing down obviously does put pressure on them. There's no question about that. And what we want to do is put enough pressure on them to generate productive activity, but not so much pressure that they go into their corners, hang onto what they've got, and posture themselves to take on each other, once we have—no longer have the capacity to keep everybody making way together.

There are other methods, obviously, of leverage. Obviously, they—you know, they do request our support, our advice, everything from passes for the Green Zone to even occasionally showing that we have emotions other than endless patience. And we do try to employ every single tool at our disposal. Sometimes that has worked; sometimes, frankly, it has not. But, certainly, the progress in January and February, are a result of their efforts, again, recognizing, certainly, the imperative of achieving that progress.

Ambassador.

Ambassador CROCKER. It's an important point. The dynamic in Iraq is such that the Iraqis, the Maliki government, others, want to be in charge of their own country, you know. I don't think any nation wants to have to rely on outside forces for their internal security. So, I think they very much feel the imperative to make this kind of progress on their own. And, again, that's part of the

interpretation I lend to the Prime Minister's decision to go down to Basra, to demonstrate that Iraqi forces, under his leadership, are capable of taking independent action. So, I think that's an important step, and an important indication of Iraqi willingness—we'll leave the "ability" thing aside—but of a willingness and intention to increasingly be directing their own affairs. So, it's not so much that we've got to constantly press them to do things so that we don't have to, it's more, kind of, guiding and channeling, and helping them see over the short-term horizon as to how deals can be dealt. And it's a constant, complex process.

But, the intention, I think, very much, on the part of the national leadership, is to take the steps that increasingly will allow them to be in charge of their own destiny.

Senator CORKER. So, if I could summarize that—and I appreciate the statement—in essence, there are those who argue strongly for withdrawal causing the Iraqis to act more responsibly or take on more responsibility. You, in essence, are arguing the same thing, that, in essence, as we drawdown, it does put more pressure on them to act responsibly. But, at the same time, that needs to be done in a measured way so that it's not done in a way that creates chaos, that causes them to then begin looking at self-protection, but done in a way that's steady. And that, in essence, is what you're taking a look at here, for 45 days, once this drawdown gets to a certain point.

General PETRAEUS. That's exactly right, Senator. Again, it's important to remember that we will be withdrawing—or we will have withdrawn, by July, over one-quarter of our ground combat forces, 5 of 20 brigade combat teams, plus the Marine expeditionary unit and two Marine battalions. That is a very substantial reduction in a relatively short period of time in about a 6- or 7-month period. And, again, it was the Secretary of Defense, actually, that coined this concept, or the phrase, if you will, of a period of consolidation, really assessing where we need to adjust our forces, physically on the ground, an evaluation that then can be the basis for the assessments that allow us to make further recommendations for a reduction in forces, and determining where that should be.

Senator CORKER. Thank you, Mr. Chairman. And thank both of you.

The CHAIRMAN. Senator Boxer.

Senator BOXER. Thank you.

General, help me with some of the numbers, here. It is my understanding that we've trained over 400,000 Iraqi Security Forces. And after we reduce U.S. forces, we'll be down to about 140,000, is that correct?

General PETRAEUS. That is correct. A little——

Senator BOXER. OK. So——

General PETRAEUS [continuing]. Under that, Senator.

Senator BOXER [continuing]. 400,000 plus 140,000. And I understand that there are 6,000 al-Qaeda terrorists in Iraq. How many insurgents are there?

General PETRAEUS. I would actually assess that there are fewer al-Qaeda——

Senator BOXER. Well, give me a——

General PETRAEUS [continuing]. Iraq——

Senator BOXER [continuing]. Number. Fewer, OK.

General PETRAEUS. Again, we typically say a couple of thousand. Again, we can provide a classified——

Senator BOXER. OK. Well, let's——

General PETRAEUS [continuing]. Laydown for you.

Senator BOXER [continuing]. Say a few thousand al-Qaeda.

General PETRAEUS. And then——

Senator BOXER. And how many insurgents?

General PETRAEUS. And then there are other additional thousands of Sunni insurgent extremists, as well.

Senator BOXER. So, I was just saying to my colleagues, we've done a lot for the Iraqis, in terms of helping to build up their security forces. It's pretty overwhelming, folks, on the Iraqi side.

Now, I'll tell you what concerns me and a lot of my constituents. You have said—both of you—that "the gains in Iraq"—and you've said this many times before today—"are fragile and reversible." You've used those terms—which are terms of art—and I appreciate it. They're important words. So, my constituents and I believe that, after 5 years of unbelievable bloodshed on all sides, and 4,024 Americans killed—although I remember it seemed like just yesterday that it was 4,000—but today we have 4,024 dead—30,000-plus wounded, and nearly $600 billion spent. You have to wonder why the best you can say is that "the gains are fragile and reversible."

Now, I think most of us agree—those who have not particularly supported this endeavor—that the reason this is the best you can say is because there's been no political solution. I listened carefully to Senator Hagel, and—Ambassador Crocker—in listening to your answer to the Senator's question, I don't get the sense that you've been given instructions from our Commander in Chief to change the dynamics. I find your testimony very status quo. And the status quo has been an absolute disaster. And I just don't see anything changing. I don't see us saying to the Iraqis, "It is your turn. We will help you. Step out and get the politics resolved."

So, in line with demanding more from the Iraqis, General Petraeus, you are asking us for millions more to pay off the militias.

And, by the way, I have an article here that says that Maliki recently told a London-based paper that he was concerned about half of them, and would not put them into the militia, into the ISF, because he thinks—and this is a quote from him—that "they oppose the central government." But, that aside, we've been paying $182 million a year—that's on an annual basis—$18 million a month. And I would say to you, here at home we could get health care for 123,000 kids and we could send 210,000 kids to after-school programs with that money.

My question is, Why don't you ask the Iraqis to pay the entire cost of that program? I think, in Senator Lugar's testimony, he made the point that it could be an opportunity for them to then turn it into something more long term. But, when that supplemental comes, I'm going to be saying to my colleagues we should not be paying off those militias. And I wonder why, given the fact that the Iraqis have billions of dollars in surpluses, including $30 billion in American banks, and we have nothing but raging deficits,

one reason is this war—why we wouldn't ask them to pay for the cost of that program of paying off the militias.

General PETRAEUS. First of all, Senator, these are not actually militias. What they are is, typically, tribal members; in some cases, former insurgents. But, this is how you end these wars, you sit down with——

Senator BOXER. I didn't say I objected to it——

General PETRAEUS [continuing]. Former insurgents——

Senator BOXER. I asked you why they can't pay for it.

General PETRAEUS. Well——

Senator BOXER. I understand——

General PETRAEUS [continuing]. In fact——

Senator BOXER [continuing]. Your point on it——

General PETRAEUS [continuing]. Senator, what they are doing is, they have committed $163 million to gradually assume their contracts. They have committed the $300 million, that I mentioned in my statement, to Iraqi CERP that offsets, in fact——

Senator BOXER. OK. I just——

General PETRAEUS [continuing]. What we are spending.

Senator BOXER. I don't want to argue——

General PETRAEUS. And, beyond that——

Senator BOXER [continuing]. A point that——

General PETRAEUS [continuing]. The savings in vehicles——

Senator BOXER. Yeah.

General PETRAEUS [continuing]. Not lost, actually is certainly——

Senator BOXER. No, no. I——

General PETRAEUS [continuing]. Worth it.

Senator BOXER [continuing]. Understand your point. I'm just asking you why you would object to asking them——

General PETRAEUS. Well——

Senator BOXER [continuing]. To pay for that entire program, given all we are giving them——

General PETRAEUS. Senator——

Senator BOXER [continuing]. In blood, in everything else.

General PETRAEUS. Senator, it is a very fair question, and I think that if there's anything that the Ambassador and I will take back to Iraq, candidly, after this morning's session and the—this afternoon's—is, in fact, to ask those——

Senator BOXER. Good.

General PETRAEUS [continuing]. Kinds of questions——

Senator BOXER. Excellent.

General PETRAEUS [continuing]. More directly.

Senator BOXER. I'm very happy about that.

When the Bush administration told the American people, more than 5 years ago, that we'd be greeted as liberators in Iraq, and supporters of the war said that people would be dancing in the streets, waving American flags, there was a whole other vision put forward. And now, last month, Iranian President Ahmadinejad was given the red-carpet treatment, while our President has to sneak in there in the dead of night.

So, I'm wondering, why, after what we have given—4,024 American lives gone, more than $½ billion spent—all this for the Iraqi people, is it that the Iranian President is greeted with kisses and

flowers. And I'm quoting from an article in the Boston Globe. Suzanne Maloney, an expert on the Middle East, argues that, "Iraqi leaders will only begin to differentiate themselves from Tehran when they're forced to grapple independently with the painful alternatives of governing and assuming greater responsibility for their country's security, and that will only happen when we put a timeframe on our presence."

So, if either of you could answer this question, Do you agree that, after all we have done, after all the sacrifices—and God bless all of our troops and all of you who put yourselves in harm's way—after all of this, that Iran is stronger and more influential in Iraq than ever before?

Ambassador CROCKER. Senator, that's an important and complex issue, obviously.

With respect to President Ahmadinejad's visit, I'd just make the point that presumably when he comes to Iraq he doesn't have to worry about Iranian-based extremist militias. More broadly——

The CHAIRMAN. We will—the committee will stand in recess, and the police will clear the people who are talking, back there.

[Recess.]

The CHAIRMAN. The committee will resume.

Senator.

Senator BOXER. OK. If I could say—I agree with you that there are certain factions there that certainly support Iran. That's part of the problem. But, my question is this. Ahmadinejad was the first national leader——

Can you please cool it, back there?

Ahmadinejad was the first national leader to be given a state reception by Iraq's Government. Iraqi President Talibani and Ahmadinejad held hands as they inspected a guard of honor, while a brass band played brisk, British marching tunes. Children presented the Iranian President with flowers. Members of Iraq's Cabinet lined up to greet him, some kissing him on both cheeks.

So, it's not a question about the militias out there. I'm saying, after all we have done, the Iraqi Government kisses the Iranian leader, and our President has to sneak into the country. I don't understand it. Isn't it true that, after all we've done, Iran has gained ground?

Ambassador CROCKER. Senator, Iran and Iranian influence in Iraq is obviously an extremely important issue for us. But, it's very much, I think, a mixed bag. And what we saw over these last couple of weeks, in Baghdad and in Basra, as the Prime Minister engaged extremist militias that were supported by Iran, is that it revealed not only what Iran is doing in Iraq, but it produced a backlash against them and a rallying of support for the Prime Minister in being ready to take them on.

Iran, by no means, has it all its own way in Iraq. Iraqis remember, with clarity and bitterness, the 1980–88——

Senator BOXER. Yes.

Ambassador CROCKER [continuing]. Iran-Iraq war——

Senator BOXER. Well, that's my point.

Ambassador CROCKER [continuing]. In which——

Senator BOXER. And now he's getting kissed on the cheeks. That's my point.

Ambassador CROCKER. And there was a lot of commentary around—among Iraqis, including among Shia Iraqis, about just that point, "What's he doing here, after what they did to us during that war?" But, you—Iraqi Shia died by the tens—by the hundreds of thousands, defending their Arab and Iraqi identity and state against a Persian enemy, and that's, again, deeply felt. It means, when Iran's hand is exposed in backing these extremist militias, that there is a backlash, broadly speaking, in the country, including from Iraq Shia. And I think that's important, and I think it's important that the Iraqi Government build on it.

Senator BOXER. I give up. It is what it is. They kissed him on the cheek. I mean, what they say over the dinner table is one thing, but they actually kissed him on the cheek. He had a red-carpet treatment, and we are losing our sons and daughters every single day for the Iraqis to be free. It is irritating, is my point.

Ambassador CROCKER. Senator, the Vice President was in Iraq, just a couple of weeks after that, and he also had a very warm reception.

The CHAIRMAN. Did he get kissed?

Ambassador CROCKER. I believe——

[Laughter.]

The CHAIRMAN. I just want to know whether he got kissed, that's all.

Ambassador CROCKER. Yes, he did get kissed.

[Laughter.]

The CHAIRMAN. Senator Voinovich.

Senator VOINOVICH. Thank you.

The CHAIRMAN. Thank you, Senator Boxer.

Senator VOINOVICH. First of all, I want to thank both of you for the terrific partnership that you've established in Iraq. A lot of us pray to the Holy Spirit; I've been praying to the Holy Spirit that somehow you would be enlightened and make the right decisions there, and that the leaders in Iraq would be enlightened to understand the wonderful opportunity the members of our Armed Forces have provided them. Over 4,000 troops have died in the line of duty and more than 28,000 are coming home wounded, half of whom are going to be disabled the rest of their lives. Progress has been and will continue to be difficult. When I talked to Ambassador to the United Nations Zalmay Khalilzad, he said, "Iraqis are going to probably have to kill each other a little bit over there to realize that something's going to have to be different, because they're destroying lives and infrastructure."

But it's heartening to see the Sunni Awakening. This movement was evident when I visited Iraq in August 2007. My impressions were that the Sunnis know that the United States is not an occupying force, that they are increasingly opposed to al-Qaeda, and that our Provincial Reconstruction Teams are effective and appreciated by local communities. Iraqi Sunnis also like being paid when they cooperate with coalition aims. Groups like the Sons of Iraq are now coming forward.

But, if you look at the enormous costs that we have incurred, and will incur, from operations in Iraq, I see cause for serious concern. I've received from the Congressional Budget Office an estimate of the level of federal spending which would be required through fis-

cal year 2017 under two redeployment scenarios. These estimates range from $1.2 trillion to $1.7 trillion. And, of course, we have to take into account health care and other associated costs. I think you all know that the Government Accountability Office has estimated that the Army will require $12 to $13 billion per year to replace lost, damaged, and worn equipment for the duration of the war in Iraq. The Marine Corps has estimated it will need $15.6 billion for equipment reset, and the National Guard has said that they are going to need $22 billion. So, in other words, the United States is at a point right now where we are really strained and stressed. In addition to the costs of operations in Iraq and Afghanistan, we have a national debt of more than $9 trillion. This year's budget is going to be out of balance by about another $660 billion. And I hate to agree with Senator Feingold, but I think that——

[Laughter.]

Senator VOINOVICH [continuing]. If Osama bin Laden is assessing this situation, he might think he has achieved some of his aims—in effect, we're kind of bankrupting this country. We are eating our seed corn. We have got some really big problems today. We're in a recession, and God only knows how long it will last.

So, it seems to me that there's some urgency that we need to pray a little bit harder to get Iraq and its neighbors to understand that we're going to be on our way out. Some of my colleagues and I have talked about this, and what we think we need is a surge of diplomacy during this period of time.

The witnesses that appeared before this committee on April 2 argued that the United States should take advantage of the 10-month period between now and the beginning of the next administration. We will have wasted this opportunity if we don't make a concerted effort at diplomacy, if we don't sit down with the Syrians and the Saudis and the Egyptians, and tell them, "Hey, guys, we're on our way out. We have to leave here because of our own financial situation, and we're stressed out to the point where we've got to pursue gradual redeployment. Now, understand this. And it's not in your best interest to see this situation deteriorate. It's time for you to step in and start taking some action and bring regional and global actors together."

I also believe that this administration has lots of problems around the world. I just finished a book, "The Much Too Promised Land" by Aaron Miller, which discussed instances where the United States really made some difference. And that was when we had someone in our Government involved in diplomatic efforts on a full-time basis. Secretary of State Condoleezza Rice should get together with both of you, and she should work, day in and day out, to let parties in the region know, "Folks, we're on our way out."

And I just wonder, do you understand that that is where we are at? We have somebody sitting across the table here who may be the next President of the United States. The American people have had it up to here. We appreciate the sacrifice that you've made, and that your families have made. Lives have changed forever. But the truth of the matter is outside of those who have served and their families, we haven't sacrificed one darn bit in this war. We've never been asked to pay for a dime, except for the people that we've lost. And I'm sure the men and women who serve alongside you under-

stand that. I'd like to know what do you think about the idea of developing a diplomatic surge during this 10-month window to let regional players know, "It's going to be over, here, folks, and you'd better start working together"?

Ambassador CROCKER. Well, Senator, look, I appreciate the—you know, the sense of frustration that you articulate. I share it. I, kind of, live it every day. I mean, the reality is, it is hard in Iraq. And there are no light switches to throw that are going go dark-to-light. It's going to be——

Senator VOINOVICH. But, don't you think that if we said, "Folks, you know we're going to leave" wouldn't that be effective?

Ambassador CROCKER. Well, first, with respect to the region, we have been sending that message, and that's why my testimony was written the way it was. We do need to see the region, particularly the Arabs, step forward. That's a message that's been sent by the President and the Vice President during their visits to the region over the last couple of months. They do need to understand that they have an interest here, and that staying disengaged is dangerous for Iraq, it's dangerous for the world, and it's dangerous for the Arab world, in particular.

Now, again, with respect to the frustration you articulate, if—and these are not decisions we make, these are decisions that you will make, as well as others—if you decide—as I said in my testimony, if we decide that we just don't want to do this anymore, then we certainly owe ourselves a very serious discussion of "Then what?" What are the consequences? Because my experience in the Middle East—which goes back a lot longer than I'd care to remember, frankly—are that things can get really, really bad, indeed. So, we've got to have—we've got to have a pretty sober discussion as to what the consequences of alternative courses of action are.

Senator VOINOVICH. General.

General PETRAEUS. Well, I would echo what the Ambassador said, sir. I certainly share the frustration. I've been at this, I think, about as long as anybody in uniform in Iraq. There may be some more out there longer, but not many. And, again, it is very easy to dislike where we are, to be frustrated at it, and so forth. But, we are where we are. And, again, as the Ambassador, I think, has very clearly stated, there are very, very real consequences of the different options that we consider. And, I think, as long as it's very clear that we address those and we go into those with our eyes wide open, then that is—the job has been done.

There has been pretty extensive diplomatic activity. Even the Ambassador and I have participated in this. I've gone to Jordan, he's gone to a number of different Arab countries. We've both been to Bahrain, to Qatar, and others. We may stop, on the way back, in the country, as well. We—certainly, anything that generates that kind of supportive activity is welcome——

Senator VOINOVICH. I just want to——

General PETRAEUS [continuing]. On the military side.

Senator VOINOVICH [continuing]. Say one thing, and my time is up.

General PETRAEUS. So——

Senator VOINOVICH. I was in Egypt, and spent time with their Foreign Minister, Ahmed Aboul Gheit. I was in Jordan, talking to

Prime Minister Nader al-Dahabi. And they don't have the urgency that they need to become really engaged today. And I think this is the case because regional actors believe that we're going to continue to be there for a while, and that they really haven't faced the reality of our eventual withdrawal, and don't understand that they'd better start working together.

The CHAIRMAN. I thank the Senator from Ohio, and I wish he would not reference the Senator from Illinois and cause anyone to cheer. I can only imagine the headline in the Washington Post, "Biden Throws Out People for Cheering for Democratic Candidate." [Laughter.]

The CHAIRMAN. So, I hope you'll refrain from referencing that again.

I yield to the Senator from Florida.

Senator BILL NELSON. Mr. Chairman, before I continue my questioning from this morning in the Senate Armed Services Committee, I want to let Senator Obama go first, because he's got a scheduling problem. So, with your permission.

The CHAIRMAN. I'll just imagine that headline, as a supporter for Hillary, I——

[Laughter.]

The CHAIRMAN. So, anyway, I think it's a good idea. [Laughter.]

No—Senator Obama. And then we'll go—we'll go back to Republican and then back to you.

Senator Obama.

Senator OBAMA. Well, first of all, thanks to Senator Nelson for his graciousness.

And I want to thank both General Petraeus and Ambassador Crocker for their dedication and sacrifice. And, obviously, our troops are bearing the largest burden for this enterprise. I think all the—both of you take those sacrifices very seriously. And we appreciate the sacrifices that you, yourselves, are making.

I want to just start off with a couple of quick questions, because in the "parade of horribles" that I think both of you have outlined, should we leave too quickly, at the center is al-Qaeda in Iraq and Iran. So, I want to just focus on those two things for a moment.

With respect to al-Qaeda in Iraq, it's already been noted they were not there before we went in, but they certainly were there last year, and they continue to have a presence there now. Should we be successful in Mosul, should you continue, General, with the effective operations that you've been engaged in, assuming that, in that narrow military effort, we are successful, do we anticipate that there ever comes a time where al-Qaeda in Iraq could not reconstitute itself?

General PETRAEUS. Well, I think the question, Senator, is whether Iraqi Security Forces, over time, with much less help, could deal with their efforts to reconstitute. And I think it's a——

Senator OBAMA. That's my——

General PETRAEUS. I think it's——

Senator OBAMA [continuing]. Point.

General PETRAEUS. I think it's a given that al-Qaeda–Iraq will try to reconstitute, just as any movement of that type does try to reconstitute.

Senator OBAMA. I don't——

General PETRAEUS. And the question is——

Senator OBAMA [continuing]. Mean to——

General PETRAEUS [continuing]. Whether——

Senator OBAMA. I don't mean to interrupt you, but I just want to sharpen the question so that—because I think you're getting right at my point, here. I mean, if one of our criteria for success is ensuring that al-Qaeda does not have a base of operations in Iraq—I just want to harden, a little bit, the metrics by which we're measuring them—at what point do we say they cannot reconstitute themselves? Or are we saying that they're not going to be particularly effective, and the Iraqis themselves will be able to handle the situation?

General PETRAEUS. I think it's really the latter, Senator, that—again, if you can keep chipping away at them, chipping away at their leadership, chipping away at the resources, that comprehensive approach that I mentioned, that, over time—and we are reaching that, in some other areas, already, as I mentioned; we are drawing down very substantially in Anbar province, a place that, I think, few people would have thought would be at the situation we're in, at this point now, say, 18 months ago. And, again, that's what we want to try to achieve in all of the different areas in which——

Senator OBAMA. OK.

General PETRAEUS [continuing]. Al-Qaeda still has a presence.

Senator OBAMA. So, I just want to be clear if I'm understanding. We don't anticipate that there's never going to be some individual or group of individuals in Iraq that might have sympathies toward al-Qaeda. Our goal is not to hunt down and eliminate every single trace; but, rather, to create a manageable situation, where they're not posing a threat to Iraq or using it as a base to launch attacks outside of Iraq. Is that accurate?

General PETRAEUS. That is exactly right.

Senator OBAMA. OK. And it's also fair to say that, in terms of our success dealing with al-Qaeda, that the Sunni Awakening's been very important, as you've testified. The Sons of Iraq and other tribal groups have allied themselves with us. There have been talks about integrating them into the central government. However, it's been somewhat slow, somewhat frustrating. And my understanding, at least, is, although there's been a promise of 20 to 30 percent of them being integrated into the Iraqi Security Forces, that has not yet been achieved; on the other hand, the Maliki government was very quick to say, "We're going to take another 10,000 Shias into the Iraqi Security Forces." And I'm wondering, does that undermine confidence, on the part of the Sunni tribal leaders, that they are actually going to be treated fairly and they will be able to incorporate some of these young men of military age into the Iraqi Security Forces?

General PETRAEUS. No, that is ongoing, Senator. As I mentioned, there's over—well over 20,000 who have already been integrated into either Iraqi Security Forces or other government positions. It doesn't just have to be the ISF, it can be other positions. And there are thousands of others who are working their way through a process with the Iraqi National Committee for Reconciliation in the Ministry of Interior, and so forth. It hasn't been easy, because, in

the beginning, certainly, there was understandable suspicion about groups that were predominantly Sunni Arab, although about 20 percent are actually Shia, as well. But, the process is moving. It's not been easy, but it is actually ongoing. And it is generally, now, a relatively routine process, although it takes lots of nudging.

Senator OBAMA. OK. Let me shift to Iran. Just as—and, Ambassador Crocker, if you want to address this, you can—just as it's fair to say that we're not going to completely eliminate all traces of al-Qaeda in Iraq, but we want to create a manageable situation, it's also true to say that we're not going to eliminate all influence of Iran in Iraq, correct? That's not our goal. That can't be our definition of success, that Iran has no influence in Iraq. So, can you define more sharply what you think would be a legitimate or fair set of circumstances in the relationship between Iran and Iraq that would make us feel comfortable drawing down our troops?

Ambassador CROCKER. Senator, as I said in my statement, we have no problem with a good, constructive relationship between Iran and Iraq. The problem is with the Iranian strategy of backing extremist militia groups and sending in weapons and munitions that are used against Iraqis and against our own forces.

Senator OBAMA. Do we feel confident that the Iranian Government is directing these—this aid to these special groups? Do we feel confident about that? Or do we think that they're just tacitly tolerating it? Do you have some sense of that?

Ambassador CROCKER. There's no question in our minds that the Iranian Government—in particular, the Quds Force. This is a conscious, carefully worked out policy.

Senator OBAMA. If that's the case, can you respond a little more fully to Senator Boxer's point. If, in fact, it is known—and I'm assuming you've shared this information with the Maliki government—that Iran's Government has assisted in arming special groups that are doing harm to Iraqi Security Forces and undermining the Iraqi Government, why is it that they're being welcomed the way they were?

Ambassador CROCKER. Well, we don't need to, again, tell the Prime Minister that, he knows it——

Senator OBAMA. OK.

Ambassador CROCKER [continuing]. And is trying to take some steps to tighten up, significantly, on the border.

In terms of the Ahmadinejad visit, you know, Iran and Iraq are neighbors. A visit like that should be in the category of a normal relationship.

Senator OBAMA. OK.

Ambassador CROCKER. I think what we have seen since then, in terms of this very clear spotlight focused on a malign Iranian influence, puts that visit into a very different perspective for most Iraqis, including Iraqi Shia.

Senator OBAMA. OK.

Mr. Chairman, I know that I'm out of time, so let me just—if I could have the indulgence of the committee for one minute.

The CHAIRMAN. Everybody else has. [Laughter.]

Senator OBAMA. I just want to close with a couple of key points.

No. 1, we all have the greatest interest in seeing a successful resolution to Iraq. All of us do. And that, I think, has to be stated clearly in the record.

I continue to believe that the original decision to go into Iraq was a massive strategic blunder, that the two problems that you've pointed out—al-Qaeda in Iraq and increased Iranian influence in the region—are a direct result of that original decision. That's not a decision you gentlemen made; I won't lay it at your feet. You are cleaning up the mess afterward. But, I think it is important, as we debate this forward.

I also think that the surge has reduced violence and provided breathing room, but that breathing room has not been taken the way we would all like it to be taken. And I think what happened in Basra is an example of Shia-versus-Shia jockeying for power that underscores how complicated the political situation is there, and how we still have to continue to work vigorously to resolve it.

I believe that we are more likely to resolve it, in your own words, Ambassador, if we are applying increased pressure in a measured way. I think that increased pressure in a measured way, in my mind—and this is where we disagree—includes a timetable for withdrawal—nobody's asking for a precipitous withdrawal, but I do think that it has to be a measured, but increased, pressure—and a diplomatic surge that includes Iran. Because if Maliki can tolerate, as normal, neighbor-to-neighbor relations in Iran, then we should be talking to them, as well. I do not believe we're going to be able to stabilize the situation without them.

Just the last point I will make. Our resources are finite. And this has been made—this is a point that just was made by Senator Voinovich, it's been made by Senator Biden, Senator Lugar, Senator Hagel. There's a bipartisan consensus that we have finite resources. Our military is overstretched, and the Pentagon has acknowledged it; the amount of money that we are spending is hemorrhaging our budget; and al-Qaeda in Afghanistan, I think, is feeling a lot more secure as long as we're focused in Iraq and not on Afghanistan. When you have finite resources, you've got to define your goals tightly and modestly.

And so, my final—and I'll even pose this as a question and you—I won't—you don't necessarily have to answer it; maybe it's a rhetorical question. If we were able to have the status quo in Iraq right now without U.S. troops, would that be a sufficient definition of success? It's obviously not perfect; there's still violence, there are still some traces of al-Qaeda, Iran has influence, more than we would like. But, if we had the current status quo, and yet, our troops have been drawn down to 30,000, would we consider that a success? Would that meet our criteria? Or would that not be good enough and we have to—we'd have to devote even more resources to it?

Ambassador CROCKER. Senator, I can't imagine the current status quo being sustainable with that kind of precipitous drawdown.

The CHAIRMAN. That wasn't the question.

Senator OBAMA. No, no, that wasn't the question. I'm not suggesting that we'd yank all our troops out all the way. I'm trying to get to an end point. That's what all of us have been trying to get to. And so—see, the problem I have is, if the definition of suc-

cess is so high—no traces of al-Qaeda, and no possibility of reconstitution; a highly effective Iraqi Government; a democratic multiethnic, multisectarian, functioning democracy; no Iranian influence, at least not of the kind that we don't like—then that portends of the possibility of us staying for 20 or 30 years. If, on the other hand, our criteria is a messy, sloppy status quo, but there's not, you know, huge outbreaks of violence; there's still corruption, but the country's struggling along; but, it's not a threat to its neighbors, and it's not an al-Qaeda base—that seems to me an achievable goal within a measurable timeframe. And that, I think, is what everybody here on this committee has been trying to drive at, and we haven't been able to get as clear of an answer as we would like.

Ambassador CROCKER. And that's because, Senator, it is a—I mean, I don't like to sound like a broken record, but——

Senator OBAMA. I understand.

Ambassador CROCKER [continuing]. This is hard, and this is complicated. I think that when Iraq gets to the point that it can carry forward its further development without a major commitment of U.S. forces, with, still, a lot of problems out there, but where they, and we, would have a fair certitude that, again, they can drive it forward themselves without significant danger of having the whole thing slip away from them again, then clearly our profile, our presence, diminishes markedly. But, that's not where we are now, Senator.

Senator OBAMA. Thank you for your indulgence, Mr. Chairman.

The CHAIRMAN. Thank you.

On a second round, we'll go back and ask you to answer the question you were asked, which you haven't answered. But, we'll do that in the second round.

Senator Murkowski.

Senator MURKOWSKI. Thank you, Mr. Chairman.

And, gentlemen, thank you for your service. Certainly thank you for your endurance here this afternoon. It's certainly a marathon day for you. But, truly, thank you for all that you do to serve so many in this country.

When you were here before the committee last—in September, we were talking, at that point in time—we were—the focus was on the military surge, and a great deal of discussion as to how that was going to play out, and what we could anticipate, and what we could expect. I asked the question of both of you, at that time, more along the lines of, "Let's talk about the civilian surge. What are we doing on the other side that can help facilitate the military mission, the military surge?" And at that time, General, you responded that you would like to see more from the civilian side. You indicated, at that time, that there were some—there were some elements of the government that truly were at war—the Department of Defense clearly was engaged, the Department of State was engaged, USAID—but not all the others. And there were some departments that you specifically mentioned at that time.

From your standpoint, at this point in time now, are you satisfied that we have a level of participation from those other departments, from those other areas of government where we can and should be making a difference?

Now, Ambassador Crocker, in your testimony, you go into some length about what we are seeing with the PRTs and the efforts that have been made there, but—I'll just repeat the question from September to both of you again, as to whether or not you're satisfied that all areas that need to be engaged are fully engaged.

General PETRAEUS. Well, Senator, there has been a surge on the civilian side that has been very helpful, frankly. The Provincial Reconstruction Teams, and the so-called EPRTs, the Embedded Provincial Reconstruction Teams, which are actually subprovincial, in most cases, have been enormously helpful and valuable.

They have augmented at Brigade Headquarters, Division Headquarters, the assets of our Civil Affairs personnel, and brought really useful skill sets to bear in a number of different provinces and districts. And that has been of enormous value, and enormous help.

There has also been an increase in certain areas in the capacity-building arena. And again, that has helped—as has been the organization of what we call "fusion cells," where the—as you may know, I've reported before—that the Multi-National Force–Iraq and the Embassy actually have a joint campaign plan. This truly is one team. And we head it together, in that regard. Yes, we report to different chains of command, but we try to achieve unity of effort in what we do, and so we've actually combined our assets in areas such as the Energy Fusion Cell, which looks at oil and electricity. There is a Voter Security—it just goes on and on, a number of these different fusion cells.

Having said all that, there still is a need for capacity-building help in certain areas. And I think—I'm sure the Ambassador would agree that there are certain ministries in Iraq that still could use help in the capacity-building arena, and still probably don't have all that they should have.

Beyond that, I think we do need to take a look at the PRT composition, and that is ongoing, actually. Just to report out, that that is taking place. To determine, for example, do you need more agriculture experts in Ninawa than you do in Baghdad? Do you need more oil experts in, say, Kirkuk than you need in—right now, at least—in Anbar? Although there's oil out there, too.

So, that is what is ongoing, and again, bottom line is there's been a substantial civilian surge in the PRT arena, and in some capacity-building areas, but there is still more needed in others.

Senator MURKOWSKI. Ambassador, when you address this—in your comments to the committee, you've indicated that the era of U.S.-funded major infrastructure projects is over. When we're talking about the assistance that is being provided from here on out in Iraq, it is more of the—when you say the capacity-building—those experts that can come in to help facilitate. Because I think the—the concern that you have certainly heard around this dais today is, the American patience is not unlimited, the President has said that you have indicated that our support—our financial support—equally cannot be unlimited.

And when Iraq is at that point—as they are now—where they clearly have reserves that are available to them, I think the American public looks at this and says, "OK, well, we can understand the need to continue funding that equipment for our troops. We

appreciate that. But when it comes to building schools, or building hospitals—I've got schools and hospitals in my own community that need to be addressed." So, can you speak to that aspect of the U.S. investment into Iraq at this point?

Ambassador CROCKER. That's an important point, Senator, and that is exactly right. I mean, our emphasis has shifted away from infrastructure—we're not doing schools and clinics anymore—and into capacity-building, as we've discussed. But also, developing local capacity, that's again where the PRTs come in with their quick-response funds. To be able to do things that local governments cannot do for themselves, and are—as of yet—unable to resource through higher echelons of government.

And also to pay attention to categories of people or circumstances that, again, may not get the assistance they need from other sources at this point. NGOs, women's groups, we do a lot there, and so forth. I, broadly speaking, would say that what is motivating our thinking now is kind of the traditional construct of foreign aid, of using it where it makes a difference in ways that are important to us, and where it wouldn't happen if we weren't able to step forward.

Senator MURKOWSKI. Can I just ask very, very quickly, Mr. Chairman, and this is to you, General.

As we approach July and this 45-day period of consolidation and evaluation, we've also been talking with the Pentagon about achieving the goal of reducing the deployment rotations from the current 15 months, to the desired level of 12 months. What will this do, if anything, to the length of deployments?

General PETRAEUS. Senator, obviously I'm not the one that determines the level of deployments, but I do certainly read newspaper articles, at least, say that there is discussion about this, and there may be some mention of this in the days or weeks to come.

Senator MURKOWSKI. But you don't think that your proposal——

General PETRAEUS. I'm fine with 12-month tours. I'm fine with 12-month tours, I would—we would welcome 12-month tours.

Senator MURKOWSKI. And you think you can do it, given the numbers that you have, currently, keeping them at 12-month deployments.

General PETRAEUS. Well, we're not the force providers, we're obviously the force employers and the ones who have to answer that rightly are the Department of the Army, Department of the Navy, and the case of the Marine Corps.

But, again, my understanding is there has been discussion of that, we have been asked if, are we OK with 12-month tours. We have replied that that is fine.

Senator MURKOWSKI. I think that's where we all would like to get, now.

General PETRAEUS. Well, again, that's obviously for other people to determine.

Senator MURKOWSKI. Thanks, Mr. Chairman.

The CHAIRMAN. Thank you very much.

Let me explain to my colleagues—I appreciate your patience in my allowing people to go, if they're in the midst of a question, beyond the 7 minutes. As one of my colleagues from New Jersey

recently said, he said, he appreciates my patience, he'll learn to appreciate it more, the more senior he is.

But I do appreciate all of you—I know it's a long, long wait, and—but I don't want to cut people off in the midst of them finishing up.

Senator Nelson.

Senator BILL NELSON. Gentlemen, I want to continue to follow up on my questioning this morning. And I had quoted from two retired generals that had testified to us last week.

And General Odom, let me state another quote of his, "Let me emphasize that our new Sunni friends insist on being paid for their loyalty. I've heard, for example, the cost in one area of about 100 square kilometers is $250,000 per day, and periodically they threaten to defect unless their fees are increased. And many who break with al-Qaeda and join our forces are beholden to no one, thus the decline in violence reflects a dispersion of power to dozens of local strongmen."

So, are these figures accurate? Are we paying these Sunnis up to $250,000 in 100-square mile—100-square kilometer area?

General PETRAEUS. I'm not familiar with that particular statistic, Senator. Again, I did present the figure that we provide per month in my briefing earlier. And, as I mentioned, the math is very much in our favor, candidly, when we look at the savings, and the vehicles that are not lost, not to mention, again, the priceless lives that are saved by the increased security.

The key, over time, and General Odom is exactly right—that over time, these have to be integrated into, again, Iraqi governmental institutions, employment, and so forth. And there's a variety of programs that are designed to facilitate that, including a number of those that I mentioned have been funded by the Iraqi Government, in terms of the retraining and integration programs, as well as the Iraqi Security Forces integration efforts.

Senator BILL NELSON. Well, it's not necessarily bad that we're paying them. We pay in a lot of areas, including for intelligence. But General Odom's point was, and I'll quote him again, "We don't own them, we merely rent them." And he was concerned that these groups don't have any allegiance to our U.S. forces. And so, with this decline, what do you think about his comment about a "decline in violence reflects a dispersion of power to dozens of the local strongmen?"

General PETRAEUS. Well, Senator, there has always been a tribal structure in a number of these areas. And what we have done is come to realize that we should work with tribal sheikhs. They are important organizing elements in their society. They, frankly, do a lot more than just sheikh work, they also typically have a construction business, an import-export business, and a trucking company. So, they're very integrated into the economies, as well.

Again, over time, what we have to do is provide avenues for their tribal members to find either slots in the Iraqi Security Forces and local police, or what have you, or be integrated into the economy, through job training, through these small loans that the Iraqis are providing and so forth.

Senator BILL NELSON. I started my questioning today of the surge, militarily, has worked. Has it provided the environment in

which we, in fact, can get the political reconciliation? Let me tell you what General McCaffrey, retired four-star, testified to us.

He says, "The war as it is now configured is not militarily nor politically sustainable." That's a quote. And he further says, "There is no U.S. political will to continue casualties of military killed—of U.S. military—killed and wounded every month."

Do you want to comment on General McCaffrey's comments?

General PETRAEUS. Well, I think again, we're keenly aware of—as I've mentioned a number of times—the enormous strain, the enormous sacrifice, and the enormous cost of the effort in Iraq. And it was factored into my recommendations, and it is a reason that the surge, for example, is going to come to an end, and it's a reason that we will look as hard as we can, to make farther reductions once the dust has settled, after we've taken one quarter—over one quarter—of our combat power out, over about a 7- or 8-month period.

Senator BILL NELSON. Mr. Ambassador, I want to ask you, also, about what General McCaffrey felt very strongly. He said that the only thing that could keep Iraq united, at the end of the day—once we start pulling out—he says, either you have the strong security commitment by the United States, or a strongman emerges. And that begs the question from General McCaffrey's comments, are we facing a situation where we've removed a dictator, and is another one likely to replace him?

Ambassador CROCKER. I don't think that is what any segment of the Iraqi population wants to see. Iraqis know about dictators. They suffered under one of the worst in the world, and they also suffered—not quite as severely, but significantly—from his predecessors from 1958 on. So, if there is a unifying view among Iraqis, it is that they do not want to go back to that.

At the same time, I think Iraqis from all communities see the value—not just the value, but the necessity—of maintaining in Iraqi identity, and that includes the Kurds. I think the recent events with the PKK and the Turks, have demonstrated to the Kurds the value of being part of a larger Iraqi entity.

So, you know, I'm familiar with the thinking on the strongman theory, but I don't think that is where anyone in Iraq wants to take this.

And finally, I'd make the point on another piece of glue that holds the country together, and those are revenues, oil revenues. While it is true that they have not yet wrestled their way through to a comprehensive hydrocarbon and revenue-sharing package, revenues are distributed. And all the provinces, and all of the communities, obviously, have an interest in having that happen, and it goes through the center. So, I think that's also a powerful force that holds Iraq together.

The CHAIRMAN. Thank you very much.

Senator.

Senator ISAKSON. Thank you, Mr. Chairman.

General Petraeus, thank you for your service to the country, and the same to you, Ambassador Crocker.

General Petraeus, I want to acknowledge that Naval Officer Maria Miller, who's leaving the room, accompanied you here from

Baghdad. I just wanted to brag about her for a second, as an example of the brave men and women that are representing us.

She worked in the House of Representatives on the Education Committee and post-9/11, volunteered to go to OCS, the United States Navy, and eventually deployed to Iraq to be your administrative assistant. She is just one example of countless tens of thousands of American young people who are doing a magnificent job. So, I commend you on her selection, and her on her selection of you.

Ambassador Crocker, when I voted for the surge last year, I did so clearly in the anticipation that it gave us a chance to both buy time and an opportunity for there to be some political action and movement on behalf of the Iraqis.

You made a comment during your remarks about Basra, about Maliki actually deploying Shia troops against a Shia militia to regain control. Although there were a lot of comments about that being a sign of deterioration, it seemed to me to send a signal that they were willing to lead, am I right there?

Ambassador CROCKER. You are right, Senator. This was an initiative he took on himself, and politically it's had very positive resonance throughout Iraq.

Senator ISAKSON. Well, if you combine that with the fact that they've established provincial elections for before October of this year and, if I recall the Iraqi Constitution correctly, if you are a political party and operate a militia, you can't gain voting status, or electable status, is that right?

Ambassador CROCKER. That is—that is correct, and that is what Prime Minister said publicly, I think, yesterday or the day before.

Senator ISAKSON. So, I think it's important for us to understand we have an opportunity—or they have an opportunity—with Maliki having demonstrated he's willing to deploy Shia troops to enforce security, as he did in Basra and at the port, and if those operating a militia can't gain political power, that possibly these elections in the provinces this fall could be more about politics, and less about militias, am I right?

Ambassador CROCKER. I think you are right, Senator. These elections will be important, because—indeed, critical—because that is how this contest for power and influence gets sorted out by nonviolent means. It's how the Sunnis regain representation. It's how the contest among Shia gets resolved, again, by a means other than violence. So, these are very important.

Senator ISAKSON. Well, the Sunnis are going to turn out this time, right?

Ambassador CROCKER. Absolutely. They've made that very clear, that boycotting didn't work for them, and they're not going to do it again.

Senator ISAKSON. And do Muqtada al-Sadr and some of the other Shia who operate militias understand that to be a part of the political process, you can't have a militia? Do we have the chance to get these parties to the same table, politically?

Ambassador CROCKER. I think we do, and I think we're seeing some signs of that debate within the Sadr Trend, that may have been what motivated him to issue the statement he did in late

March, saying, "Put the guns down, guys." That this was not working to his political advantage.

Senator ISAKSON. Well, it's my hope that as you do the consolidation and review that takes place in that 6 weeks post-July, that there is continuing political movement on behalf of the Iraqis, and then you really do see a political resolution to the problem that we all know ultimately must come. And that's what, I think, we've got to hope and actually work for.

General Petraeus, your comment about a unit that had just enjoyed meeting its entire goal for reenlistment in the first quarter of this year, I think that's the 3d Infantry Division out of Fort Stewart, GA.

General PETRAEUS. It is.

Senator ISAKSON. And I was there last week when the first of those men and women came back. Fort Stewart, in dealing with this stress on the force, and the pressure on the force, the orthopedic injuries that are becoming more common, and PTSD, and traumatic brain injury—the Army has installed a tremendous warrior transition facility at Fort Stewart, which I visited and met with the 71 soldiers who are being treated there. It's remarkable to me what they have done to deal with the typical injuries incurred in the global war on terror—both soft tissue as well as non. But, it's just fantastic. And I hope if you ever get the chance—and I know you're a busy man—you'll get to visit there, because it is truly an impressive facility.

General PETRAEUS. Sir, I've also visited the facility at Walter Reed, which is state of the art as well, in fact we'll see soldiers from there on Friday.

Senator ISAKSON. I have two last comments. One is about what Senator Murkowski and some others have said. The cost of this war has been tremendous on the taxpayers of the United States, and it appears to me for the first time, the Iraqi Government is really making some steps to take over a significant part. I know they're budgeting more than they're actually deploying and that's going to be the root of my question. If I look in here, they budgeted $10.1 billion for capital spending, but only deployed $4.7 billion in 2007. Are they getting better at deploying the resources they have, to replace what we, as Americans, were paying for?

Ambassador CROCKER. They are getting better, Senator. Overall, budget execution for 2007 is going to come in at something like 62, 63 percent. Obviously not what it needs to be, but that's almost 3 times better than they did in 2006. So, they are getting increasingly skillful at being able to not only design, but then execute their budgets.

Equally truthfully, they've got a—we've got some ways to go, and that's why we're making a major effort at improving their budget execution efforts. We've got—if we can get the DEOB–REOB through, we'll have another—for some old reconstruction money—we intend to bring out a dozen Department of Treasury folks to work specifically on this issue.

Senator ISAKSON. I'll question you more, but I'll ask General Petraeus to comment—our chairman was probably the leader in the Senate on the effort to appropriate the money for the MRAP. When I was there in January, I got to actually ride in one with a

squad that went into Ghazaliya, and I've read—tried to keep up with the amazing results—of the MRAP. Can you give me an update? It's been 3 months since I was there—is it still performing and protecting lives like it was?

General PETRAEUS. It very much is, Senator. I don't have a count of the lives it has saved, but I can assure you that it is certainly in the dozens. It has performed magnificently. And I don't want to in an unclassed, get into the etches of all of this stuff, but what it provides in terms of additional protection for our soldiers is very, very substantial. And, I thank the earlier committee, I guess, today about the MRAP, because of just the sheer speed of providing that to us has been breathtaking, as well. I mean, it's almost been like a Manhattan Project to get these v-shaped hulls out there for us. And that MRAP family of vehicles has been exceptional.

Senator ISAKSON. Well, thanks to both of you for your service and your commitment.

Ambassador CROCKER. Thank you, Senator.

The CHAIRMAN. I will say to the Senator, I have had my staff look at that question, and, at least from one Senator's perspective, it looks like these vehicles are getting to where they are needed and performing as promised.

Senator Menendez. Thank you.

Senator MENENDEZ. Thank you, Mr. Chairman.

Let me thank both of you for your service. When I was in Iraq in January and visited with you, I came to even go beyond my admiration, not only for your service, but the extraordinary service of all our men and women in uniform, as well as in the Foreign Service—it's certainly not an easy assignment.

And that's why I particularly believe that we need to give them a policy worthy of the sacrifices that we ask them to make. And I just don't believe that our present policy is in accord with the sacrifice we are asking our people to make.

You know, General Petraeus, on page 2 of your testimony you said something that, I think, is very profound. You said it in September, you said it again in your testimony today. It says, "I describe the fundamental nature of the conflict in Iraq as a competition among ethnic and sectarian communities for power and resources. This competition continues."

And it just seems to me, if I were to ask a mother or a father in America, is their sons' and daughters' sacrifice for a fight among Iraqi politicians and sects for power and resources the national interest of the United States, I think they would clearly say, no. And I have a real problem when we see the sons and daughters of America dying, so that a fight over power and resources is the central essence of the fundamental nature of the conflict, as you described. That's a real problem. And so, when we start there, I don't know where we go that makes it better.

Let me just ask you, Ambassador Crocker—what are the specifics of what we are doing to get rid of Iranian influence in Iraq?

Ambassador CROCKER. Well, again, as General Petraeus has said, we are going after those that are trained and supplied from Iran. And we have certainly gone after Quds Force officers when they come into the country.

Senator MENENDEZ. I'm not talking about the military context, or I would have asked General Petraeus. I'm talking about, what are we doing with an administration in Iraq that we have given $600 million in investments, the lives of over 4,000 Americans, and yet they seem to be very welcoming of the type of influence from Iran that we clearly don't want to see, and is not in the national interests of the United States?

Ambassador CROCKER. Senator, that's actually not what we're seeing. Again, the whole motivation for Prime Minister Maliki's decision for the Basra operation was to take on these groups that are supported by Iran.

Senator MENENDEZ. But all of these groups, Ambassador, have been supported by Iran, including the side that he lined up with.

As a matter of fact, there are some reports that suggest that Maliki did this for political purposes because the Iraqis can not sustain their own fight, and we get dragged into a major fight. Once again, backing up Maliki in a way in which we put our sons and daughters at risk. Those are American officials who were quoted, unofficially as saying this is what Maliki did. All sides in that side have been trained by the Iranians.

Ambassador CROCKER. That is not how Iraqis are viewing the whole Basra operation. There has been very broad-gauged support for Prime Minister Maliki and his government for what he did and of course is still doing down in Basra. This is, again, Sunni, Shia, and Kurdish support. They see this as a courageous decision to go after Shia extremists, as well as Sunnis. And, again——

Senator MENENDEZ. Ambassador, let me read to you what I'm talking about.

In an article in the Washington Post it says, among other things, "Maliki decided to launch the offensive without consulting his U.S. allies. U.S. officials who are not authorized to speak on the record, say they believe Iran has provided assistance, in the past, to all three groups, the Mahdi Army, the Badr organization of the Islamic Supreme Council—Iraq's largest Shia party—and forces loyal to the Fadhila party, which holds the Basra governor's seat. But the officials see the current conflict as a purely internal Iraqi dispute. And some officials have concluded that Maliki himself is firing, 'The first salvo in upcoming elections.'" Again, power and resources where American troops are being used in a way that I don't understand how pursues our national interests.

Let me ask you this, General Petraeus, you said this morning in the Armed Services Committee that you described our reconstruction efforts as "priming the pump" for the Iraqi Government to be able to provide basic services, is that correct?

General PETRAEUS. Not reconstruction efforts, sir, these are local small—very small grants, small projects, and so forth—that once we have cleared an area—typically, most typically, of al-Qaeda or other Sunni extremist influence—just to get very small businesses going again. Very small repair jobs and so forth.

Senator MENENDEZ. Ambassador Crocker, what about the $25 billion that we have spent in foreign assistance in Iraq? Have those achieved the goals that we want?

Ambassador CROCKER. If you're talking about the Iraqi reconstruction funds, the $20 billion that was, in many cases, they have.

In some cases, security conditions have made it difficult to bring projects to closure in a timely fashion. We have kept at these.

We've recently handed over, for example, a major water treatment plant that we finished up in Nasiriyah——

Senator MENENDEZ. I'm glad you mentioned that. Let me read to you a series of facts: $25 billion in Iraq later of American taxpayer moneys, 43 percent of Iraq's population currently lives in absolute poverty, 19 percent of Iraqi children suffered from malnutrition prior to the war. Today that figure is higher, 28 percent. Last year, 75 percent of Iraqi elementary-aged children attended school, according to the Iraqi Ministry of Education. Now, it's only 30 percent. Fifty percent of Iraqis lacked regular access to clean water prior to 2003. Now, it's higher—70 percent. Only 50 of 142 U.S.-funded primary health care centers are open to the public—and I could go on and on.

To me, you know, I look at Iraq having $30 billion in reserves, held in the Federal Reserve of New York, and another $10 billion in development funds. Significant budgetary surpluses from previous years, and a projected 7-percent economic growth rate, and I say, "How is it that the American taxpayer is, after $25 billion—", and those are the results? How is the American taxpayer expected to pay for more?

Ambassador CROCKER. Senator, I don't know where those figures came from, or what reliability——

Senator MENENDEZ. Do you dispute them? Do you dispute them?

Ambassador CROCKER. I don't know what their basis is, you know? I do know there is other data out there. There was an ABC/BBC poll, and these organizations have been conducting polling in Iraq since 2004. Their March poll would tell a different story of, you mentioned education—63 percent believed their local schools were good, 78 percent thought their teachers, their children's teachers were good——

Senator MENENDEZ. Maybe for those who have a school to go to. I know that our statistics are from some recent reports that are pretty reliable. And as the subcommittee chair on all of our foreign assistance, I can't imagine continuing to justify the type of resources that we are spending for the results that we are having, politically and otherwise.

And so, let me close in deference to my colleagues, by saying, look—when we went into Iraq, we were told that they would be overwhelmed by shock and awe. And I think that it's the American people who have a shock of being misled into a war, of having a set of circumstances where, in fact, it has cost well beyond. Paul Wolfowitz sat at a table similar to yours and told us that Iraqi oil would pay for everything. Iraqi oil would pay for everything. And $600 million later, it has paid for virtually nothing—$600 billion later, it has paid for virtually nothing.

And, awe? Yeah. I think the American people are in awe of a government that will not come to a realization. We had a panel of experts here last week that said that there's no question that it is over in terms of transitioning out, it's just how we do that, and the timeframe. Despite how many questions have been asked here, you will not give us the endgame of success? It sounds like, "When I

see it, I'll realize it. But until then, give us an open checkbook." And that's a problem.

What's the troop strength that needs to finally hit when we say, "OK, they can do it on their own ability"? What is the political dynamics in which we say, OK, that's it, you know, they can move forward.

I mean, at some point you cannot expect the Congress of the United States on behalf of the American people to continue an open checkbook, and say, "Trust us, trust us. When we see it, we'll tell you that we've finally hit success." And that's what we hear up here, and the American people are not supportive of that.

The CHAIRMAN. Senator, thank you very much.

I would invite the Ambassador—I know your Embassy has that data, on number of people in school, et cetera. If you believe the data not stated by the Senator is—if it's not accurate, according to your Embassy records, then I'd appreciate you submitting it for the record. If not, we'll assume what was given here by the Senator, as to school, water, et cetera, is correct.

Ambassador CROCKER. We'd appreciate that opportunity, Mr. Chairman.

And, Senator Menendez, if it would be possible to get the data you have, we'd be grateful.

The CHAIRMAN. Thank you.

The Senator from Wyoming.

Senator BARRASSO. Thank you very much, Mr. Chairman.

Mr. Ambassador, General, thank you very much for being with us, I appreciate you taking the time to spend it with me on Thanksgiving Day, when I was visiting Wyoming troops throughout Iraq. And I want to thank both of you for your service to our Nation.

There were a group of veterans here today—the Veterans for Freedom—many from Wyoming, many who have served in Iraq. And they wanted to have me personally extend to you their thanks, as well.

In my short time here in the Senate, I do understand that the politics of Iraq is divisive, but I clearly understand that we must make our judgment based on facts, not on politics.

But, whichever way you wish to look at this issue, Iraq is a matter of national security, and as you've said, Ambassador Crocker, earlier today, hard does not mean hopeless.

After we visited on Thanksgiving, I also went and had a chance to visit with Prime Minister Maliki, and I told him about being from Wyoming, a Western State, and our Western way, and our Western culture. And in Wyoming, we like to get things done. We are a generous people, but our patience is not unlimited.

Which gets me to the question of the discussions we had last week, where we heard in testimony that we need to instill the will to win with the Iraqi Security Forces. What's the best way to do that?

General PETRAEUS. Well, what we need to do, Senator, is what has been done, successfully, in a number of areas, actually. And that is, of course, to train them, equip them, and then guide them in the early stages of their operations, get them some confidence.

One of the challenges in Basra, frankly, was that a very brand new brigade, right out of unit set fielding, and basic training unfortunately ended up getting thrust into some pretty tough combat, and the results of that are, frankly, predictable.

So, we've got to figure out how to enable them to get their feet on the ground, to get some experience, to get combat under their belt, and then gradually ease back, and slowly but surely, take your hand off the bicycle seat and let them pedal it for themselves.

Now, that has worked in a number of areas, and is working. I mean, Fallujah is a tremendous example, of course, as the Ambassador mentioned, one of the most dangerous cities in Iraq, in the past. And a city where, albeit, there are challenges, but has done extremely well.

They have 10 police precincts, I believe it is now. There are no Iraqi Army forces required in the streets of Fallujah at this point in time. We have, I believe, the latest is a Marine squad with each of those precincts, but gradually going down to where we have one for every other precinct. And slowly but surely, again, taking our hands off the bicycle seat, even in Fallujah.

Ramadi, similar results there. So, some of the very tough areas, this has indeed worked, a number of the southern provinces, as well. But then, others where there clearly are challenges, because of the security efforts that are required.

Senator BARRASSO. General, earlier today you testified that the Sunni communities have rejected al-Qaeda in terms of their extremist ideology. How important is that in the things that you're trying to accomplish?

General PETRAEUS. Well, it is—it's very important. It's not complete, across the board, Senator, I don't want to give that impression. But, the fact that numerous Sunni communities—and probably the majority of Sunni communities—across Iraq have rejected al-Qaeda and, more importantly, extremist ideology; have been repelled by its indiscriminate violence and abhor the practices that they brought to their communities—that al-Qaeda did—as they let them into their communities for a whole variety of reasons in the early years, after liberation. This is very, very significant—again, not just for Iraq—but for the broader Arab world.

And, in fact, over time, the answer to al-Qaeda–Iraq, of course, is not going to be to kill or capture every single one of them. It is going to be painstaking changes in education systems in Arab countries, it's going to be changes, in some cases, in the Imams.

There is a country in the Middle East that, in fact, is working through determining who is preaching in its mosques. It's going to be a course in employment, in other opportunities. But it is, it has to be, again, a comprehensive effort to combat extremism, and the conditions that lead young men—in particular, in the Arab world—to embrace it. Particularly in, and again, in the Sunni-Arab world.

So, the rejection in Iraq is very, very important, and the chain reaction that it set off, there in Ramadi, again has a huge significance, not just for Iraq, but for the region.

Senator BARRASSO. If I could go into another area, Senator Dodd earlier talked about the mental health of the troops. Senator Isakson talked about the physical health of the troops and what's being done now with physical medicine, rehabilitation.

My training is as an orthopedic surgeon, and was basically practicing medicine until last year. I've just gotten back from Afghanistan, where I had a chance to go the Baghram and visit the hospital there. I watched the transport, how they do it with patients, what they can do, and their lifesaving techniques. I thought they had absolutely the best equipment that you could imagine. I went into the operating room, watched the reconstruction of a leg that had been severely injured.

The equipment, the plates, the screws, the rods—everything they had is what you would expect to find at any major trauma center in the United States, and I thought that the level of care was absolutely outstanding, in terms of limb and lifesaving abilities.

General PETRAEUS. It is phenomenal, Senator. And it is present in a variety of different locations, so that it's within the golden hour, if you will, of—from point of injury to trying to get the soldier to the location where that level of care is available, if needed.

Senator BARRASSO. And, in Afghanistan what I saw was, actually, the transport system was better than what you would find at pretty much any major trauma center in the United States, in terms of quick access in the golden hour of trauma. And I just wanted to make sure that in Iraq, our soldiers are receiving that same high level of care.

General PETRAEUS. It is, and in fact Senator, that's one of the elements of this battlefield geometry that I've talked about. That even as we drawdown, we have to make sure that we have a sufficient footprint out there, so that adviser teams and other small elements—Special Operations teams, and so forth—still have the access to that transportation system so that, again, we can make use of that golden hour in the best way possible, to get our soldiers to the care they need.

Senator BARRASSO. Mr. Chairman, my time is expired. Thank you very much.

The CHAIRMAN. Well, thank you for staying within your time. Yeah, I think you ought to get a special award for that.

Senator Cardin.

Senator CARDIN. Thank you very much, Mr. Chairman.

The CHAIRMAN. Excuse me, Senator, on my time—before we start the clock—Senator DeMint is unable to return, and I ask unanimous consent that the statement that he has on these hearings be entered in the record, at this time.

[The prepared statement of Senator DeMint follows:]

PREPARED STATEMENT OF HON. JIM DEMINT, U.S. SENATOR FROM SOUTH CAROLINA

Chairman Biden, Senator Lugar, thank you for holding this hearing today. No other issue is more pressing on the minds of Americans than the situation in Iraq and the national security of the United States.

General Petraeus, Ambassador Crocker, thank you for appearing today. I know today and tomorrow will be long exhausting days, but we appreciate your service and your efforts to better inform us about what is really going on in Iraq.

Seven months ago, you both appeared before this committee to discuss the shift in U.S. policy in Iraq and present your impressions about what the "surge" of U.S. forces could accomplish. During the four hearings we heard many of my colleagues say that your strategy had no chance of success, that the sky was falling, and that your plans required, as one Senator put it, the "willing suspension of disbelief."

Several months later, the picture in Iraq is very different. The credit is due to our men and women in uniform and the incredibly hard work they have performed; but we also thank you both for your steadfast leadership and commitment to this

effort. Fortunately, today we can say the sky didn't fall, and that we remained true to the belief that people want to be safe and free.

Without a doubt, the situation in Iraq is still fragile. Iraq is at a crossroads, but substantial progress has been made. Over the last year, U.S. deaths are down about 70 percent and Iraqi deaths are down almost 90 percent. U.S. security assistance for Iraq is down more than 30 percent, U.S. Assistance for Reconstruction is down more than 70 percent, and Iraqi security spending has increased by more than 25 percent. At the same time, Iraq's economy is growing by more than 7 percent. These are significant signs of progress.

On my recent trip, I was encouraged by the Sons of Iraq and their willingness to stand up for their country and put it back on a path to peace and stability. The Sunni Muslims that confronted al-Qaeda, sided with the United States, and turned the country around are to be commended. They have suffered immensely for Iraq and have sacrificed their lives and the lives of their families so that America's efforts will not fail. We should not easily dismiss their hardships.

And still we hear my colleagues say the surge has worked in military terms, but has failed politically. But in the past few months the Iraqi Government passed a de-Baathification law, an amnesty law, a law to govern provincial elections, and a budget—by the way, something our Government has been unable to do this year. There are still more items the Iraqis must address, but they have made progress.

Despite shortcomings, I was encouraged by Prime Minister Maliki's efforts to go after the militias in Basra and the Mahdi Army throughout Iraq. Through these actions, we saw Iraq's President and two Vice Presidents, joined by every major political group in Iraq—except the Sadrists—condemn Sadr's militia, and endorse Prime Minister Maliki's demand that Sadr's militia disarm.

Sadr's militia is now virtually the only militia left in Iraq that illegally challenges the authority of the Iraqi Security Forces or the coalition. Other major militias have disbanded and transformed into political organizations. This is another sign of the growing legitimacy of the rule of law and respect for the authority of the central government in Iraq.

However, I am concerned by a recent increase in violence in Iraq. I am concerned that Iran is beginning to realize that a stable Iraq is not beneficial to the Iranian regime and that they will seek to undermine the progress going forward. We must ensure Iran does not have the ability to threaten stability in Iraq.

I am cautiously optimistic about the future of this war-torn nation. But the reality of the situation here in Washington is often very different than reality in Iraq. Here in Congress, political agendas tend to obscure the facts. I hope that for the sake of our country, our soldiers in Iraq, and the Iraqi people, we can put politics aside and soberly address the situation on the ground in Iraq.

That is why I am disheartened by some Senators' recent statements that we should withdraw immediately and that if the terrorists regain a foothold in Iraq, we should then reenter the country. It is always better to stay and defend than to run away and fight another day to regain something that was already purchased with such a high price in blood and treasure. That was a failed strategy in Vietnam and should not be repeated here.

The future of Iraq is uncertain, but the future of the United States was uncertain for decades after the signing of our Constitution. Iraq realizes their future lies in a sustained alliance with the West and an embrace of democratic principles; we cannot and should not abandon a friend in a bad part of town, and this is no time to walk away from Iraq.

There is too much at stake here to get this wrong. Defeating al-Qaeda in Iraq is a central fight in the war on terror. Success in Iraq against al-Qaeda and other terrorists will in fact make Americans safer and the world safer, too.

We all grieve the losses of our fallen soldiers and our hearts go out to those who have been wounded in battle. I hope we will honor their sacrifice by staying and completing their mission.

The CHAIRMAN. Now, I yield to you, Senator Cardin.

Senator CARDIN. And, Mr. Chairman, I would ask that my statement also be made part of the record.

The CHAIRMAN. Without objection, it will.

[The prepared statement of Senator Cardin follows:]

PREPARED STATEMENT OF HON. BENJAMIN L. CARDIN, U.S. SENATOR FROM MARYLAND

Mr. Chairman, I want to join my colleagues in welcoming General Petraeus and Ambassador Crocker. I disagree with the mission to which this administration has committed their talents, but I want to recognize their dedication and their service. They answered their government's call to duty under the most difficult circumstances. That took courage and we are grateful.

I also want to pay tribute to all of our troops and diplomats serving in Iraq with such courage and competence. I am humbled again and again by their skill and their sacrifice. Their service fuels my own sense of urgency that this Nation develop a strategy in Iraq and a global foreign policy that is worthy of their commitment: A strategy that brings our troops home.

After more than 5 years, more than 4,000 American lives lost, 30,000 wounded, and $600 billion spent—we still don't have the strategy we need in Iraq. I believe it is imperative that we change course now, not in 10 months. This President should not put off the hard decisions to the next administration.

Ambassador Crocker, you've stated we have a "moral imperative to keep bringing violence down in Iraq." I agree with you; we do. But we also have a moral obligation to the men and women of our Armed Forces. We have a moral obligation to their families. We have a moral obligation to the American people that we will use our military to pursue a thoughtful strategy that is best for the long-term security of our Nation and our allies.

I've always believed invading Iraq was a mistake. I voted against granting our President that authority in 2002. I have opposed this administration's strategy from the beginning. But as much as we might wish it, we cannot change the past. This war was recklessly begun; we've got to find the smartest, most prudent way to end it.

In January 2007, the President explained his new "surge" strategy to end the conflict in Iraq. By adding 30,000 troops, "over time," he said "we can expect . . . the government will have the breathing space it needs to make progress in other critical areas." But even the President recognized that, "a successful strategy for Iraq goes beyond military operations. . . . So America will hold the Iraqi Government to the benchmarks it has announced."

Well, the political epiphany for the Iraqi Government has yet to come.

In March, General Petraeus, you said, "no one" in the U.S. and Iraqi Governments "feels that there has been sufficient progress by any means in the area of national reconciliation." In a March 27 speech declaring "normalcy" had returned to Iraq, the President agreed that "substantial work remains." And, in fact, only 3 of the 18 benchmarks the Iraqi Government and our Government agreed were important have been accomplished.

Yes; it is clear that, thanks to the excellent work of our troops, and several unrelated factors—the Sadr cease-fire, the Sunni "Awakening," and, tragically, ethnic cleansing—violence in Iraq decreased from its highest and most appalling levels. Iraqi Government did not take advantage of relative calm to reach accommodation among its various factions. Local political and militia groups continue to struggle to amass power. Recent violence in Basra and Baghdad demonstrate that our troops continue to referee a multitude of civil wars and political power struggles—Shia on Shia in Basra and Baghdad, Shia on Sunni, Kurdish on Sunni, and the list goes on.

I continue to believe, that in the name of security, we are undermining our overall goal of stability. We are arming and paying Sunni militia to combat al-Qaeda in Iraq, we are arming Shia militia allied with Iran to combat other Shia militias that oppose the central government. I have yet to hear a clear strategy for how we will unite these disparate armed forces under a central government and bring our troops home. I have only seen how we are entrenching ourselves deeper and deeper into an Iraqi civil war.

U.N. officials reported this past Friday that nearly 5 million Iraqis have been displaced by this conflict. An estimated 2 million are in neighboring countries. All are running out of money creating a humanitarian and a security crisis throughout the region. If all were to try and return home, it would be chaos. We aren't doing what we need to do to resolve the crisis.

Arming opposing militias, meddling in intra-Shia violence, tinkering around the edges of the growing refugee crisis: What I see is our country ricocheting between the crisis-of-the-day rather than employing a comprehensive strategy that shifts the U.S. from our current, unsustainable military presence to a longer term diplomatic role. Running out the clock on this President's term is not an appropriate strategy for the United States of America.

This summer, we will be back in a familiar place. Just as when the President announced the "surge," we will have over 130,000 troops in Iraq, unacceptable sectarian violence, millions of displaced Iraqis, and no fundamental political reconciliation to show for our efforts. We need a new strategy in Iraq and we need it now. The American people are tired of waiting.

For years, some of us have been calling for a new approach; one that transitions our mostly military effort to a diplomatic effort, one that brings our troops home and lets Iraqis take control of their own streets. We need our Nation's most senior officials engaged in bringing Iraq's political actors, Iraq's neighbors and international entities with such as the United Nations and the Organization for Security and Cooperation in Europe (OSCE) to the table. At this time, these international organizations have far greater regional credibility than we do.

General Petraeus, Ambassador Crocker, I look forward to your testimony. Beyond your reports about stability achieved and laws passed, I most want to hear what our country's objectives should be going forward given the political reality on the ground in Iraq and the reality of our military capacity. The "substantial work that remains," according to President Bush, includes "implementing the laws [the Iraqi Government] passed, reviewing its Constitution, drafting a electoral law, and passing laws to reform its oil sector and codify revenue-sharing." What are your recommendations for the tactics we should employ to reach these most fundamental goals?

Our country and the world has an interest in a safe and secure Iraq. But in working toward that end, we cannot ignore other competing needs, especially at home. We need a more thoughtful approach that will protect and bring home our troops, step up our diplomatic efforts, internationalize the effort to bring stability to that country and the region, and allow us to pursue terrorists like al-Qaeda in Afghanistan and wherever they seek refuge.

Senator CARDIN. Let me thank General Petraeus, and Ambassador Crocker, and all of the soldiers and diplomats that have served our Nation so well, and with tremendous sacrifice. And, we can't say thank you enough, and I just really want to express our appreciation on behalf of the people of Maryland, that I have the honor of representing.

I want to go back to what the President of the United States said on January 10, 2007, when he announced our new way forward in Iraq.

He said, "Over time, we can expect growing trust and cooperation from Baghdad's residents. When this happens, daily life will improve, Iraqis will gain confidence in their leaders, and the government will have the breathing space it needs to make progress in other critical areas."

Senator Menendez has talked about the daily life for Iraqis. The President, this administration, and the Iraqi Government agreed on certain benchmarks to judge progress in other critical areas. By any indication, those benchmarks have not been met.

Last week, in hearings that we held in this committee, I asked the panelists to name a politician or political party that could be our partner for making peace in Iraq, who would make the type of concessions that are required to have a lasting government that has the respect of its people?

When peace broke out in South Africa and Northern Ireland, there were local leaders and national leaders in those countries that were willing to make those types of concessions. At the hearing last week, there was no consensus that there are no national leaders today in Iraq that are prepared to make the type of concessions to move forward with a lasting peace.

I must acknowledge that I would like to see, in the next 10 months of this administration, a change of mission. I opposed the war in Iraq, and have opposed the way this war has been pursued

by this administration. But, I certainly don't want to see the status quo maintained—I would like to see a change, I would like to see a greater focus on diplomacy as some of my colleagues have talked about.

But, I'm now concerned that this administration might negotiate a long-term security agreement, framed in a way to avoid the approval of the Congress, in order to try to affect the flexibility of future administrations or future Congresses to change course.

So, Mr. Ambassador, let me just give you an opportunity to either clarify, or comment on any of the assumptions I've made, with the ability to move forward with a partner who is prepared to make concessions, or the security plan that is being contemplated, being drafted in a way that the Iraqi Government—and perhaps their Parliament—would have more to say than this Congress?

Ambassador CROCKER. Thank you, Senator.

On the first, as I tried to describe, I think, in response to Senator Corker's questions, we are seeing as a result of improved security conditions, bottoms-up reconciliation that then affects moods and attitudes——

Senator CARDIN. I think my question deals with Iraqi national leaders who are prepared to make concessions.

Ambassador CROCKER. Yes, sir. My point was, you have both bottoms up and top down, and they link.

The improved security situation, and the corresponding relaxation, if you will, on the part of both Sunni and Shia communities—as the Sunnis repudiate al-Qaeda and related groups, the Shia no longer see the need to rely on militias to protect them.

Senator CARDIN. I understand that. I'm looking for, though, a national leader who's prepared to step forward to make the types of unpopular positions that are required if you're going to have real compromises made in the government. If you want to name a person, fine. If not, let me try to move on to the next point.

Ambassador CROCKER. OK, just to say that that atmosphere, then, affects national-level leaders and gives you a dynamic, in which you can start to see progress on complex pieces of legislation that are tied to reconciliation, that—the package that the Parliament voted in February—that you simply could not have gotten 6 months before. And it takes all the leaders in on this.

Is there a Nelson Mandela out there? I don't think so. But, we are seeing, kind of, the tradeoffs starting to be made, and a move away from zero-sum thinking that any concession is a weakness. And that is progress.

With respect to your second point, on a long-term relationship, we are currently negotiating a Status of Forces Agreement in many respects——

Senator CARDIN. Is it being drawn in a way to exclude the Congress' approval?

Ambassador CROCKER. It is being drawn in a way that will be similar to the 80-odd others that we have around the world, as an executive agreement.

Senator CARDIN. Iraq has a history with this Congress. And I just urge you, if you want the cooperation of many of us, that agreement better come before us.

Let me—I want to raise one other issue. One of the facts that have happened over the last 5 years, that is clearly without dispute, is there is now 5 million displaced Iraqis—about 2 million in neighboring countries, 3 million, now, close to 3 million within Iraq itself—you've acknowledged that in your statements.

The refugees' impact on surrounding countries cannot be underestimated.

My point is that, you stated in your testimony that, in coming months, the Iraqi Government must resettle Iraqis, both internally displaced and refugees. My concern is that the United Nations High Commissioner on Refugees does not believe the conditions are stable enough for the return of internally displaced individuals. My question is, Do you disagree with the High Commissioner?

No. 2, you state that the role that the United Nations is playing is to, in fact, help resettle. The High Commissioner says that's not accurate, that it is to make an assessment as to whether it's safe to resettle. If you could clarify that, I think it would be helpful to us.

Ambassador CROCKER. Senator, we work very closely with the U.N. in Iraq, and now with UNHCR, since they have put international staff back into the country. And General Petraeus and I have both met, incidentally, with the High Commissioner. Both the U.N., and ourselves, and other concerned governments are all working with the relevant Iraqi authorities, to be sure that they've got the resources and the planning to deal with returns as they happen, because the people have a vote, themselves.

Senator CARDIN. My question is, Do you disagree with the High Commissioner as to whether the conditions today are safe for resettlements of internally displaced individuals?

Ambassador CROCKER. Senator, it's not a blanket issue. It depends on the area. There are some areas where people can safely return, there are areas where they probably should wait a bit.

Senator CARDIN. Thank you, Mr. Chairman.

The CHAIRMAN. Gentlemen, we're getting there. And, thank you for your patience, and I thank my colleagues for theirs, as well.

Senator Casey.

Senator CASEY. Thank you, Mr. Chairman. Mr. Chairman, I want to thank you for your patience, as well. It's been a long day, and the witnesses have been here awhile, I'll do my best to stay within my time.

I want to thank the Ambassador and the General for your testimony today, and your service to the country. You have both been given terribly difficult assignments and we're grateful for your service.

Really, I have two areas of questioning. One pertains to the renewal of Blackwater Worldwide contract. We know what we're talking about, with regard to a private security firm. All kinds of controversy and investigations, as you know, have been involved in the case of Blackwater, I guess it was September, when there were shots fired in a crowded area and 17 Iraqi civilians were killed, in addition to other investigations.

Ambassador Crocker, the question I have for you is, Can you describe the process that you and/or the administration undertook to make a determination about the renewal of that contract?

Ambassador CROCKER. This was a decision made in the Department—the Department of State. Blackwater is, I think, in the third year of a 5-year contract, so the decision was to go ahead with the next year of that contract.

The fact is, Senator, that we—in order to move around securely, we are—and will need to continue to rely on private contractors. We just simply don't have the assets with the State Department Diplomatic Security System to do it any other way.

In the wake of the September incident, we took a number of steps. There was a Memorandum of Agreement signed between the Departments of State and Defense. The Multi-National Force and the Embassy had worked out a set of procedures, you now have an officer in our tactical operations center, so that the battle space owners have full visibility on any of these movements.

We've put diplomatic security agents from the State Department with each security contractor motorcade, installed TV cameras and recorders—again, a number of steps to ensure that we've got the tightest possible control that we can, over all of this. And since September, there have been just three escalation-of-force incidents, I believe, none of them involving any injuries.

Now, with respect to the contract, as you know, there is an FBI investigation underway of the September incident that is not yet concluded. When it is, I—along with others in the Department—are going to be looking at what the investigation has turned up. If I feel it's warranted, I would not hesitate to recommend a cancellation of the contract, at the discretion of the Government.

Senator CASEY. But at this point in time, no other firm was considered when that renewal determination was made, is that correct?

Ambassador CROCKER. To the best—I'm not sure that's exactly correct, Senator. And we'd have to check back with the people who actually made the determination at State. I don't think there was—it was felt there was another qualified firm available.

[The written information from Ambassador Crocker follows:]

The Department considered a variety of options in deciding to extend the Worldwide Personal Protective Services Task Order. Given the enhanced accountability and oversight measures put in place, along with the continuous operational requirements in Baghdad, the determination was made that extension of the current task order would best facilitate ongoing support of our foreign policy initiatives in Iraq. It is important to recognize that this action can be terminated by the U.S. Government at any time.

Senator CASEY. I want to move to my last question and it really is directed at both of you, but I think General Petraeus is probably the one who would answer this.

I was in Iraq back in August, Senator Durbin and I were there and we had a dinner with both of you, and I appreciated your hospitality. One of the things that I was complaining about was the language that I thought the administration was using, about victory and defeat, and that I think this language doesn't necessarily describe what is happening in this particular conflict—unlike other wars our country has been engaged in.

Ambassador Crocker, you said at the time, sitting next to me that the way you would frame the debate, so to speak, is how we measure success should be sustainable stability. And I guess my

question pertains to that description, but in particular, that description juxtaposed with the levels of readiness.

I know that, General, the old Level 1, Level 2, 3, and 4 are now Operational Readiness Assessments, which you have in chart No. 10. But the way I look at this, in terms of where we were back in January 2007, as opposed to where we are in March 2008, is that at the Level 1, the highest level—which in your chart is in green—we have about 10 to 12 battalions who are at Level 1, who can function independently.

I guess my basic question, in the limited time I have, is: What do you think is sustainable stability, as it pertains to Level 1, the number of Level 1 battalions needed? And, two, if you can tell us what we've spent on training the Iraqi Security Forces, to date?

General PETRAEUS. First of all, Senator, thanks for the opportunity to explain the ORA process, and what it means, because, it's a fairly mechanical action. It depends on having all of the—certain percentage of the—commissioned officers, noncommissioned officers, personnel fill, qualified people, vehicles, readiness status of the vehicles, training readiness, if you will, ability to carry out tasks, and so forth.

And the problem with the Iraqis increasing the number of ORA 1 Level units, is that as they get ORA 1 Level units, they tend to take leaders out from them, and to use them to build additional elements. It's, in fact, why there's that additional category of "in the lead."

You don't need ORA 1 Level units, necessarily, to achieve security in a location, depending on, again, obviously, what the enemy situation is, what the threat is, what the level of local support is, and so forth. So there's, again, not a mechanical or arithmetical layout of how many ORA 1 Level units are needed in this area or that area. Obviously, the enemy gets a vote, and in fact they—while we'd like to see ORA Level 1 units, again, we actually agree with the approach that they have taken, where they tend to raid those units, and the good leaders, and create more units, because they do, in fact, need more units and more troopers and more police.

And they need them, because in a counterinsurgency, of course, the demand for security forces to citizen ratio is very substantial.

We have reached sustainable security in some provinces. And again, not just the successful and secure Kurdish Regional Government provinces, but also in a number of the other provinces that have moved to provincial Iraqi control. And then, in some other areas, obviously, we have a long way to go, because of the enemy situation. And, in some cases, because of the local ethnosectarian dynamics, as well.

But, by and large—certainly since you visited in August—the forces have grown, their capability has grown. It is still uneven, and in fact, the number of provinces that they have taken over has grown, as well.

Senator CASEY. Thank you, I'm out of time. Thank you.

The CHAIRMAN. Senator Webb.

Senator WEBB. Thank you, Mr. Chairman.

Gentlemen, I've been at it almost as long as you have today, I think.

I would first like to say that, obviously from the questions that you've received on this committee, we've got a pretty strong consensus on this committee that this country has put itself in two distinct strategic disadvantages with the situation that we've been in, in Iraq.

The first is that we've had the greatest maneuver forces in the world, the United States Army, and the United States Marine Corps, tied down block by block, city by city, talking about sectarian strife, et cetera, in one country, while the forces of international terrorism have remained mobile and, in many cases, have recentered themselves elsewhere.

And the second is, as Senator Voinovich was so adamantly talking about, our national strategic posture, when you look at the economy, our ability to focus on larger strategic interests—particularly, in my view, what has been happening with the evolution of China during this process, have also been falling by the wayside.

A note, really quickly, on the questions that you received, very heavily on this side, but also from the other side, about the diplomatic surge, I think we all know what people were really talking about. And you've answered, I think, as best you can with respect to what's been going on, but increased civilian participation, particularly in an atomized way, is not really what people are talking about.

Ambassador, I know when you and I were visiting before your confirmation hearing, we were pretty much in agreement as to what robust diplomacy really would mean, and how it would impact the future of the region. Robust diplomacy can only happen from the very top. And it hasn't happened, in many reasons, as a conscious decision.

And with respect to the ability to address al-Qaeda wherever it would reform itself—I have a pretty strong faith in the Iraqis, if you look at what they did in Al Anbar. They finally got sick enough of it, that it was the Iraqis developing the will to fight. I'm not that concerned, long term, if we reposition our forces.

Now, that being said—Ambassador Crocker, I want to get back into this diplomatic arrangement that I was talking to you about earlier. If one reads your testimony, page five of your testimony—you speak about, and I'm going to quote you here, "We have begun negotiating a bilateral relationship between Iraq and the United States."

I've been having meetings for several months on this, trying to understand exactly what that means, and from what I can understand, there are actually two documents that go into this, is that not correct?

Ambassador CROCKER. That is correct. There is a——

Senator WEBB. It would be a Strategic Framework Agreement, and then—pursuant to the Strategic Framework Agreement—there would be a Status of Forces Agreement.

Ambassador CROCKER. Status of Forces Agreement.

Senator WEBB. Right.

Ambassador CROCKER. That is correct.

Senator WEBB. That was not clear from your testimony, and it hasn't been completely clear from your oral testimony today, either. I think we need to understand that.

And Mr. Chairman, I think we need to pay very close attention in the next couple of months, to the first agreement, the Strategic Framework Agreement.

We've asked to actually be able to see what the document looks like and I would give you the same question I had earlier, in terms of that document—what would have to be in that document before—in the view of this administration—it would require congressional approval?

Ambassador CROCKER. Senator, with respect to the Status of Forces Agreement, as I have said earlier, we expect that will have a number of elements in common with——

Senator WEBB. I understand Status of Forces Agreement. But, in my experience—and I've been doing this pretty well as long as you have, a Status of Forces Agreement is pursuant to an agreement that gives two countries some sort of a relationship, it could be the United States-Japan bilateral security arrangement, or it could be the collective situation like we have in NATO.

So, the real question is the strategic framework.

Ambassador CROCKER. Right. I was—the point I was going to make on the SOFA, and I know you know this, but I just, I think it needs to be out there where it's clear to everyone—our intention is to negotiate that as we have done all of our other SOFAs, except the NATO SOFA, as an executive agreement.

The Strategic Framework Agreement, which we and the Iraqis conceive as setting out a vision for our ongoing relationship, in a variety of fields—political, economic, cultural, scientific——

Senator WEBB. And security.

Ambassador CROCKER. And security—that is correct. We do not see that Strategic Framework Agreement as rising to the level of an executive agreement.

Senator WEBB. I'm looking at an article that came from The Guardian today, which at least ostensibly quotes from the working draft of that agreement. And there's some very, very careful language in there, in terms of how external threats would be dealt with, but it really seems to me, very clearly, to be tiptoeing to the edge of what would require overt congressional approval.

I'm not going to take any more time from the day on this, but I would hope that we could do some follow-on examination of this, Mr. Chairman.

And also, Ambassador Crocker, from what we were told when we met with people from the administration, you are the lead negotiator on both of those agreements, is that not correct?

Ambassador CROCKER. I'm overseeing the process from Baghdad, yes, in terms of the SOFA. We've got someone out to head that effort, who is a specialist in the field, but it is true that I am overseeing the overall effort, and it is certainly our intention to be fully transparent with this. I believe the committee has had briefings, or the staff has had briefings on where we are, and——

Senator WEBB. We've had briefings, but, to my knowledge, at least from the perspective of our office—the administration has declined to show us the document. So, we really don't know what we're dealing with.

Ambassador CROCKER. Well, it's obviously important that we do have a relationship of some confidence on this, and I will talk to my colleagues to see that we do.

Senator WEBB. And I thank you for your testimony and I wish you luck tomorrow.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator, let me say, with the witnesses here, that we're having a hearing on this with the administration on Thursday, on this very thing. I guarantee you, as sure as the sun will rise tomorrow, this committee will know exactly what is in that agreement, No. 1.

No. 2, we've been told thus far, it doesn't settle it, that as was just stated it will not be an executive agreement, so it does not rise to any enforceable agreement.

The danger, in my view, I think we're going to find, is the Iraqis are going to think it means something, and we're going to be acknowledging it doesn't mean anything other than a wish, an aspiration. Because it says—I've been told by the administration—they would consult with the Iraqis if the following things were to occur, consult. Not binding anyone.

If it's anything beyond that, then it rises to a different level. But, I promise you, we will know exactly—exactly—what this Strategic Framework Agreement entails.

And I asked the chairman a moment ago whether he had any closing statement, his indication was no. I just want to do a little bit of housekeeping, it'll take two more minutes. There are some things I'd like to follow up with, in writing, and to see if you would be prepared to respond to.

I'll just say, generically, General, that you said, you know, we're at the early stages of the Iraqis being able to do—take care of themselves. General, we're long past the early stages. We're 6 years into this. We're very long in the tooth. I know what you mean by it, but just so you know up here, and in the country—we're way beyond the early stages. There's just a little bit of time left.

And the second point I'd make is, the reason why you find so many people, Mr. Ambassador, fixating on the Iraqis paying more—we've spent, we've sat with the Pentagon, we've been in theater, we have met with the State Department—everyone agrees we should be doing roughly $150 million for Pakistan now, to aid their new government, to deal with the construction, to deal with the Federally Administered Tribal Areas, et cetera—we can't find $150 million. Let's just get at this. We can't find $150 million.

So, if they picked up the $150 million that we're doing, which I think we should be doing, "paying," "compensating" the forces, it means it's this big deal. It means that what everyone says is a critical, critical, critical moment for us in United States-Pakistan relations, right now, we need $150 million. We can't get it.

We can't even be assured we're going to get the money that the Defense Department says, and the State Department says they need for a piece of legislation that was spearheaded—I cosponsored it, but the real credit goes to my colleague, here—to provide for, in the future, a civilian force available to compensate for, or to add to, or to take over, responsibilities that need—in the future.

So, I just want you to understand, when we're—this is not about being punitive with the Iraqis—we're scraping, just there, $175 million for two things everybody says—the Secretary of Defense makes a speech, saying that a 19-to-1 ratio that we're spending on military versus diplomacy is unacceptable. We've got to change it.

Ryan, we can't get it done. Money. So this is nickel and dimes when you're talking about a continued commitment of $3 billion a week, for some period, anyway. But it's a big, big, big, big deal strategically. And, so that's why you're going to get a lot of pressure on that.

And the last point—it's been a long day, Ambassador Crocker, but I would like you to, in writing, answer the question that was posed by Senator Obama. If not, we have a lot of other hypotheticals—if, in fact, the status quo as it exists today were guaranteed to be able to be sustained over the next 5 years, would that be sufficient for us to considerably drawdown American forces?

We've got to get some kind of matrix for people to get a sense of what we're talking about, here. Otherwise, we're going to lose all support for anything—just a politician speaking now—in my opinion.

So, there's a number of things that—it will not be a long list of things—but there's three or four things I'd like to, a little, clean up—not clean up—but follow up on some of the things we've mentioned.

And it is not, again, a desire to embarrass anybody, but you know, if you had to guess for me, who's close—Maliki or Sadr—to the Iranians, that's a kind of hard call. You know, the Badr Brigade was called the Badr Brigade because it was part of the Iranian Revolutionary Guard. And the Badr Brigade is the place where Maliki—no? You don't think he's——

Ambassador CROCKER. The Badr Brigade is associated with the Supreme—Islamic Supreme Council, Abdul Aziz al-Hakim—Prime Minister Maliki is from the Dawa Party.

The CHAIRMAN. No; I know he's from the Dawa Party, but he is siding now, with Hakim, relative to Sadr. That's all I'm saying.

I don't want to—I've kept you too long, I'm going to put some of this down. You guys have an incredibly difficult job—you're doing your job, I think, very well.

And the last point is, Ambassador Crocker—just so you know. Nobody thinks you're surging. Nobody thinks there's a diplomatic surge anywhere. Nobody. Nobody. And we need a surge. But that's another issue.

So, if you have—I invite any closing comment you'd like to make. And I'll close by saying thank you, your patience is amazing, and your physical stamina exceeds your good judgment, I think. I mean, this has been a long day for you, but thank you very much.

We stand adjourned.

[Whereupon, at 6:50 p.m., the hearing was adjourned.]

ADDITIONAL SUBMITTED FOR THE RECORD

PREPARED STATEMENT OF HON. CHRISTOPHER DODD, U.S. SENATOR FROM CONNECTICUT

Mr. Chairman, I would like to thank you for holding this hearing on the administration's strategy for Iraq following the troop surge. Iraq remains one of the most important components of American foreign policy, and I deeply appreciate the opportunity to reexamine U.S. strategy in Iraq. I would also like to take a moment to thank General Petraeus and Ambassador Crocker for their service, and express my deep gratitude for the thousands of Americans serving in uniform in Iraq as we speak.

The recent outbreak of fighting between Iraqi Security Forces and Shiite militias, and the tenuous cease-fire that has followed, is a clear indication that Iraq has far to go before it can be considered a stable, secure, and self-sustaining state. The most important question we must ask today is not "where did the surge get us," but rather "where do we go from here"? All too often, this administration has shown an aversion to answering this all important question. Our strategy in Iraq, it seems, is predicated on planning for tomorrow rather than next year, on short-term marriages of convenience rather than long-term plans for sustainability.

Mr. Chairman, the so-called "breathing space" provided by the troop surge does not appear to have achieved the most important goal of the troop surge, that of long-term sustainable political reconciliation, or even the outlines of one. General Petraeus himself has suggested that Iraqi political leaders have failed to take advantage of the relative calm provided by the troop surge to bring about political reconciliation. The few pieces of reconciliation legislation that have been passed by the Iraqi Parliament, such as the de-Baathification laws and the Provincial Powers Law were both passed by razor-thin margins along highly polarized sectarian lines.

Perhaps more troubling, at the same time that the Maliki government has sought to wrest control from Iraq's sectarian militias, the administration has seen fit to employ Sunni militias, many made up of former insurgents, to combat al-Qaeda in Iraq. While this strategy may be advantageous in the short run, and certainly the decline of al-Qaeda is a positive development, it raises serious questions about the long-term ability of Iraq's central government to provide for the security of its people, particularly as it has become clear that the Maliki government has made little progress in integrating these sectarian militias into the Iraqi Security Forces.

The cost of this war, Mr. Chairman, is another matter that this administration has shown little interest in addressing. Estimates have suggested that the United States will have spent $720 million a day in Iraq, and Nobel Prize winning economist Joseph Stiglitz has suggested that the ultimate cost of this war, including the cost to the United States economy, including fully rebuilding our military and caring for our veterans in the long term, may be as high as $3 trillion. The citizens of New Britain, Connecticut, alone, have paid some $204 million in tax dollars for this war, a number that falls just below the town's $211 million yearly budget.

Meanwhile, the United States has spent well over $20 billion on reconstruction costs alone. All of this is being spent despite the fact the Maliki government holds close to $40 billion in reserves and development funds in banks from New York to Switzerland and has reported budget surpluses on numerous occasions. Once again, we must ask, "where do we go from here," how much longer must the United States foot the bill for Iraq's reconstruction?

Mr. Chairman, taken all together, we seem to be no better or worse off than we were in the autumn of 2005, both in regards to the number of U.S. troops in Iraq and the level of violence. Despite this administration's predictions of the surge's success, we seem to be right where we started. And despite all of this, the American people have yet to hear about what our strategy is going forward? Where will Iraq be in the next 6 months, or the next year, and equally important, where will the United States be? How many soldiers will we have on the ground in Iraq? I hope that during today's hearing we will finally start hearing answers to these important questions; questions that have frankly never been answered during the nearly 6 years of this disastrous war.

General Petraeus, Ambassador Crocker, I thank you for your testimony today, and I look forward to a frank and direct answer to this all important question.

RESPONSES OF AMBASSADOR RYAN CROCKER TO QUESTIONS SUBMITTED FOR THE RECORD BY SENATOR JOSEPH R. BIDEN, JR.

Question. When do you expect the next round of Iran-Iraq-United States talks? Why were talks planned for March called off?

Answer. No date has been set for another round of United States-Iraq-Iran talks. We have been willing for some time to participate in further trilateral talks with Iran on security in Iraq, at the request of the Government of Iraq. The Iranians have repeatedly found reasons not to come to the table. We remain open to further talks when the circumstances indicate that these would be helpful to improve security in Iraq.

Question. What is the latest on the situation in northern Iraq between Turkey and the PKK? What is the status of tripartite diplomatic efforts between Turkey, Iraq, and the United States? What role do you see for the Kurdistan Regional Government in this process?

Answer. The United States recognizes the PKK terrorist organization as a common enemy of Turkey, Iraq, and the United States. Over the past several weeks, the Turkish military has continued to carry out air strikes against the PKK in northern Iraq, which has become more active as the weather in northern Iraq has improved.

We also continue to press for increased diplomatic engagement between Turkey and Government of Iraq officials in Baghdad in coordination with regional officials from the Kurdistan Regional Government (KRG) in Erbil. We continue to strongly urge the KRG to cooperate with both the Turkish Government and Iraqi Government to confront the threat posed by the PKK. Recently we have observed encouraging movement toward such cooperation by officials in Ankara, Baghdad, and Erbil.

Question. In your September testimony you told the committee that a meeting of Iraq's neighbors last year had discussed the idea of creating a permanent secretariat. Has that happened? If not, why not?

Answer. In lieu of a Secretariat, the participants in the Expanded Neighbors process have created an ad hoc Support Mechanism. Participants in the April 22 Expanded Neighbors Ministerial approved the Terms of Reference of the Ad Hoc Support Mechanism. The Support Mechanism is located in the Iraqi Ministry of Foreign Affairs in Baghdad and is actively assisted by the United Nations on substantive, technical, and organizational issues. The Support Mechanism is intended to liaise with Member States on preparing for upcoming meetings, developing draft agendas, maintaining records of decisions reached, and carrying out other administrative tasks necessary to ensure that the process continues to be successful.

Question. On February 14, during his trip to the region, the U.N. High Commissioner for Refugees, Antonio Guterres, said that he did not believe that conditions currently exist for safe and sustainable returns in Iraq. Necessary conditions according to the United Nations include refugees being free of fear from discrimination and persecution, and confident of their physical safety and material security.

- Do you concur that these conditions should be used as standards when assessing the appropriateness of returns?
- Do you believe that these conditions currently exist in Iraq? Do you believe that Iraq is safe enough for refugees and IDPs to be going home?

Answer. We support UNHCR's assessment that the situation in Iraq does not yet merit the promotion of large-scale refugee returns. We do support planning for refugee and IDP returns and have been actively engaged with the GOI to develop the policy guidance, infrastructure, and basic service requirements that need to be in place to support large-scale returns. We have urged UNHCR to develop and conduct, in coordination with the Government of Iraq (GOI), a Returns Assessment identifying these same elements in areas of anticipated returns. The terms of reference for that assessment have been finalized and we expect a final report in June. We have also supported the United Nations Assistance Mission for Iraq (UNAMI) in its collaboration with the GOI to finalize the National Policy on Iraq Displacement that would provide overall policy guidance to the GOI in assisting returnees to reintegrate back into their communities.

Question. On November 26, 2007, you sent a letter to Prime Minister al-Maliki recommending that he issue an Executive order to coordinate government action related to Iraqi refugees. The letter outlined a number of recommendations, with the suggestion that they be dealt with by the end of January 2008: First, for the Ministry of Displacement and Migration to develop a mandate. Second, for the Ministry

to develop a National Policy. Third, for the Ministry to establish an interministerial committee to address issues faced by internally displaced persons and returning refugees. Fourth, for the Ministry to develop a clear role for Iraqi Security Forces in relation to internally displaced persons and returning refugees. Fifth, for the Ministry to delineate a clear legal framework for returning refugees and internally displaced persons.

- To what degree has the Iraqi Government addressed these recommendations? If so, which ones? If not, what are the impediments? Are you continuing to raise these recommendations and urge that they be undertaken?

Answer. The Government of Iraq has responded to several of the recommendations made in our November 26 letter to Prime Minister Maliki. The Basic Law, which establishes the Ministry of Displacement and Migration (MODM) as an official Ministry, was submitted to the Council of Representatives (COR) for approval earlier this year and awaits further review.

In April 2008, the MODM finalized a National Policy which defines its day-to-day operations. The policy was approved by the Council of Ministers (COM) for approval on May 20; it permits the MODM to develop a detailed action plan on displacement and returns.

MODM has begun work on a returns plan. The Ministry has prepared an additional budget request of $195 million that would be used to provide support to up to 100,000 returning families. The COM has appointed an interministerial group, consisting of MODM, the Ministry of the Interior, the Ministry of Foreign Affairs, and the Ministry of Finance, to work on the returns plan in order to get this budget passed.

The Government of Iraq still needs to delineate a role for the Iraqi Security Forces in relation to displaced Iraqis and establish a legal framework on returns, as per recommendations four and five in our letter to PM Maliki. The National Policy on displacement and the returns plan underway may address these issues.

Embassy and Department officials continue to engage the Government of Iraq at high levels on the issues of IDPs and refugee returnees. Embassy staff meet with senior officials of the Government of Iraq, the MODM, and UNAMI/UNHCR on a regular basis to ensure a unified USG and international community message to the Iraqis and to bring maximum pressure to bear for urgent senior-level Government of Iraq attention to the humanitarian situation of its displaced citizens.

Question. How much financial support has the Government of Iraq given to its neighbors to support the needs of Iraqi refugees? What is your view of this level of assistance, given the resources of the Government of Iraq? Do you have any sense of the future spending plans of the Government of Iraq to respond to the continuing needs of Iraqi internally displaced persons and refugees?

Answer. The Government of Iraq (GOI) pledged $25 million to support Iraq's neighbors that have taken in Iraqi refugees. Of that amount, $15 million has been disbursed to Syria and $2 million to Lebanon. The GOI earmarked $8 million for Jordan, but the funds have not yet been disbursed. The U.S. Government continues to encourage the GOI to increase its refugee assistance, as such increases would improve the living conditions of Iraqi refugees and advance relations between the GOI and its neighbor countries.

The GOI recognizes the importance of providing assistance to internally displaced persons (IDPs) and preventing the current situation from deteriorating. It has allocated increasing amounts to the Ministry of Displacement and Migration each year since 2005. The Ministry received an allocation of $3.7 million in 2005 and $17.6 million in 2008, $7.8 million of which is for social benefits.

With the assistance of the U.S. Government and the United Nations Assistance Mission in Iraq (UNAMI), the GOI has increased its assistance to the displaced. The GOI has finalized the National Policy on Iraq Displacement and has submitted to the Council of Representatives the Basic Law formally establishing the Ministry of Displacement and Migration. With the U.N., the GOI is planning an international conference in June to discuss and review its plans to support the return of displaced persons. The Iraq Cabinet recently approved a $195 million plan drafted by the MODM that will support the return of displaced families. President Bush recently called on the GOI to use its increasing resources to aid all Iraqis, including IDPs and refugees.

Question. In his trip to the region last month, the United Nations High Commissioner for Refugees stated that humanitarian aid in Syria and Jordan may have to scale back dramatically within the next several months because of underfunding. Last month I sent, with several of my colleagues, a letter to the President urging the United States to fund 50 percent of the estimated $900 million that will be nec-

essary to meet the humanitarian needs of Iraqi refugees and internally displaced persons (IDPs) in 2008. While I welcome the $275 million that the President requested in the 2008 Emergency Supplemental, it is not enough. Furthermore, the President's 2009 budget request did not include any funding to support Iraqi refugees and IDPs.

- What is your understanding of why the 2009 budget request did not include funding for assistance to Iraqi refugees and internally displaced persons based upon its best assessment of the needs?
- Are you concerned about insufficient international support to meet the projected needs for Iraqi refugees and IDPs in 2008? What are you doing to assure that calls for assistance are adequately funded?

Answer. The administration requested $141 million in MRA as part of its FY 2009 supplemental request specifically to assist Iraqi refugees, internally displaced persons and conflict victims. This request demonstrates the administration's continued commitment to support Iraqi refugees, IDPs, and conflict victims.

We remain concerned that the international community, including the Government of Iraq, has not stepped forward to adequately fund Iraqi refugee assistance projects. Ambassador Foley raised our concerns during his travel to the gulf and Europe in late March when he encouraged greater engagement on the part of regional countries and traditional European donors in helping displaced Iraqis, including stepping up their respective contributions to international humanitarian appeals. The Secretary also highlighted the need for increased collaboration on the part of European and regional countries in assisting Iraqi refugees during the April 22 Expanded Neighbors of Iraq Ministerial meeting in Kuwait. Embassy Baghdad is also actively engaged at senior levels with the Government of Iraq (GOI) encouraging the GOI to make substantial contributions to international humanitarian appeals and bilaterally to countries hosting large numbers of Iraqi refugees.

Question. In his trip to the region last month, the United Nations High Commissioner for Refugees stated that humanitarian aid in Syria and Jordan may have to scale back dramatically within the next several months because of underfunding. Last month I sent, with several of my colleagues, a letter to the President urging the United States to fund 50 percent of the estimated $900 million that will be necessary to meet the humanitarian needs of Iraqi refugees and internally displaced persons (IDPs) in 2008. While I welcome the $275 million that the President requested in the 2008 Emergency Supplemental, it is not enough. Furthermore, the President's 2009 budget request did not include any funding to support Iraqi refugees and IDPs.

- What is the United States doing to protect Iraq's fragile ethnic and minority groups (such as Yazidis, Assyrians, Chaldeans, Mandeans, Sabeans, Shabaks, Turkmen, etc.) from terrorist and sectarian attacks, ethnic cleansing, physical intimidation, and economic dislocation?

Answer. Since 2003, the U.S. Government has been the single largest contributor of humanitarian assistance for Iraqis, providing nearly $1.2 billion to date, including $208 million in FY 2008 with additional assistance to follow. Regarding the FY 2009 supplemental request, the administration requested $141 million in Migration and Refugee Assistance (MRA) and an additional $45 million in International Disaster Assistance (IDA) specifically to assist Iraqi refugees, internally displaced persons, and conflict victims. This new request demonstrates the administration's continued commitment to support Iraqi refugees, IDPs, and conflict victims.

The Government of Iraq is focused on improving and maintaining security for all Iraqis, including its ethnic minority citizens. When the fight against al-Qaeda in Iraq shifted to the northern province of Ninawa, which is also home to a large number of religious minorities, Iraqi Prime Minister Nouri al-Maliki made it a priority to send Iraqi forces to the area. Iraqi Security Forces, with support from coalition forces, continue their campaign to bolster security in the area. In fact, this support deters criminal organizations from targeting and intimidating minority groups.

Our PRT and coalition forces have been working closely with the Iraqi Security Forces to ensure that Christians from Ninawa are recruited into the Iraqi Police Force. The Iraqi police in Ninawa are in the process of filling 700 positions with Christians from the area to serve in their own communities. By maintaining a diverse police force, Iraq will be in a better position to protect its religiously and politically diverse minority communities.

Question. Ambassador Satterfield testified to the committee that one of the elements to be negotiated in the Status of Forces Agreement with Iraq is Iraq's consent to "the conduct of combat operations and associated detainee operations."

- What sorts of combat operations are anticipated?

- Would U.S. forces be permitted to conduct combat operations on their own, without any Iraqi participation or approval?
- Would there be any limitations on such operations?
- Against whom would the United States be "authorized" by the Iraqis to conduct combat operations?

Answer. U.S. forces currently conduct military operations as part of the Multi-National Force–Iraq (MNF–I), which is authorized by the U.N. Security Council under UNSCR 1546 as continued by UNSCR 1790 (2007) to take "all necessary measures to contribute to the maintenance of security and stability in Iraq." With the anticipated expiration of the mandate of MNF–I in December 2008, the United States and Iraq will discuss appropriate authority from the Government of Iraq for U.S. forces to continue to undertake military operations in Iraq. We expect to preserve the operational flexibility needed to allow U.S. forces to be effective, and we will continue to discuss with the Government of Iraq the precise modalities involved in ensuring this flexibility. The majority of MNF–I operations are already conducted in close coordination with Iraqi forces, and this coordination would undoubtedly continue and grow as the security situation evolves. As with other negotiations, we do not publicly discuss our negotiating positions, or those of our negotiating partners, on key issues. We will ensure, however, that Members of Congress are kept fully informed as the negotiations proceed; briefings have already begun, and will continue.

Question. What sorts of detention authorities are anticipated in the SOFA? Will they likely match the detention authority currently provided for under the relevant U.N. Security Council Resolutions?

Answer. We expect the Iraqi justice system, as it continues to grow in capacity, to take the lead role in conducting detention and imprisonment tasks. As with other negotiations, we do not publicly discuss our negotiating positions, or those of our negotiating partners, on key issues. We will ensure, however, that Members of Congress are kept fully informed as the negotiations proceed; briefings have already begun, and will continue.

Question. Is it possible or even likely that the SOFA will require that individuals detained by U.S. forces ultimately be turned over to the Iraqis?

Answer. As with other negotiations, we do not publicly discuss our negotiating positions, or those of our negotiating partners, on key issues. We will ensure, however, that Members of Congress are kept fully informed as the negotiations proceed; briefings have already begun, and will continue.

Question. When is the last time that you discussed with the Iraqis the possibility of extending the Multi-National Force's mandate under the U.N. Security Council Resolutions?

Answer. On November 26, 2007, President Bush and Prime Minister signed the Declaration of Principles for a Long Term Relationship of Cooperation and Friendship, in which the two leaders affirmed Iraq's goal of ending its status under chapter VII. In his letter to the U.N. Security Council on December 7, 2007, requesting a 1-year extension of the U.N. mandate, Prime Minister Maliki wrote that the Government of Iraq considered this to be its final request to the Security Council for extension of the mandate.

Question. Assuming that the Status of Forces Agreement and the Strategic Framework Agreement are presented to the Iraqi Council of Representatives for approval, how confident are you that the Council will in fact approve these two documents?

Answer. The United States and Iraq are negotiating agreements that will be in the best interests of both countries. We believe those who review the documents will come to that conclusion. However, we cannot predict how the Council of Representatives will act.

Question. The Declaration of Principles that President Bush and Prime Minister al-Maliki signed last November contemplates "providing security assurances and commitments" to Iraq to "deter foreign aggression against Iraq." What sources of foreign aggression does Iraq worry about?

Answer. Leaders within the Government of Iraq have made public statements on several occasions noting their concerns about foreign aggression. For example, a number of Iraqis, both inside and outside the government, are increasingly concerned about malign Iranian influence in their country manifested through the funding, training, and supplying of militias in Iraq. In addition, Syria continues to harbor former Iraqi regime elements, and foreign fighters continue to enter Iraq

from Syrian territory. Al-Qaeda in Iraq, which consists mainly of non-Iraqis, is also an ongoing threat.

Question. The committee has heard reports that former Iraqi Prime Minister Ayad Allawi and former Iraqi Foreign Minister Adnan Pachachi, both of whom are previous visitors of President Bush to the White House, expressed interest in traveling to the United States, but believed they were discouraged from doing so by the U.S. Embassy.

- Have Dr. Allawi or Dr. Pachachi applied for visas or otherwise been in touch with the Embassy regarding a visit to the United States?
- What is the status of these applications?

Answer. See below.

[Please note that the information provided in response to these two questions will not be printed in this hearing. The information was derived from visa records and it is therefore confidential and protected from unauthorized disclosure under Section 222(f) of the Immigration and Nationality Act, 8 U.S.C. 1202(f), and, in accordance with that law, may only be used for the "formulation, amendment, administration, or enforcement of the immigration, nationality, or other laws of the United States."]

Question. Does the Embassy support their plans to visit the United States?

Answer. The Embassy supports the travel of all qualified visa applicants, including officials or former officials of the Government of Iraq. The Embassy notes that Dr. Pachachi is currently a member of the Iraqi Council of Representatives (COR). Dr. Allawi is also a member of the COR and is Iraqyya's bloc leader in the COR.

RESPONSES OF GEN DAVID PETRAEUS TO QUESTIONS SUBMITTED FOR THE RECORD BY SENATOR JOSEPH R. BIDEN, JR.

OUR STRATEGIC GOALS IN IRAQ

Question. The President has said our strategic goal in Iraq is: "A free Iraq that is democratic, that can govern itself, defend itself and sustain itself, and be a strong ally in this war against radicals and who would do us harm." Where are we in meeting each of the objectives? What is your best estimate as to when Iraq will meet these objectives?

Answer. The strategic goal of the United States in Iraq remains a unified, democratic, and federal Iraq that can govern, defend, and sustain itself and is an ally in the war on terror. The United States is pursuing this goal along political, security, economic, and diplomatic lines of operation. The security environment in Iraq continues to improve, with all major indicators reduced 40 to 80 percent from presurge levels. Civilian deaths are 65 percent lower than July 2007 levels and 75 percent lower than the peak number of monthly deaths that occurred in the last 2 months of 2006 at the height of the sectarian violence. The impetus for violence in Iraq remains the communal struggle for power and resources. However, in many areas of the country, Iraqis now settle these differences through debate and the political process rather than violent measures. Other factors that contribute to a long-term reduction in violence include coalition and Iraqi forces' operations against al-Qaeda in Iraq and their Sunni extremist allies, the revitalization of sectors of the Iraqi economy, local reconciliation measures, and the government's actions to crack down on militias. Perhaps more importantly, the government's success in Basra and Sadr City against militias, particularly Jaysh al-Mahdi and the Jaysh al-Mahdi Special Groups, has reinforced a widespread attitudinal shift in the population toward greater rejection of militias. This rejection, while still developing, is potentially as significant for Iraq as the Sunni rejection over the past 18 months of al-Qaeda in Iraq's indiscriminate violence, oppressive practices, and extremist ideology.

These gains are very significant; however, they can be reversed if not accompanied by continued progress toward national reconciliation and economic development. In that broader sense, the government's efforts in Basra demonstrated two very positive and long-awaited improvements. First, the government demonstrated its willingness to confront criminal militias and extremists, regardless of sectarian identity. As a result, the government achieved broader support, which it is now applying toward other political challenges. Second, Iraqi forces assumed the lead and, after some initial difficulties, executed a significant counterinsurgency operation, winning the support of the majority of Basrawis and a greater share of the Iraqi population, all the while developing a sense of confidence that enabled more effective operations. The Iraqis have capitalized on the Basra operation by conducting additional major operations elsewhere in Basra province, in Sadr City and

other Baghdad neighborhoods, and in Ninawa province. Iraqi Security Forces continue to grow in size and capabilities, but at varying rates. In the northern provinces, Iraqi Special Operations Forces and Iraqi Army battalions operate independently or side by side with coalition forces, demonstrating proficiency in counter-insurgency operations against al-Qaeda in Iraq and other extremist groups. In many population centers, such as Ramadi and Kirkuk, the Iraqi Police are in the lead for population security, performing well and earning the trust of the population. In the opening days of the Basra offensive, performance was mixed, but new units that performed poorly in March have already been retrained and are now conducting offensive operations in Basra. Since then, Iraqi Security Forces in Baghdad and Ninawa are performing effectively, particularly when assisted by coalition advisors, reconnaissance and surveillance assets, close air support, and other key enablers. The Joint Headquarters and Division staffs have demonstrated an improved capability in terms of deploying and sustaining Iraqi Army units in battle and more sophisticated planning for operations.

The Government of Iraq continues to assume broader ownership of Iraq's security programs. Iraq's security ministries have improved their ability to execute their budgets but still require increased capacity to man, train, sustain, and field forces. The Ministry of Defense and the Ministry of Interior training capacity continues to expand but will require more time to fully address the training demand backlog. The current shortage of Iraqi Security Force leaders will take years to overcome, but several measures are in place to address this problem, including rehiring former officers and noncommissioned officers. Both ministries lack all the institutional capacity needed and have found it difficult to make procurement decisions in a timely manner.

The current security and political environment has become more hospitable to compromises across sectarian and ethnic divides, while expanding oil export revenues have generated the capital resources needed to support the emerging set of development and reconciliation programs. However, recent debates within the Government of Iraq related to the Provincial Powers Law and ministerial appointments, as well as considerable bureaucracy and continuing challenges with corruption and sectarian behavior suggest that development of governmental capacity will require time and effort. In general, the Council of Representatives has shown a greater willingness and capability to address difficult issues, having passed a package of important laws in early 2008 and making progress on the provincial elections law currently being debated.

Negotiations continue to formalize a bilateral relationship between Iraq and the United States. The Iraqis view the development of this relationship as a strong affirmation of their sovereignty, placing them on a par with other U.S. allies. The Government of Iraq continues to assume greater provincial security responsibility through the Provincial Iraqi Control process. Nine of eighteen provinces have assumed Provincial Iraqi Control, and the remaining provinces are progressing well. Anbar and Qadisiyah are expected to transition to Iraqi control in the early summer of 2008.

Provincial Reconstruction Teams are helping provincial development by strengthening local government capacity, political and economic development, reconciliation, rule-of-law implementation, and basic services delivery. Their support of provincial governments was essential in the effort to develop Provincial Development Strategies, which outline the provincial objectives and areas of focus for the next 3 to 5 years, for 17 of the 18 Iraqi provinces. Macroeconomic data illustrates the extent of progress achieved in developing a healthy economic environment in which employment and business can expand. The United States Treasury Department reports that the Iraqi economy grew 4 percent in real terms in 2007 and projects the Iraqi economy to grow 7 percent in real terms for 2008, reaching an estimated gross domestic product of $60.9 billion. Oil production increases of 9–10 percent this year—coupled with the higher prices of oil—should drive growth in that sector and support increased government spending. The nonoil sector is likely to grow at 3 percent. Core inflation fell to 12 percent in 2007 compared to 32 percent in 2006—the result of the combination of an improving security environment in the second half of 2007, tight monetary policy throughout 2007, and dinar appreciation of 7 percent against the euro and 20 percent against the United States dollar from November 2006 through the end of 2007. Lower inflation rates improved Iraqi purchasing power for basic needs and provided a more stable environment in which the private sector could grow. The Government of Iraq's ability to execute its capital budget, while steadily improving, remains constrained by spending units' lack of capacity and cumbersome budgetary approval and funding processes. Despite these difficulties, the overall trend for capital budget execution continues to improve, allowing the Government of Iraq to spend or commit 72 percent of its $10B capital budget

for 2007 by year's end. Provincial budget execution also improved overall, but progress was uneven. Due to greater emphasis by government leaders, Iraqis have seen an increase, albeit uneven, in the delivery of essential services such as electricity, water, sanitation, and health care. Despite these improvements, the population's level of satisfaction with essential services remains low. While the Government of Iraq acknowledges it has the revenues to support large projects, budget and program execution rates demonstrate that the Government of Iraq needs to develop greater ability to execute programs on the scale required. This is a critical deficiency, because improving the delivery of essential services in places like Basra, Sadr City, and Mosul is essential for the Iraqi Government to swing popular support away from militias and insurgents and toward the central government. The coalition is working with the Government of Iraq to improve ministerial capacity.

We continue to believe that we will have established sufficient stability to enable a reduction to 15 Brigade Combat Teams by July 2008. Subsequent reductions will, as I explained in the April testimony, be based on conditions on the ground.

Question. In 2004 you stated "any army of liberation has a certain half-life before it becomes an army of occupation." You have also stated that the typical insurgency lasts at least 9 or 10 years. What is your best military judgment as to the half-life of our military operations in Iraq? Are we seen by most Iraqis as an army of liberation or of occupation? As we begin the sixth year of military operations in Iraq, what is your best military judgment as to how far into their lifespan the current insurgency—or, if you will, insurgencies—in Iraq are?

Answer. Since we began last year to emphasize the security of the Iraqi population and to orient our Joint Campaign Plan toward establishing sustainable security in Iraq, many Iraqis have come to view the presence of coalition forces in their country as a necessary part of a "reliberation" of the country from extremist groups and other malign forces that the Iraqi people have come to reject. Our emphasis over the past year on partnership with the Iraqi Security Forces also means that in the vast majority of our security operations we are seen alongside Iraqi forces at every step, rather than operating independently. Furthermore, as the Iraqi Security Forces have undertaken their own "surge" over the past year, adding well over 100,000 members to their ranks, they have increasingly taken the lead in security operations around the country. The ongoing ISF-led campaigns to secure Basra and Mosul are models in this regard, with capable Iraqi forces in the lead and coalition forces providing support and combat enabler systems that the Iraqis do not yet have. In general, there is a greater acceptance today among the Iraqi people of our supporting role in establishing sustainable security, while we in the coalition forces take care that our actions reinforce to the Iraqis that we recognize and respect their sovereignty—and help them to defend it.

IRAN

Question. President Bush recently designated the Iranian Quds Force, part of the Islamic Revolutionary Guard Corps, a terrorist organization under Executive Order 13224, for providing material support to terrorists. According to press reports, General Qassem Suleimani, the commanding general of the Quds Force played a role in negotiating the cease-fire between Maliki's government and Muqtada al-Sadr. What role did Iran play in negotiating the cease-fire? How much influence does Iran exert in Basra? On the Government in Baghdad? On the Kurds? How does it exercise that influence? Do the United States and Iran have any common interests in Iraq?

Answer. Iran facilitated the Basra cease-fire negotiations between members of the Government of Iraq and Muqtada al-Sadr in Qom, Iran. Iranian officials, including Qassem Suleimani, reportedly helped draft a cease-fire document. Prime Minister Maliki, however, continued operations in Basra until Iraqi Security Forces achieved his objective of disarming the militia groups there and restoring government control throughout the city. Iran seeks to create economic dependencies in Basra through the provision of electrical power, banking services, infrastructure investment, and the sale of Iranian products in Basrawi markets. Separately, Iran supports Shia militias with funds, training and weapons as a means of exerting and maintaining influence. Iraqi Security Forces discovered numerous large ammunition caches in Basra while clearing Jaysh al-Mahdi-dominated neighborhoods, to include substantial quantities of Iranian-produced explosively formed penetrator and improvised explosive device components, rockets, small arms and numerous mortar and artillery rounds of various calibers—including some manufactured as recently as February 2008. Iranian influence on the Government of Iraq has been substantial, although there are signs its influence may increasingly be resented by Iraqi leaders and citi-

zens. Iranian Government officials maintain ties with Iraqis who lived in exile in Iran during the Saddam Hussein regime. Iran provides funds to various Shia political parties in addition to providing training, weapons, and funding to Shia militias such as the Jaysh al-Mahdi. Iran exerts influence by acting as a moderator in disputes between the government and Muqtada al-Sadr. Additionally, Iran has built power lines linking several border cities to the Iranian electrical power grid and has recently offered a $1 billion loan for reconstruction of Iraqi infrastructure, provided Iraq employs Iranian contractors and labor for associated construction projects. However, Prime Minister Maliki and other members of the Shia-led government publicly expressed frustration with Iran following the clashes in Basra and Sadr City, blaming the recent intra-Shia violence on Iranian provision of lethal aid to Shia militias.

The Kurdistan Regional Government seeks to maintain cordial relations with the United States and Iran, with whom the region shares a large land border. Iranian officials maintain ties to several Kurdistan Regional Government leaders, including Iraqi President Jalal Talibani, dating to the Saddam Hussein regime, when Iran and Kurdish officials shared a common antipathy toward the Baathist government. Iran seeks to exert influence in the Kurdish-administered area by creating economic dependencies through investment, reconstruction, and infrastructure projects, provision of electrical power and trade. Following the September 2007 detention of high-ranking Iranian Revolutionary Guards Corps-Quds Force officer Mahmoud Farhadi in the Kurdish city of Sulaymaniyah, Iran attempted to apply economic pressure on the Kurdistan Regional Government for his release by closing all border crossings to Iran, halting trade for approximately 2 weeks before realizing that the action was hurting Iran's economy and creating resentment in Iraq.

Iranian long-term interests in Iraq include ensuring a Shia-dominated, friendly government in Baghdad, strengthening economic ties between Iran and Iraq, and ensuring access for Iranian pilgrims to Shia religious sites in Iraq. The United States and Iran share an interest in a stable Iraq, however, Iran's apparently seeks a weak Iraq that it can dominate and is not likely to share or support U.S. policies in the region or in the war on terror.

THE IRAQI SECURITY FORCES

Question. How many Iraqi battalions do you judge to be fully capable of planning, executing, and sustaining independent operations Level I combat readiness? How many Iraqi battalions are at Level II readiness, meaning they are "in the lead" in the counterinsurgency effort?

Answer. The Operation Readiness Assessment (ORA) level is determined though the use of specific criteria and mathematical formula based on percentages of assigned soldiers, leaders, and equipment. Iraqi leaders tend to find the ORA method of assessment to be too mechanical and prefer to focus on a unit's demonstrated capability for performing actual missions, which is typically referred to as "in the lead." Depending upon local security conditions, Iraqi Army units at ORA I, II, or III may all be "in the lead" for conducting counterinsurgency operations in their assigned sectors. As of 11 May, 2008, there are a total of 121 Iraqi Army and National Police combat battalions capable of planning, executing, and sustaining independent counterinsurgency operations. Iraqi Army battalions make up 111 of the 121, and 10 Iraqi National Police battalions make up the remainder. The 111 Iraqi Army battalions consist of 107 Iraqi Army combat and 4 Iraqi Special Operations Forces (ISOF) battalions, which are fully capable of planning, executing, and sustaining independent operations and are in the lead for counterinsurgency operations. Of the 111 Iraqi Army units, there are currently 12 Iraqi battalions that are rated Operational Readiness Assessment (ORA) level I, 80 that are rated ORA level II, and 19 that are rated ORA level III. There are 10 ORA level II battalions within the Ministry of Interior; 9 are National Police battalions and 1 is an Emergency Response Unit (ERU) capable of conducting counterinsurgency operations.

Question. Of these level I and level II units, how many are of mixed tribal, ethnic and sectarian affiliation—and how many are comprised of members of the same ethnic, sectarian, or tribal affiliation?

Answer. The Iraqi Army is an integrated, national army comprised of the many ethnicities that make up the country of Iraq. There is currently no method for tracking tribal, ethnic, or sectarian affiliation for the entire Iraqi Army. Units do tend to have recruits from the general area of Iraq in which they are based; however, they also get recruits from across the country and deploy throughout it as well. For example, two of the brigades operating in predominantly Shia Basra province are

from Anbar province, a nearly exclusive Sunni area; however, the units are mixed in their ethnosectarian makeup.

The Iraqi Army and National Police have proven to be generally effective, nonsectarian organizations over the past year, completing over 20 major deployments throughout the country conducting counterinsurgency operations.

The National Police (NP) provide the Government of Iraq with a rapid response paramilitary police force capable of countering large scale civil disobedience, enforcing law and order and responding to national emergencies. Their capabilities are similar to the Iraqi Army. Although initially recruited almost exclusively from the Baghdad area and once heavily influenced by militias and sectarian agendas, the National Police have undergone serious retraining and revetting of the entire force over the past 18 months resulting in a capable and less sectarian influenced organization. Recent plans now have the development of the entire Sunni-manned Abu Risha Brigade formed from forces recruited and trained from Al Anbar province.

While there is no dedicated method to track the ethnicity of soldiers in units, there is a concerted effort made during Iraqi selection boards to ensure command selection rates are representative of all ethnicities across Iraq. Demographics of Iraqi Army leadership are tracked and monitored by coalition forces and embedded Transition Teams to ensure unit leadership does not display sectarian trends, can maintain impartiality, and will serve all of Iraq's people. A small number of Iraqi Army commanders have been relieved of duties for sectarian issues and several others have been relieved for corruption.

The Iraqi Army has largely been able to transcend sectarian agendas by fostering a strong esprit de corps and sense of nationalism. The units are composed of many different ethnicities but each is striving toward the same goal; a safer more secure Iraq.

REQUEST FOR DATA

Question. How many contractors in Iraq have their salaries paid for by American taxpayers? Of these, how many are American, how many are Iraqi, and how many are third-country nationals?

Answer. Per the results of the Fiscal Year 2008, First Quarter Contractor Census, there were 163,591 contractors reported in Iraq under Department of Defense Contracts. Of the 163,591 contractors reported, 31,325 are United States citizens, 75,898 are local nationals, and 56,368 are third country nationals.

Question. Could you please provide the committee, for the public record, updated versions of the following charts which accompanied your testimony to include the entire duration of the war—weekly security incidents (chart 2), civilian deaths (chart 3), ethnosectarian violence (chart 4), high-profile attacks (chart 5), and caches found and cleared (chart 7)?

Answer. The attachment contains requested updates to the testimony charts. Data is not available prior to 2004. Data for ethnosectarian deaths is not available prior to 2006.

UNCLASSIFIED

Security Incidents

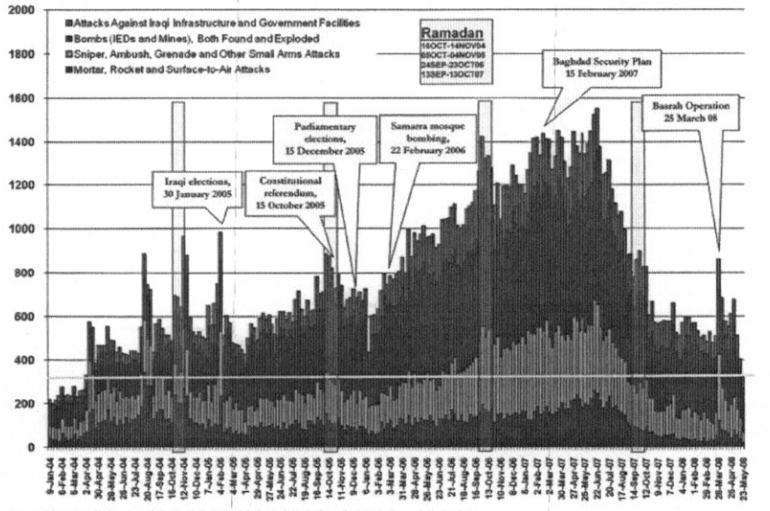


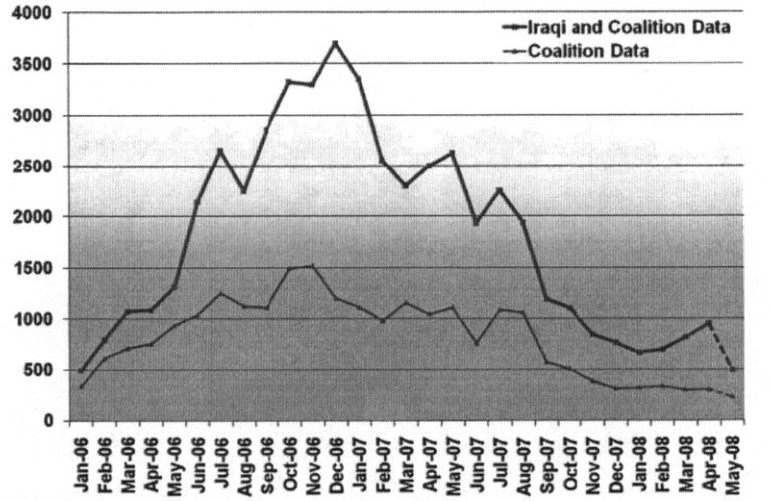
Chart includes potential attacks (IEDs/mines found and cleared) and executed attacks.

Sources: SIGACTS (CF reports) as of 24 May 08; weekly beginning 3JAN04.

UNCLASSIFIED

UNCLASSIFIED

Civilian Deaths



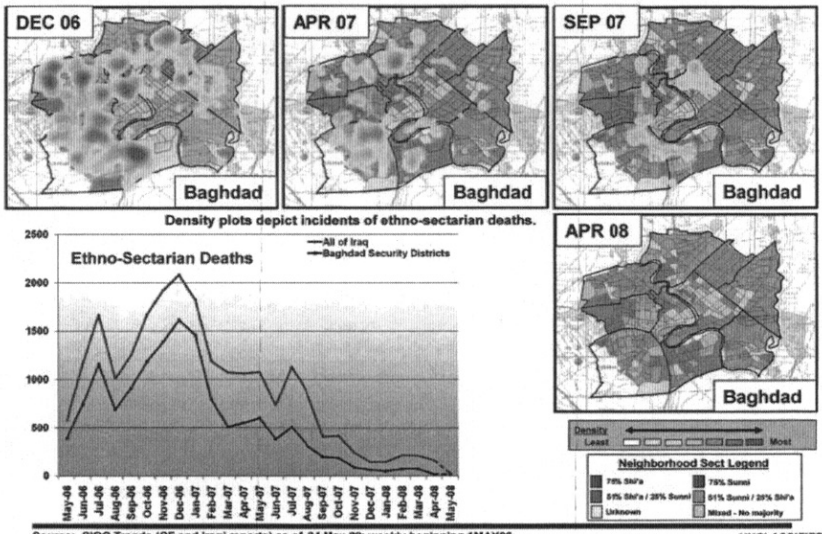
Does not include civilian deaths due to accidents unrelated to friendly or enemy actions.

Source: SIGACTS III CF and Iraqi reports as of 24 May 08; Basra and Sadr City included HN reports (MAR & APR).

UNCLASSIFIED

UNCLASSIFIED

Ethno-Sectarian Violence

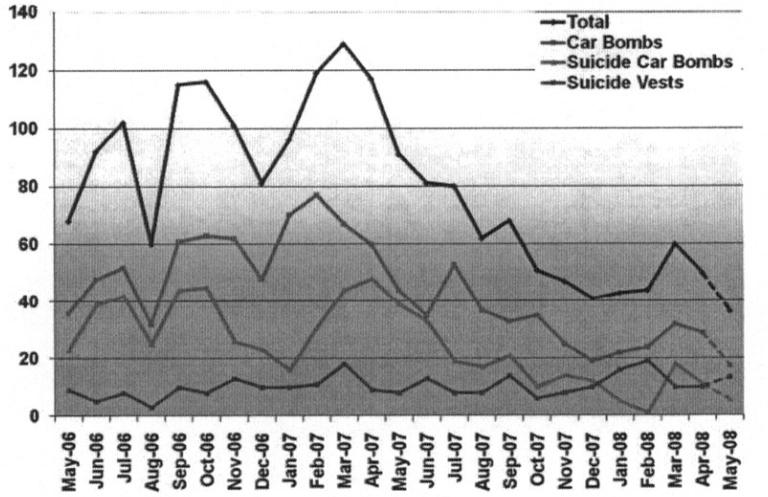


Source: CIOC Trends (CF and Iraqi reports) as of 24 May 08; weekly beginning 1MAY06.

UNCLASSIFIED

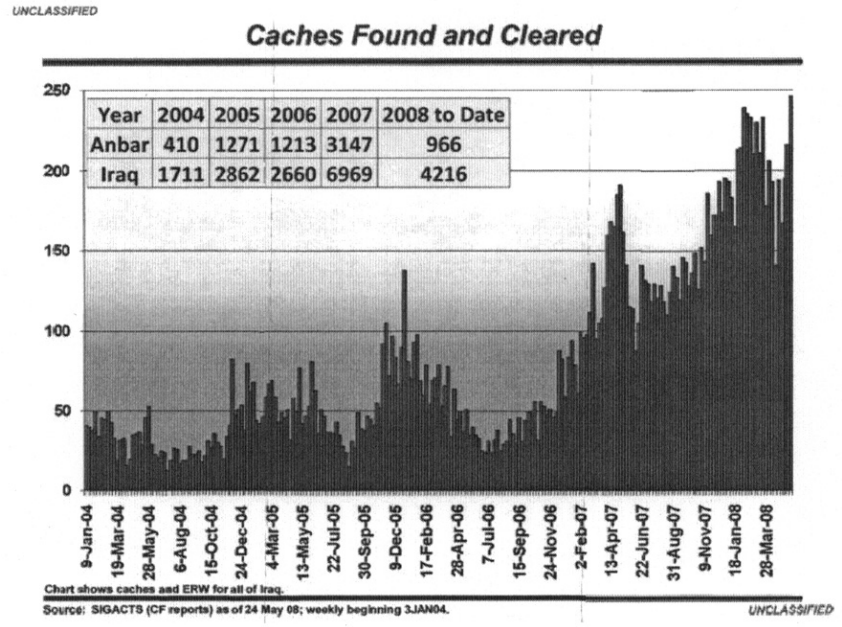
UNCLASSIFIED

High Profile Attacks (Explosions)



Sources: SIGACTS (CF reports) as of 24 May 08.

UNCLASSIFIED



Question. Prime Minister al-Maliki has called for the dissolution of the entire Jaysh al-Mahdi, not just the so-called "Special Groups." What is the difference between the Special Groups and the mainline Jaysh al-Mahdi? Does Prime Minister al-Maliki make a distinction between the two? Does Muqtada al-Sadr? How many Special Groups members do you assess there to be? How many members are there of the mainline Jaysh al-Mahdi?

Answer. Jaysh al-Mahdi is not a single, cohesive organization with clear delineations between mainline Jaysh al-Mahdi and Special Groups; rather, networks and membership are interwoven, with Special Group leaders and members typically recruited from JAM and often still connected to them during operations. Prior to 25 March 2008, it was estimated that the Jaysh al-Mahdi contained 25,000 and 40,000 total members, including the Special Groups. Mainline Jaysh al-Mahdi are generally Muqtada al-Sadr loyalists who have complied with his August 2007 "freeze" order, February 2008 "freeze" extension, and subsequent cease-fire orders.

Special Groups accounted for approximately 5–10 percent of the total strength of Jaysh al-Mahdi. Special Groups have evolved since they were originally formed by Muqtada al-Sadr as a counter to coalition forces. Special Groups, of which there are several different subentities that share the name, are Iranian trained, equipped, and funded, employ relatively sophisticated armaments and weapons systems, and often operate outside of Sadr's control.

Muqtada al-Sadr has attempted to differentiate between loyalists, mainstream Jaysh al-Mahdi and loyal Special Groups, and noncompliant Special Groups. Prime Minster Maliki also seems to recognize the distinctions between Jaysh al-Mahdi and Special Groups, but the current operations in Basra and Sadr City tended to blur any substantial distinctions, as Special Groups tended to work with JAM and to use JAM to provide security for them.

IRAQI QUALITY OF LIFE INDICATORS

Question. How many al-Qaeda operatives do you estimate there to be in Iraq? What is the approximate breakdown between Iraqis and foreign fighters?

Answer. MNF–I estimates that AQI is comprised of approximately 1,200 to 3,000 personnel in April 2008. AQI is primarily made up of Iraqis, but it is the only group among the Sunni insurgent groups in Iraq known to have foreign facilitators in key leadership roles. MNF–I assesses foreign terrorists comprise approximately 10 percent of AQI (approximately 120–300 personnel).

THE ISLAMIC SUPREME COUNCIL OF IRAQ

Question. The Islamic Supreme Council of Iraq is a key partner of the United States in Iraq, though it has strong ties with Iran. What is the relationship of ISCI and its affiliated Badr Organization with Iran and the Quds Force? Has the Badr Organization ever formally been a part of the Iranian Revolutionary Guard Corps? Would you characterize the relationship between ISCI and Iran as stronger, weaker, or about the same as the relationship the Sadr Trend enjoys with Iran? Which party do Iraqis perceive as more closely aligned with Iran—ISCI or the Sadr Trend?

Answer. Some members of the Islamic Supreme Council of Iraq (ISCI) and the Badr Organization maintain links to Iran that they formed during their decades of exile while the regime of Saddam Hussein was in power. Although ISCI and the Badr Organization seek to publicly distance themselves from Iran, some senior current and former Badr Organization members maintain ties with Iranian intelligence and the Iranian Revolutionary Guard Corps (IRGC). The Badr Organization traces its origins to the 9th Badr Division, founded in Iran in 1983. It was later renamed the Badr Corps. Badr Corps was subordinate to the IRGC, with financial support from the Iranian Government and its basing arrangements on Iranian territory. Following Iraq's liberation in 2003, Badr Corps reorganized itself into a political party, the Badr Organization. Its former forces were integrated into the Iraqi Security Forces, with the exception of elements that transitioned into service as security guards for ISCI offices. The ISCI and Badr relationships with Iran are substantially different from the Sadr Trend's relationship, and therefore it is difficult to make direct comparisons. ISCI and Badr have deep historical ties to Iran, but the groups have gradually grown more independent from Iran as they have acquired political power in Iraq. The Sadr Trend embraces nationalism as part of its ideology, which distances its members ideologically from the Iranians (and the leaders of the Sadr movement remained in Iraq during the Saddam regime). In practical terms, however, Sadr's movement now has strong ties to Iran. The Sadr-associated Special Groups and, to a degree, militia receive arms, funding, training, and direction from Iran. In addition, Muqtada al-Sadr has resided in Iran for most of the last 18 months. Iraqis perceive that the Iranians exercise influence over all of these organizations, but tend to view ISCI as more closely aligned with Iran than the Sadr Trend. This perception is based on the longer history of association between ISCI and Iran, and the fact that the Sadr Trend embraces a nationalist agenda.

SHIA POLITICS, BASRA AND IRAN

Question. When you testified before the committee in September you described a competition in Basra between the Fadhila Party, the Supreme Council and its Badr Corps, and Sadr's party and its Mahdi Army. You added: "there have been deals there recently, and the violence level has just flat plummeted. It's included some release of some Jaysh al-Mahdi figures, and, again, accommodations between all of them. Again, for the Shia south, that's probably OK. These are Iraqi solutions for Iraqi problems." What happened between last September and last month that led to Maliki's decision to attack? Why did the violence levels recently climb again after previously declining?

Answer. Local accommodation between groups in Basra, which formed the basis for maintaining the peace in the city late last year, had become increasingly threatened by the Sadr militia and criminal activity by early 2008. I think that Prime Minister Maliki decided that crime, corruption, and militia activity in Basra had reached intolerable levels. For this reason, in late March he initiated Operation CHARGE OF THE KNIGHTS to defeat criminals and militias in Basra and restore the authority of the Government of Iraq. This operation, which is still ongoing, has significantly curtailed the activities of armed militias by capturing or killing a number of criminals and militia members, degrading their freedom of movement, recovering significant arms and munitions at cache sites, and expanding the Iraq Security Force presence in the city and surrounding areas. The initial response of criminal gangs and militias to Iraqi military operations in Basra produced a temporary increase in violence in late March and into April. However, as Iraqi Security Force operations in Basra, Mosul, and Baghdad's Sadr City progressed, the level of security incidents across Iraq reached the lowest level in more than 4 years and the levels in Basra reached historic lows as well.

Question. Press reports indicate that Prime Minister Maliki is hiring 10,000 mostly Shia tribesmen to counter the Mahdi Army in Basra and Baghdad, in part to counter desertions from the Iraqi Army. What can you tell us about these programs and his plans? Is or will the United States pay monthly stipends to these volunteers as we have Sunni Awakening members? What does this say about the

reliability of Iraqi Security Forces? Do the predominantly Sunni "Sons of Iraq" perceive a sectarian bias and a double standard given the slow rate of their hiring into official security forces?

Answer. Despite press accounts that Prime Minister Maliki at one point planned to hire large numbers of Shia tribesmen to provide security, it does not appear that this plan has been fully implemented in either Basra or Baghdad. During the initial stages of the Basra operation, Iraqi forces utilized local tribesmen to create additional security presence in some areas outside the city. Two tribal security forces of approximately battalion size were formed, but the Iraqi Government appears to have done little to sustain this effort, and the tribesmen have not been officially hired following their initial voluntary assistance to Iraqi forces. Given the fact that the government has not pursued this initiative to organize Shia tribal forces, there is no reason that this initiative should have caused Sunni Sons of Iraq to perceive a double standard. In the meantime, the Iraqi Security Forces (ISF) have proven, despite initial difficulty, capable of effectively conducting clearing operations and reducing the mafia-like grip of criminal gangs and militias on Basra and, increasingly, on Sadr City. Atmospherics now indicate that most Basrawis and residents of Sadr City are grateful for ISF presence and activity in their cities.

RESPONSES OF AMBASSADOR RYAN CROCKER TO QUESTIONS SUBMITTED FOR THE RECORD BY SENATOR CHRISTOPHER DODD

Question. What is the situation of the Iraqi education system? How many children are currently attending school?

Answer. Although education is culturally very important and highly prized in Iraq, the education system faces significant challenges. Degradation of infrastructure over the last three decades and a lack of security in recent years have significantly hampered improvements in the education sector. Action is needed in the following areas in order to improve the country's educational system:

- Hire and develop more qualified and experienced staffs and senior ministry officials;
- Decentralize authority and support internally proposed improvements;
- Develop improved communication and coordination within and between ministries responsible for education;
- Improve the quality of strategic planning, needs assessments, and database systems;
- Provide additional training for teachers and professors;
- Identify and prioritize the areas of highest need for infrastructure and investment development.

During the 2006–07 academic year (the last year for which we have approximately reliable data), four ministries were charged with educating Iraq's students. Two Ministries of Education (Central and KRG) were responsible for approximately 7.1 million Iraqi children in grades K–12. These ministries are also responsible for vocational education and teacher training institutes. Two Ministries of Higher Education and Scientific Research (Central and KRG) were responsible for educating approximately 367,000 undergraduate students (graduating about 75,000 in 2007), and 20,000 post-graduate students.

Question. Ambassador Crocker and General Petraeus, can you or anyone in the administration assure members of this committee and the American people that the $19.2 billion that has been allotted for developing the Iraqi Security Forces since 2003 is fully accounted for and appropriately allocated?

Answer. National Security Presidential Directive 36 assigns direction of U.S. efforts to organize, train, and equip the Iraqi Security Forces to U.S. Central Command (CENTCOM) under the authority, direction, and control of the Secretary of Defense. Public Law 109–10, "Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005," provides for the Iraq Security Forces Fund (ISFF). The Multi-National Security Transition Command–Iraq (MNSTC–I) obligates ISFF to provide equipment, supplies, services and training for the Iraq Security Forces. As the train-and-equip program for Iraq operates under the authority of the CENTCOM and is implemented by MNSTC–I, the issue of ISFF accountability falls under the aegis of the Department of Defense.

Question. What is the status of Iraqi hospitals and its public health system? What is the ability of Iraqis to access health care?

Answer. The Iraqi health care system suffered greatly under sanctions from the Oil for Food Program due to actions of the Saddam regime. Corruption diverted crit-

ical resources such as medicines and equipment from hospitals and clinics. Subsequently, intimidation and assassination of Iraq doctors has drastically reduced the number of medical professionals in Iraq. Further, it has been difficult for doctors to receive continuing medical education training—necessary training to keep their skills current.

In November 2007, Dr. Salih al-Hasnawi was approved by the Council of Ministers as the Minister of Health following the Sadrist block's withdrawal from the Iraqi Cabinet. Since his appointment, we have seen steady progress in addressing critical areas that should result in improved health care delivery. For the first time in over two decades, Dr. Hasnawi organized a Continuing Medical Education conference in Baghdad in January and has repeated similar smaller conferences since. Also, Dr. Hasnawi has submitted to the Deputy Prime Minister a proposal to increase the salary of doctors to encourage the many who have left Iraq to return, as well as a request to provide housing for doctors and nurses near hospitals and clinics.

The Iraqi public health system requires further improvements, many of which will take time. The Minister of Health has identified the key areas which require attention, such as medicine procurement and distribution, repairing hospitals and clinics damaged by insurgents and improving physician training. The Ministry of Health is working closely with the United States and other partners to increase the delivery of health services. The United States Primary Healthcare Center (PHC) construction program will be completed by the end of 2008. We will have turned over 136 newly constructed PHCs, across all provinces, to the Ministry of Health. Through our hospital program, we will have completed 25 hospital rehabilitation projects. Seven renovation projects are currently underway now. We are expected to complete construction of the Basra Children's Hospital, a specialized pediatric oncology hospital and training center, this August. The Ministry of Health is currently in the process of writing contracts for construction of new hospitals. Through a $1 billion grant from the World Bank, the Ministry of Health is constructing approximately six new teaching hospitals with 400 beds each.

Iraqis do have access to health care—doctors are working and clinics and hospitals are open. The reputation of hospitals has improved, and fears of sectarian targeting have significantly decreased. There are Ministry of Health facilities, which provide free services, as well as private facilities. In the afternoons and evenings, many public service doctors provide care for a fee in their private clinics. Doctors' clinics are busy, often seeing over 100 patients a day. Medical facilities still suffer from shortages of supplies and medicines to treat patients. The Ministry of Health is working to improve the situation, but it will take time.

Question. How many Iraqis have access to adequate sanitation and potable drinking water?

Answer. There are no systematic data on the number of Iraqis actually receiving public water and sewage services. When completed projects funded by the USG will have the capacity to provide potable water to 8 million Iraqis and sewage service to 5 million. However, as a result of leaky distribution network, intermittent electricity supply, and shortages of technical staff, the number receiving service is almost certainly smaller than the projects' capacity.

There are no systematic data on the current capacity of non-USG-funded potable water and sewage plants, but the service actually provided by those plants would be subject to the same limitations that affect the USG projects.

Question. Do Iraqis have adequate access to affordable staple goods such as flour, cooking oil, and gasoline?

Answer. Iraqis generally have access to staples such as food and cooking oil. Taking into account inflation, market prices for food and grains have increased moderately relative to last year's prices. The people of Iraq are largely insulated from the current rise in world food prices, as the Government of Iraq (GOI) supplies the bulk of their nonperishable staples under the auspices of the Public Distribution System (PDS). The PDS is a program of in-kind food aid given by the Government of Iraq to Iraqis, all of whom are officially eligible for PDS rations. An estimated 20 percent of Iraqis rely heavily or solely on PDS for their food, and another 20–25 percent count on PDS to supplement their other food purchases. Major PDS reforms planned in 2008–09 would allow the GOI to better target vulnerable Iraqis for assistance as part of a larger social safety net program.

For the most vulnerable Iraqis, the U.N. World Food Program recently began implementing a food assistance program. It is designed to reach 750,000 people, with a focus on those who are not fully covered by PDS and internally displaced people (IDPs).

The GOI has lowered subsidies on refined fuel oils, bringing prices up to regional market levels, in line with its commitments under an International Monetary Fund (IMF) economic restructuring program. Prices for fuel oil, including cooking gas and gasoline, have been steady since June 2007. The primary Iraqi cooking gas, liquefied petroleum gas (LPG), costs approximately $2.49 per 12-kilogram cylinder. The price of gasoline (about octane 87) is $1.41 per gallon. We are not aware of gasoline or cooking gas shortages.

RESPONSES OF GEN DAVID PETRAEUS TO QUESTIONS SUBMITTED FOR THE RECORD BY SENATOR CHRISTOPHER DODD

MISSING U.S.-FUNDED LETHAL EQUIPMENT FOR IRAQI SECURITY FORCES

Question. Late last summer, the GAO released a report entitled "DOD Cannot Ensure that U.S. Funded Equipment Has Reached Iraqi Security Forces," which found that the Pentagon had lost track of about 190,000 AK–47 assault rifles, and nearly 90,000 pistols given to Iraqi Security Forces in 2004 and 2005. In response to this egregious dereliction of duty, I authored an amendment to the 2008 Defense Authorization Act requiring the President to implement a weapons tracking program which mirrors the Foreign Military Sales program that the U.S. uses to track weapons shipments to the rest of the world. I am proud to say that it was signed into law. The Chief of Mission in a particular country is supposed to be responsible for overseeing U.S. policy on foreign military assistance—not to mention the adherence to specific U.S. International Traffic in Arms Regulations.

- What actions have you or your office played in implementing the weapons tracking program required by the Defense Authorization Act?

Answer. The National Defense Authorization Act, 2008, Public Law No. 110–181, section 1228, requires the President to implement a policy to control the export and transfer of defense articles into Iraq, including the implementation of a registration and monitoring system. Multi-National Force–Iraq (MNF–I) has implemented many policies and procedures which will help meet the intent of this law as it comes into effect in late July 2008. First, Multi-National Security Transition Command–Iraq (MNSTC–I) implemented a database tracking system for weapons accountability. Following the Government Accountability Office (GAO) report of July 2007, MNSTC–I requested that the Department of Defense Inspector General (DODIG) conduct an inspection in October 2007. In implementing GAO and DODIG recommendations, MNSTC–I reconciled serial numbers of weapons and created a weapons database. All small arms procured for the Government of Iraq (GOI) through MNSTC–I, either from Iraqi Security Forces Fund (ISFF) or Foreign Military Sales (FMS), are now registered by serial number in this database, which is managed by MNSTC–I logistics personnel. Additionally, 100 percent serial number inventories were completed on all weapons held at Taji National Depot and Abu Ghraib Warehouse, enabling reconciliation of the database.

Also, we have also worked to assess and improve Iraq's internal weapons accountability. In coordination with the Iraqi Ground Forces Command (IGFC), MNSTC–I established an Iraqi/coalition joint inspection team in October 2007 to inspect and assess Iraqi Divisions' equipment records and verify on-hand quantities. MNSTC–I was able to establish a baseline of where weapons are located and to provide an operational snapshot of accountability in several Iraqi divisions. This data was utilized to reconcile the coalition issue log with Iraqi hand receipts and assess the effectiveness of ISF accountability procedures.

The 3-month audit provided MNSTC–I the first opportunity to exercise end-use monitoring with direct support from the Iraqi Security Forces (ISF). Additionally, we have further regulated contractor delivery of weapons in-theater. Since September 13, 2007, the Joint Contracting Command Iraq/Afghanistan (JCC–I/A) has ensured that all weapons contracts to procure and deliver munitions include a number of clauses to increase accountability. Contracts now require vendors and shippers to do the following: Deliver munitions to Iraq through U.S.-controlled ports of entry within Iraq; provide serial number lists electronically in advance of any weapons shipments to Iraq; post serial numbers on the inside and outside of weapons shipping containers; and provide en route visibility of weapons and munitions, to include the arrival dates and times of munitions cargo being delivered to Iraq.

Question. What steps has the Defense Department taken to track these weapons and ensure that they stay out of the hands of Iraqi insurgent groups?

Answer. MNF–I has contributed to the Defense Department's efforts by setting forth and enforcing comprehensive policies and procedures regarding weapons

accountability. We have worked to establish an unbroken chain of custody for the accountability and control of munitions under U.S. control from entry into Iraq to issuance to the ISF. We have increased the number of logistics and property accountability specialists in-country (in MNSTC–I, in particular) and increased security procedures throughout the chain of custody. We have also worked with the ISF to build their property accountability systems and structures. In July 2007, we partnered with the ISF to establish an M–16 Biometrics Program that links individual soldiers to the particular weapons they are issued. Prior to weapons issue, each soldier is required to provide biometric data in the form of a retinal scan, a voice scan, and fingerprints. In addition, soldiers' personnel and payroll data are verified before a weapon is issued. The final step in the process is to take a picture of each soldier holding his new weapon with the serial number visible. Similar biometric procedures have been implemented for Iraqi police badge and weapon issue, as well, and the Ministry of Interior requires policemen to present their identification card and weapon in order to receive monthly pay. The fidelity of data and level of detail captured in these accountability procedures are significant.

Question. Can you or anyone in the administration assure members of this committee and the American people that the $19.2 billion that has been allotted for developing the Iraqi Security Forces since 2003 is fully accounted for and appropriately allocated?

Answer. MNSTC–I accounts for and allocates the ISFF. MNSTC–I submits a detailed accounting of ISFF commitments, obligations, and expenditures as part of a quarterly report required by section 3303 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007. MNSTC–I's quarterly report and the processes it documents are also subjected to numerous internal reviews and outside agency audits and inspections. In addition, the Department of Defense Inspector General conducted an audit of ISFF execution in FY07 (D–2007–060, "Management of the Iraq Security Forces Fund in Southwest Asia, Phase II") and determined that MNSTC–I's obligations of the ISFF "complied with the intent of" the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005." MNSTC–I has also instituted a monthly funds reconciliation and review process in coordination with the U.S. Army Corps of Engineers Gulf Region Division and the Defense Finance and Accounting Service that led to the deobligation and reallocation of a total of $993 million from FY06/07 and FY07/08 ISFF (as of 29 Feb 08). This process earned MNSTC–I the Department of Defense Manager's Internal Control Plan "Check It" Campaign Most Improved Process Award for FY08.

HUMANITARIAN SITUATION IN IRAQ

Question. We are spending billions of dollars in reconstruction funding in Iraq. And many have argued that Iraq is now better off than it was before.

- What is the status of Iraqi hospitals and its public health system?
- What is the ability of Iraqis to access health care?
- How many Iraqis have access to adequate sanitation and potable drinking water?
- Do Iraqis have adequate access to affordable staple goods such as flour, cooking oil, and gasoline?
- What are the living conditions of the nearly 2 million internally displaced persons living in Iraq?
- What are the living conditions of the nearly 2 million refugees who have fled that conflict to Jordan and Syria?
- What is the situation of the Iraqi education system?
- How many children are currently attending school?
- From a purely humanitarian respect, are the Iraqi people any better off than they were 4 years ago?

Answer. Statistical data from the International Organization for Migration suggests that the humanitarian situation in Iraq varies considerably by province. Many Iraqis living in northern and western Iraq indicate a better humanitarian situation today as compared to 5 years ago. In part due to the security situation, other Iraqis throughout central and southern Iraq have indicated little or negative change in their humanitarian situation since 2003. The still inadequate capacity of the Iraqi Government has limited the provision of essential services necessary to address lacking humanitarian conditions in some areas. The U.S. Mission–Iraq (USM–I) and Multi-National Force–Iraq (MNF–I) are partnering with Iraqi ministries to develop further capacity.

Access to health care and the quality of the Iraq public health system remain concerns that are being actively addressed by the Iraqi Government and by the coalition. In 2003, Iraqi civilian health care lagged behind the region based on the number of physicians in the country; the ratio of physician-to-population served; health care expenditures per capita; lack of equipment maintenance/modernization; extremely inefficient national medical supply system, and leading health statistics. With improving security conditions, Iraqi health care has shown a measured increase in capability throughout the past 12 months, with a clear potential for significant gains within the next 12–24 months. The Iraqi Government, with coalition assistance, has now completed the construction of 105 of 137 planned Primary Healthcare Centers (PHCs), with the remaining 32 scheduled for completion by September 2008. Also, of the 47 hospital renovation projects in 20 hospitals across the country, 32 have been completed with the remainder ongoing. Though a shortage of medical providers exists, these infrastructure improvements helped increase the capacity of Iraqi medical facilities to treat 3.25 million patients annually in hospitals and 630,000 outpatients annually at PHCs.

We continue to engage with Iraqi ministries to develop a national health care strategy, encourage repatriation of Iraqi physicians, reengineer the Iraqi medical supply distribution system, and improve national emergency medical services communication ability. The status of water, wastewater, and solid waste treatment services vary by locale. In partnership with the Iraqi Ministry of Water Resources, the U.S. Government has completed the rehabilitation, expansion, and/or construction of 21 major water treatment plants and hundreds of small water compact units. These projects have restored or added around 2.2 million cubic meters per day of treatment capacity, which is sufficient to serve around 7.5 million Iraqis at a standard level of service. To address the recurring challenge in Iraq of a summer outbreak of cholera, we have worked with Iraqi ministries to ensure adequate stocks of chlorine are on hand. Many wastewater treatment projects have also been completed and rehabilitated, and results from recent water testing reveal that 87 percent of samples were adequate. Solid waste management in urban areas is conducted by local municipalities and reliability of municipal programs depends heavily on local officials. In rural areas, open trench solid waste disposal is the norm. To address long-term sustainability issues, MNF–I and USM–I continue to work with Iraqi officials to develop operations and maintenance capability and to train staff from the relevant ministries.

Access to staple goods in Iraq is generally good. Iraqis have access to affordable staple goods through several means. The first method is through the Public Distribution System, a public food program managed by the Ministry of Trade that delivers basic food items and commodities to nearly all Iraqis for a nominal fee. The system is part of a social safety net that provides the population with 10 products, including wheat flour and cooking oil. Besides the commodities provided through the Public Distribution System, increased security and stability have allowed many markets to reopen, farmers to return to their fields, and food commodities to be imported into the country, thus increasing the availability and affordability of staple goods by the average Iraqi. In terms of access to gasoline, the availability of benzene and diesel has also increased as the security situation has improved. More petrol stations are open, and importation and distribution of refined oil products have increased. The best indicator of that positive change is the lack of vehicle lines at the petrol stations. Previously, Iraqis had to wait in long lines to fuel their cars or purchase benzene for their generators.

According to the United Nations High Commission on Refugees (UNHCR), conditions among Iraq's internally displaced persons (IDPs) and refugees vary widely. For IDPs, conditions vary from governorate to governorate, with an estimated 1 million persons in need of adequate shelter, food, and regular income. Around 300,000 individuals do not have regular access to clean water and are in need of legal aid to enable them to access other basic services.

The UNHCR reports that between September 2007 and March 2008 approximately 60,000 displaced Iraqis returned to their homes, with the majority returning to Baghdad. The U.N. also reported that the rate of displacement in Iraq is slowing. As security conditions improve, USAID, the lead agency for coordinating U.S. Government assistance to IDPs, is working with partner nongovernmental organizations and members of the international community to help the Iraqi Government fulfill its commitment to improving essential services to IDPs.

The UNHCR also reports that refugees suffer from a variety of shortages and share many of the same limitations on employment and access to services as IDPs. To assist its neighboring countries as they care for Iraqi refugees, the GOI has pledged to give $25 million ($15 million has been dispersed to Syria, $2 million to Lebanon, and $8 million to Jordan).

The most pressing issue for the Iraqi Education System is the construction and rehabilitation of schools. Currently, there are 20,000 schools in Iraq, with an estimated 4,000 more needed to accommodate the large numbers of children enrolled. Improved security has had an effect on enrollment, as total primary school enrollment rose by over 180,000 students to 4,334,511 for 2007–2008. Total secondary enrollment for 2006–2007 was 1,491,933; data for the current year is not available. There is a sufficient number of teachers, though training is needed to integrate modern teaching standards.

RESPONSES OF AMBASSADOR RYAN CROCKER TO QUESTIONS SUBMITTED FOR THE RECORD BY SENATOR RUSSELL FEINGOLD

Question. A recent report issued by Refugees International noted that "as a result of the vacuum created by the failure of the Iraqi Government and the international community to act in a timely and adequate manner, nonstate actors play a major role in providing assistance to vulnerable Iraqis." Mr. Ambassador, how are we responding to the grave needs of displaced Iraqis? How do the problems identified by Refugees International impact plans for national reconciliation?

Answer. Refugees International identifies a number of issues in its April 2008 report, including the provision of assistance by nonstate actors, the lack of visible U.N. involvement, and absence of conditions for safe and dignified returns. These issues are being addressed by the USG, Government of Iraq (GOI), and U.N., so we do not believe that they will have a negative impact on national reconciliation efforts.

The United States has been the largest donor to the international humanitarian effort to assist displaced and vulnerable Iraqis. Thus far in this fiscal year, the Department of State and the U.S. Agency for International Development (USAID), through the Office of Foreign Disaster Assistance (OFDA) have contributed $208 million, and both are in the process of finalizing additional contributions ($100+ million) to international and nongovernmental organizations with available FY 2008 funding. Since the start of the conflict in 2003 and despite an increasingly challenging security environment, USG-funded NGOs have continuously provided assistance to Iraqis throughout the country targeting more than 830,000 IDPs as well as host communities. With recent improvements in security, USG-funded partners are better able to access and assist the populations that they have been serving for 5 years, building upon previously established connections to local communities.

Within Iraq, as provincial governments improve their ability to execute their budgets and program funds to deliver services and address local needs, Iraqi citizens will increasingly turn to GOI institutions for assistance instead of nonstate actors. Over the past 2 years, provincial governments have proven increasingly capable of committing and spending their own budget allocations, spending upward of $2 billion since early 2006 according to data gathered by our PRTs. The GOI recently increased its efforts to address citizens' needs through targeted post-kinetic reconstruction funds in Basra and Sadr City, both of which are areas that have long been dominated by militia groups.

International organizations, including UNHCR, UNICEF, UNOCHA, the International Organization for Migration, the International Committee of the Red Cross, are also increasing and expanding their presence throughout the country, particularly through engaging international and national NGOs as implementing partners. USAID works closely with all of them to increase cooperation on operational, security, and logistics concerns as well as program and project areas.

The USG strongly supports the return of Iraqi refugees from abroad when conditions in Iraq permit their safe and dignified return. The USG is in agreement with UNHCR guidance and is not advocating returns at this time. The GOI continues to work with the U.N. and USG to prepare for returns when conditions permit.

Alongside humanitarian assistance for IDPs, USAID provides capacity-building assistance to the Ministry of Displacement and Migration (MODM) through the National Capacity Development program. MODM demonstrated its improved capacity when it submitted and received a $195 million budget from the Iraqi Council of Ministers in order to assist returning IDPs and refugees. The MODM's budget includes, among other things, targeted assistance to Iraqi families in the form of stipends and funding for transport. USAID is also working closely with the MODM to facilitate coordination with the other humanitarian efforts led by the U.N., IOM, and NGOs. The MODM has drafted a National Policy on Displacement that defines the rights and needs of the displaced that is now being considered by the Council of Ministers, and expects approximately $195 million budget allocation to provide assistance to returning families and to needy IDPs.

Question. During your testimony, you stated that talk of Iranian involvement in brokering a cessation of hostilities in Basra was speculative. GEN Petraeus later testified that "Iran, at the end of the day, clearly played a role in—as an arbiter, if you will, for talks among all of the different parties to that particular action." Do you still believe that reports of Iranian involvement are unsubstantiated?

Answer. There is a lack of clarity on this issue. Moreover, there are limitations associated with discussing the subject matter in a public forum due to the sensitivity (classified nature) of the information. According to Iraqi officials, leaders of a number of Shia groups, including Jaysh al-Mahdi (JAM), met in Iran with representatives of the GOI prior to the declaration of a cease-fire. Nevertheless, it is important to note that Iran still supports militant-armed groups in Iraq which harm Iraqi and coalition interests and lives. We call upon the Islamic Republic of Iran to refrain from such negative activities and to work with the Government of Iraq in a constructive and sustainable manner.

Question. General Petraeus testified that "Iran has supported all Shia movements to varying degrees in Iraq. The Supreme Council is and the Badr Corps were elements in Iraq." Ambassador Crocker, what is the current state of Iranian support for the Supreme Council and the Badr Corps?

Answer. There is a strong relationship between Iran and ISCI due to historical, cultural, and religious ties. Although the Badr Corps has been officially disbanded, Iran still continues to support ISCI financially and politically as one of its most important and influential allies in Iraq.

Question. Have you or Prime Minister Maliki received any communications from members of the Iraqi Parliament expressing concern about the long-term security arrangements,? If yes, what concerns have they expressed and how are they being addressed? If you haven't received any communications at this time but you were to receive some in the future, how would such concerns be incorporated in the process?

Answer. Both the President and Prime Minister Maliki signed the Declaration of Principles last November, which ends with, "Taking into account the principles discussed above, bilateral negotiations between the Republic of Iraq and the United States shall begin as soon as possible, with the aim to achieve, before July 31, 2008, agreements between the two governments with respect to the political, cultural, economic, and security spheres." Negotiations of a strategic framework are underway, and both governments remain committed to establishing a strong basis for our bilateral relations, including in the security field. While a wide range of opinions are being registered in Iraq's climate of free expression, we deal with the issues brought to the table by Iraqi negotiators.

RESPONSES OF GEN DAVID PETRAEUS TO QUESTIONS SUBMITTED FOR THE RECORD BY SENATOR RUSSELL FEINGOLD

U.S. PRESENCE IN IRAQ AND IRAQI SECURITY FORCES COMPETENCE WITH EXTERNAL SECURITY

Question. You have proposed that we slowly drawdown to a smaller presence in Iraq after we have "trained" the Iraqi Security Forces. Do you anticipate that we will need to maintain U.S. troops in Iraq until the Iraqi Security Forces is able to defend itself from external threats?

Answer. The long-term vision for victory in Iraq is an Iraq that is peaceful, united, democratic, and secure, where Iraqis have the institutions and resources they need to govern themselves and provide security for their country. The desired strategic end state for Operation Iraqi Freedom is a stable Iraq that can govern, defend, and sustain itself and serve as an ally in the war on terror. To accomplish the long-term vision for Iraq and the Operation Iraqi Freedom strategic end state, coalition forces must assist the Government of Iraq in developing an Iraqi Security Force capable of defeating both internal and external threats to Iraq. Furthermore, until the Government of Iraq is capable of defending itself against external threats, coalition forces will play a role in deterring regional threats to Iraqi sovereignty.

References: 1. National Strategy for Victory in Iraq; 2. Update to Joint Campaign Plan Operation Iraqi Freedom dated 27 November 2007; 3. Long-Term Security Posture in Iraq dated 27 August 2007.

EMBEDDED U.S. IRAQI SECURITY FORCES TRAINERS

Question. Can you confirm that, currently, over 6,000 U.S. "trainers" are embedded in Iraqi Security Forces and serve side by side with them while they conduct operations? What specifically are U.S. trainers doing while embedded in Iraqi units?

Answer. There are currently 7,360 transition team personnel embedded with Iraqi Security Forces at all levels. Approximately 6,400 of those personnel are embedded with the Iraqi Army, the National Police, the Department of Border Enforcement, and the Iraqi Police on a regular basis. The remaining personnel train and assist the upper echelons of the Ministry of Defense and Ministry of Interior in support of the mission of the Multi-National Security Transition Command–Iraq (MNSTC–I)

U.S. trainers on transition teams advise the Iraqi Security Forces on counter-insurgency operations, security and policing, and border enforcement with a focus on enhancing the maneuver, logistical, intelligence, command and control, and fires capabilities of Iraqi units. These advisers provide dedicated assistance and expertise to the Iraqi Security Forces from the initial planning of an operation through its execution. These teams also provide situational awareness and enhance Iraqi Security Force effectiveness through their links to key coalition and U.S. enablers, particularly intelligence, surveillance assets, and air support.

U.S. IRAQI SECURITY FORCES TRAINER CASUALTIES

Question. When General Odom appeared recently before the Senate Foreign Relations Committee, I asked him whether he thought it would be safe to leave tens of thousands of U.S. troops in Iraq for the purpose of continuing such a "training" mission. He testified that "[i]t would be a lot more dangerous for our troops. If you want to get a sense of that danger, talk to some NCOs and officers who have actually trained them out there. They fear for their lives when they're living and working close with Iraqi forces." How many U.S. servicemembers have died while serving as embedded "trainers"? How many have died while conducting joint operations with Iraqi Security Forces? Have any members of the Iraqi Security Forces been dismissed due to concern that they may have participated in hostilities against U.S. forces?

Answer. Since the adviser mission began in late 2004, 57 U.S. transition team members have been killed in action while serving with Iraqi Army, National Police, and Border Enforcement units. In addition, there have been 33 U.S. members of Iraqi police transition teams killed in action since July 2006. Every transition team member killed in action died while traveling in support of, or while conducting, joint operations with Iraqi Security Forces.

To date, we have no evidence that members of the Iraqi Army, National Police, or Department of Border Enforcement have been dismissed due to concern that they may have participated in hostilities against U.S. forces. Within the Iraqi police, there have been very rare instances of personnel being dismissed on suspicion of anticoalition activities. There are no reported incidents of a transition team member being attacked by the unit in which the team member was embedded.

In the past 12 months there has been one attack by an Iraqi soldier on U.S. servicemembers who were not embedded advisers. On December 26, 2007, an attack on a U.S. company operating jointly with an Iraqi patrol in Mosul resulted in the death of two U.S. servicemembers.

BADR CORPS ACTIVITIES IN IRAQ

Question. During your testimony you said that "The Supreme Council is and the Badr corps were elements in Iraq." During his testimony before the House Armed Services Committee on January 17, 2008, Mark Kimmitt, Deputy Assistant Secretary of Defense for the Middle East, testified that the Badr Corps remains active in Iraq. Is the Badr Corps still operational in Iraq at this time? Does the Badr Corps receive arms, funds, or training from Iran?

Answer. Currently, the Badr Organization is part of the legitimate political process in Iraq and supports the Iraqi Security Forces. Until 2003, Badr Corps was the armed wing of the Supreme Council of the Islamic Revolution in Iraq (now the Islamic Supreme Council of Iraq), a Shia political movement. From 2003 to 2005, the Badr Corps transformed into the Badr Organization—a political entity that holds elected seats in the Iraqi Council of Representatives. While the Badr Organization retains some discrete, narrow security responsibilities (for example, it provides security for some of its party offices in southern Iraq), almost all of its militia

members were integrated into the Iraqi Security Forces under Coalition Provisional Authority Order 91.

Undoubtedly, the Badr Organization leaders maintain links to Iran that were formed during its decades in exile there prior to 2003. Although the Islamic Supreme Council of Iraq—with which Badr Organization remains associated—seeks to publicly distance itself from Iran, some current and former Badr Organization members still receive training in Iran and maintain ties with Iranian intelligence.

IDENTIFICATION METHODS OF ROGUE BADR CORPS MEMBERS IN IRAQI SECURITY FORCES

Question. You noted in your testimony that the Badr Corps has been "integrated" into the Iraqi Security Forces and that rogue elements are thrown out of the Iraqi Security Forces. How are you able to identify these rogue elements? Do you believe that sectarianism has been eliminated from the Iraqi Security Forces, including all those individuals who remain loyal to ISCI or the Badr Brigade?

Answer. Significant strides have been made to reduce the level of sectarianism within the Iraqi Security Forces, but there is more that remains to be done. Certainly, there are individuals in the Iraqi Security Forces who were previously members of groups such as the Badr Organization (formerly Badr Corps); in fact, the Badr Corps was among the elements that a CPA order directed should be integrated into the ISF. In the majority of cases, this has not proven to be a problem. We occasionally see reports of individuals within the Ministries of Interior and Defense pursuing sectarian agendas. Those individuals are dealt with on a case-by-case basis. Identification of sectarian elements within the Iraqi Security Forces is accomplished through a combination of covert and overt collection methods to include human intelligence and the use of biometric tools.

STRATEGIC OVERWATCH BRIGADES

Question. Last year you indicated that, even after an eventual drawdown of our troops, you still envisioned leaving five brigades in Iraq indefinitely to perform a "strategic overwatch" role. Can you elaborate on the nature of this overwatch role, how many troops you anticipate leaving in Iraq and for how long? At what point in the current plan to which President Bush has agreed would we, by your assessment, reach this state of "overwatch"?

Answer. As Iraqi Security Forces increasingly assume primary responsibility for security in Iraq, their relationship with coalition forces will continue to transition from coalition forces in the lead, to partnership, and then to overwatch. Within the "overwatch" relationship, three subcategories further distinguish the coalition role: Tactical overwatch, operational overwatch, and strategic overwatch. During strategic overwatch, coalition forces may: Provide certain combat enablers to Iraqi Security Forces upon request; perform a limited set of missions in coordination with the Government of Iraq; and maintain a strategic reserve capable of intervening in a timely manner throughout Iraq in the event of crisis.

Transition between security relationships will be conditions-based, and may be expected to occur at varying rates in different parts of the country. For these reasons, it is not prudent to place a specific timeline on transitioning to tactical, operational, or strategic overwatch. When conditions do allow coalition forces to assume a role of strategic overwatch throughout Iraq, the actual force strength required at that point would be dependent upon the strategic context and the situation at the time.

U.S. AND IRAQI FUNDING OF IRAQI SECURITY FORCES

Question. In your testimony you noted that Iraqi expenditures on Iraqi Security Forces exceeded U.S. expenditures on those forces. If you count U.S. expenditures on logistics and training for the Iraqi Security Forces, wouldn't U.S. expenditures exceed Iraqi expenditures?

Answer. A comparison of the annual budget expenditures of the Ministries of Defense and Interior and the U.S. Iraqi Security Force Fund (ISFF) reveals that Iraqi spending exceeded U.S. spending in 2006 and 2007, and Iraqi spending is projected to be triple the amount of U.S. spending in 2008. The table below shows annual expenditures for the Government of Iraq's security ministries as well as the U.S. Government's ISFF.

Year of appropriation and source	Appropriation	Amount executed ($US)
2004:		
Government of Iraq	MOD/MOI Budget	$1,770M.
U.S. Government	ISFF	$5,210M.

Year of appropriation and source	Appropriation	Amount executed ($US)
2005:		
Government of Iraq	MOD/MOI Budget	$2,043M.
U.S. Government	ISFF	$5,391M.
2006:		
Government of Iraq	MOD/MOI Budget	4,548M.
U.S. Government	ISFF	$3,007M.
2007:		
Government of Iraq	MOD/MOI Budget	$5,717M.
U.S. Government	ISFF	$5,542M.
2008:		
Government of Iraq	MOD/MOI Budget	$9,000M (projected).
U.S. Government	ISFF	$3,000M (projected).

SECURITY OF SUPPLY LINES FROM KUWAIT

Question. Is it true that the majority of our essential supplies and equipment are transported by land over 400 miles from Kuwait? Have these convoys been subjected to attacks in some cases? If the fighting between Maliki's forces and rival Shia groups in the south deepens, could it further endanger that supply line?

Answer. The bulk of our supplies are transported into Iraq by land from Kuwait. The average distance from these ports to the first Army General Support hub is approximately 370 miles. Additionally, almost all deploying and redeploying unit equipment transits Kuwait.

The following list breaks out various classes of supply and the percentages that enter Iraq through Kuwait:

Class I (Food and Water): 85 percent;

Class II (Clothing & Personal Equipment) & Class IV (Construction Material): 85 percent;

Class III (Bulk) (Fuel and Petroleum Products): 50 percent;

Class V (Ammunition and Explosives): 98 percent;

Class IX (Repair Parts): 10 percent.

During the course of U.S. involvement in Iraq, convoys heading north from Kuwait have been attacked. However, there have been no improvised explosive device attacks along these supply routes in the past 6 months, and no small-arms fire or other forms of attack for the last 3 months.

We protect the southern supply routes through the use of patrols. Though we have done contingency planning, we do not expect the Iraqi Government's ongoing operations in Basra and elsewhere in southern Iraq to result in an escalation of security incidents that significantly affects our sustainment operations.

DOD SUPPORT TO IRAQI STATE BOARD OF ANTIQUITIES

Question. How is the Department of Defense supporting the State Board of Antiquities and Heritage in Iraq to protect Iraq's cultural heritage—specifically, how is DOD supporting the protection of archeological sites? Could DOD's civil affairs play a greater role in helping to protect Iraq's cultural heritage and if so, how?

Answer. On May 3, 2008, Multi-National Force–Iraq published a Protection of Archaeological Sites Cautionary Note advising all personnel to stay clear of archaeological sites throughout Iraq per the Iraq Antiquities and Heritage Law No. 55 of 2002 and General Order 1B. Department of State Cultural Affairs, specifically the Cultural Heritage Officer, is the main point of contact on all issues related to cultural heritage and leads an Iraq Antiquities Working Group that includes the following members:

—Environmental Engineers from U.S. Central Command, U.S. Central Command Air Forces, and U.S. Army Central.

—Cultural Resource Managers from Air Force Center for Environmental Excellence and U.S. Air Force Air Combat Command.

—Environmental Program Managers from Multi-National Force–Iraq and Multi-National Corps–Iraq.

—Deputy Federal Preservation Officer.

—Environmental Division Cultural Resources Manager from Fort Drum Cultural Resources Center for Environmental Management of Military Lands from Colorado State University.

This working group collaborates on issues related to site protection, including:

—The implementation of a Historic/Cultural Resources Fragmentary Order for military presence on and near archaeological sites. The implementation of a "Contingency Based Environmental Guidance Document" for U.S. personnel in-theater.
—The implementation of an "Archaeological Construction Checklist" for military presence on and near archaeological sites (including the use of maps for planning purposes).
—Multi-National Force–Iraq is represented on a team that assists the Iraqi State Board of Antiquities and Heritage submit budget requests to the Minister of Tourism and Antiquities. Projects include renovation of the Baghdad Museum, new construction of a warehouse to store and secure Iraq antiquities, and a modern security system throughout the museum facility.

DOD Civil Affairs personnel work closely with the local Provincial Reconstruction Teams within each Iraqi province; however, they are not specifically trained in cultural heritage protection. Appropriately trained Civil Affairs personnel could provide cultural resource management and cultural heritage protection expertise to local commanders.

RESPONSES OF AMBASSADOR RYAN CROCKER TO QUESTIONS SUBMITTED FOR THE RECORD BY SENATOR ROBERT MENENDEZ

Question. the following are the statistics that Senator Menendez presented during the hearing:

- 43 percent [1] of Iraq's population currently lives in "absolute poverty."
- 19 percent [2] of Iraqi children suffered from malnutrition prior to the war; today, that figure is 28 percent.[3]
- Last year, 75 percent [4] of Iraqi elementary-age children attended school, according to the Iraq Ministry of Education. Now, it is only 30 percent.[5]
- 50 percent [6] of Iraqis lacked regular access to clean water prior to 2003. Now, it is 70 percent.[7]
- Only 50 of the 142 U.S.-funded primary health care centers are open to the public.[8]
- 62 percent [9] of Iraqis surveyed in a February poll rated the availability of medical care as "quite bad" or "very bad."

If the Department of State has different or updated statistics, please provide them for the indicators above, and please provide any additional statistics that the administration has gathered that capture the overall welfare of the Iraq people today, as compared to before the 2003 invasion.

Answer. Iraq has a long way to go in providing the necessary essential services on a regular and equitable basis to the Iraqi population. For over two decades, Saddam Hussein's destructive policies laid waste to much of the country's essential services infrastructure, and ignored the needs of the Iraqi people. During the sanctions period, the Oil for Food Program allowed unrestricted sales of food and medicines through regulated sales of oil. Saddam Hussein used this money not for the benefit of the Iraqi people, but for his own selfish purposes. Data from the Saddam era is often unreliable, as government statistics were produced for political purposes.

In the period between 2003 and early 2006, U.S. programs began making improvements in the lives of many Iraqis. However, al-Qaeda's attack on the Golden Mosque of Sammara in 2006 began a vicious cycle of sectarian violence that overwhelmed the gains the Iraqis had made after conducting peaceful, democratic elections in 2005. Some of the statistics provided above on health care services and school attendance are from that dire period.

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[1] Oxfam and the NGO Coordination Committee in Iraq (NCCI), "Rising to the Humanitarian Challenge in Iraq," July 2007.
[2] Oxfam and the NGO Coordination Committee in Iraq (NCCI), "Rising to the Humanitarian Challenge in Iraq," July 2007.
[3] Oxfam and the NGO Coordination Committee in Iraq (NCCI), "Rising to the Humanitarian Challenge in Iraq," July 2007.
[4] Newsweek, 1/22/07.
[5] Newsweek, 1/22/07.
[6] Oxfam and the NGO Coordination Committee in Iraq (NCCI), "Rising to the Humanitarian Challenge in Iraq," 7/07.
[7] Oxfam and the NGO Coordination Committee in Iraq (NCCI), "Rising to the Humanitarian Challenge in Iraq," 7/07.
[8] Department of Defense Report to Congress: "Measuring Security and Stability in Iraq," March 2008.
[9] BBC, 3/14/08. ABC News/BBC/NHK National survey.

For these reasons, in January 2007 President Bush announced a "surge" to combat the violence spreading throughout Iraq. Following consultations with Congress, the United States increased American force levels and the Iraqi Army and Police Brigades increased as well. At the same time, the State Department increased the number of Provincial Reconstruction Teams (PRTs) and the number of other U.S. civilian advisers in Iraq.

The surge created a more secure and stable environment. In my testimony I reported on gains in Iraq's economy, governance, and delivery of essential services. Iraq is increasingly using its own resources to build on the progress made under U.S.-funded efforts.

The gains of the surge are fragile. We will continue to work with Iraqi leaders and build their capacity to meet the needs of their people long after our presence has been reduced.

Forty-three percent of Iraq's population currently lives in "absolute poverty."

When the Social Safety Net Program was introduced by the Government of Iraq with support from the World Bank and the U.S. Government, the World Bank estimated that there were about 1.2 million poor families or 9.6 million people who should be assisted with the program. This represents about 33 percent of Iraq's population. As Iraq makes progress on governance and economic development, employment will rise. Employment is the key to reducing poverty. Officially, unemployment is 18 percent but underemployment is much higher—perhaps as high as 40–50 percent. The improved security situation has led to increased retail trade and other economic activity. This is one reason for the 9.1-percent jump in business registrations in 2007 over 2006. Focused USG-funded programs also play a significant role. The Community Stabilization Program provides jobs, essential services, vocational training and microgrants, particularly in areas recently stabilized. The pilot Civilian Service Corps program by the U.S. military will provide jobs and vocational training to Iraqis who band together to undertake local reconstruction and infrastructure development projects. The Task Force for Business Stability Operations is reviving some of Iraq's state-owned enterprises and recently concluded investment agreements with international companies for cement factories.

Nineteen percent of Iraqi children suffered from malnutrition prior to the war; today, that figure is 28 percent.

In the most recent comprehensive survey, the United Nations World Food Programme found that 15.4 percent of Iraqis had insecure access to food in 2006. Some food needs are met by PDS, an Iraqi program of in-kind aid. All Iraqis are eligible, with an estimated 20 percent of Iraqis relying heavily on PDS for food, and another 20–25 percent counting on PDS aid as a supplement.

Among other major PDS reforms, the GOI plans to roll PDS food aid into a broad social safety-net program that will target the needy. Improved targeting will allow the GOI to better support the most vulnerable Iraqis.

Iraq's domestic agricultural sector was left underdeveloped under Saddam's rule, resulting in a low quality of Iraqi domestic agricultural products and a sector that cannot provide sufficient food to meet Iraq's needs. Iraqi Prime Minister Maliki recently launched a $500 million agricultural development initiative, approved in the GOI's 2008 budget, to increase domestic food production and quality.

Last year, 75 percent of Iraqi elementary-age children attended school, according to the Iraq Ministry of Education. Now, it is only 30 percent.

The single largest factor in school attendance is the level of violence in-country. The Iraqi statistical agency COSIT reported 2006 attendance in primary schools throughout the country at 83.1 perecent. This would approximate to near the figure quoted in the Newsweek source, dated January 22, 2007, for 2006 figures. During the upswing in violence experienced in the fall of 2006 and summer of 2007, the number of children attending school dropped as parents kept their children at home. While the 2007 figures from COSIT on school attendance are not available at this time, it is expected that student attendance will have increased to reflect greater regular attendance as the security situation improved. If military and police security operations continue in certain areas, however, it is expected that school attendance would be temporarily disrupted.

Prior to 2003 Iraq had a total of 14,121 schools. The United States and coalition partners have rehabilitated 5,618 of 11,000 schools needing repair. Additionally, more than 61,000 teachers have been trained and more than 8,700,000 textbooks provided for Iraqi children by USAID.

Fifty percent of Iraqis lacked regular access to clean water prior to 2003. Now, it is 70 percent.

Fifty percent lack of access in 2003. The immediate source of this figure is a July 2007 report, "Rising to the Humanitarian Challenge in Iraq." As the basis for the figure, that report cites the January 2006 SIGIR report to the Congress, which in turn cites a November 2003 Department of Defense "draft working paper."[10]

The working paper is a single-page document that does not indicate source or methodology; because of its lack of substantiation, it subsequently was withdrawn. Taking the paper on its face, it is not even clear whether it refers to service prior to the war or at the time it was prepared. Assuming it does refer to the earlier period, it may, despite its lack of substantiation, be a plausible estimate of the amount of potable water produced at that time, but it is substantially too high for the potable water service actually received by Iraqis.

A 2005 GAO report[11] found that in 2003 Iraq still produced enough water to supply about 60 percent of urban Iraqis and 50 percent of rural Iraqis, but that the percentage of Iraqis receiving adequate amounts of clean water was much lower due to heavy leakage and contamination. For example, sewage leaked into the water network, which was too damaged to keep contaminants out.

For Baghdad in particular, a July 2003 UNICEF study estimated that in late 2002 the theoretical supply of potable water was 218 liters per person. By comparison, the standard level of service used to estimate the number of Baghdad residents that can be served by USG water projects is a delivered supply of 312 liters per person. Moreover, most Baghdad residents did not receive even the theoretical daily supply of 218 liters. "[T]he majority of people never got such large amounts of water, especially those at the end of leaking and damaged water distributions networks. In many places water flowed for only a few hours each day, and when it did the pressure was low and it was contaminated by raw sewage and other pathogens seeping into the leaking system. Additionally, water quantities were limited and many families received as little as 50 litres per person per day, with long queuing times for collection."[12]

Due to a lack of metering, it is not possible to translate these observations into a reliable estimate of the percentage of Iraqis that lacked access to adequate supplies of potable water in 2003. However, it is possible to conclude that the percentage was much higher than 50 percent.

Current 70 percent lack of access. The immediate source of this figure is again "Rising to the Humanitarian Challenge in Iraq." That report in turn cites a published summary of a March 2007 UNHCR press conference. The summary does not provide a source or methodology for the 70-percent figure.

The lack of metering again makes it impossible to directly measure the number of Iraqis with access to potable water. For the current level of service, however, it is possible to estimate the number of Iraqis with access to potable water provided by facilities constructed or rehabilitated by the principal USG projects.

Water treatment facilities financed by the Iraq Relief and Reconstruction Fund (IRRF) have the capacity to provide an estimated additional 8 million Iraqis with potable water. This estimate is based on the plants' capacity and characteristics (for example, estimated leakage) and on a standard level of per capita usage.

We do not have the data that would be needed to make a similar estimate for the number of Iraqis that can be served by non-USG projects. However, the 8 million Iraqis that can be served by USG projects are themselves approximately 30 percent of the population. The 70-percent figure therefore would imply that no Iraqis receive potable water from non-USG facilities. That clearly is not the case.

Because we cannot make a reliable estimate of the number of Iraqis who receive potable water from facilities not constructed or rehabilitated by USG projects, we cannot reliably estimate the overall number of Iraqis who lack access to potable water. We can, however, conclude that the 70-percent figure is substantially too high.

Sixty-two percent of Iraqis surveyed in a February poll rated the availability of medical care as "quite bad" or "very bad."

The Iraqi health care system suffered greatly under post-Desert Storm sanctions due to actions of the Saddam regime, despite provisions made for humanitarian relief under Oil for Food. Corruption and Saddam's political purposes diverted critical resources such as medicines and equipment from hospitals and clinics. Currently, medical professionals are subject to threats and assassination, causing many to leave the country and drastically reducing the number of professionals in Iraq.

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[10] Department of Defense, Essential Services—Water (Draft Working Paper, 17 November 2003).

[11] GAO–05–872, at p. 5.

[12] Iraq Watching Briefs. Water and Environmental Sanitation (UNICEF July 2003).

We are, however, seeing progress in addressing critical needs that should result in improved health care delivery. In November 2007, Dr. Salih al-Hasnawi was approved by the Council of Ministers as the Minister of Health following the Sadrist block's withdrawal from the Iraqi Cabinet. For the first time in over two decades, Dr. Hasnawi organized a Continuing Medical Education conference in Baghdad in January and has held similar smaller conferences since. Also, Dr. Hasnawi has proposed increasing the salary of doctors to encourage the many who have left Iraq to return, as well as housing doctors and nurses near hospitals and clinics.

The Iraqi public health system requires further long-term improvements. The Minister of Health has identified the key areas as medicine procurement and distribution, repairing hospitals and clinics damaged by insurgents, and improving physician training. The Ministry of Health is working closely with the United States and other partners to increase the delivery of health services.

The reputation of hospitals has improved, and fears of sectarian targeting have significantly decreased. There are Ministry of Health facilities, which provide free services, as well as private facilities. In the afternoons and evenings, many public service doctors provide private clinic care for a fee. Doctors' clinics are busy, often seeing over 100 patients a day. Medical facilities still suffer from shortages of supplies and medicines, but the Ministry of Health is working to improve the situation.

Only 50 of the 142 U.S.-funded primary health care centers are open to the public.

The United States Primary Healthcare Center (PHC) construction program will be completed by the end of 2008. We will have turned over a total of 136 newly constructed PHCs, across all provinces, to the Ministry of Health. To date we have turned over to the Ministry of Health 86 PHCs, of which 59 are open to the public.

RESPONSES OF GEN DAVID PETRAEUS TO QUESTION SUBMITTED FOR THE RECORD BY SENATOR ROBERT MENENDEZ

IRAQI QUALITY OF LIFE INDICATORS

Question. The following are the statistics that Senator Menendez presented during the hearing (derived from Oxfam and the NGO Coordination Committee in Iraq (NCCI), "Rising to the Humanitarian Challenge in Iraq," July 2007; Newsweek 1/22/07; Department of Defense Report to Congress: "Measuring Security and Stability in Iraq," March 2008; and BBC, 3/14/08. ABC News/BBC/NHK National survey): 43 percent of Iraq's population currently lives in "absolute poverty"; 19 percent of Iraqi children suffered from malnutrition prior to the war, today, that figure is 28 percent. Last year, 75 percent of Iraqi elementary-age children attended school, according to the Iraq Ministry of Education. Now, it is only 30 percent. Fifty percent of Iraqis lacked regular access to clean water prior to 2003. Now, it is 70 percent. Only 50 of the 142 U.S.-funded primary health care centers are open to the public. Sixty-two percent of Iraqis surveyed in a February poll rated the availability of medical care as "quite bad" or "very bad." If the Department of State has different or updated statistics, please provide them for the indicators above, and please provide any additional statistics that the administration has gathered that capture the overall welfare of the Iraq people today, as compared to before the 2003 invasion.

Answer. The last formal comprehensive study of humanitarian conditions was conducted by the World Health Organization in 2006. This study, as well as many of the statistics cited above, reflects data collected at an especially turbulent period of time in Iraq, one during which Iraq was embroiled in horrific ethnosectarian violence. Significant progress in the security situation since then has enabled progress in many areas, though it is to be expected that improvements in essential services and many other factors that affect quality of life would take time to catch up. To better gauge how Iraqis are currently faring, the U.S. Government is currently working with Gallup on a survey that will be completed within the next 30–60 days and will address issues of health and education. We anticipate having updated statistics by September 2008. While we do not have updates on most of the particular statistics cited in this question, we do have other more current data on the humanitarian conditions in Iraq. Statistical data from the International Organization for Migration suggests that the humanitarian situation in Iraq varies considerably by province. Many Iraqis living in northern and western Iraq indicate a better humanitarian situation today compared to 5 years ago. In part due to the security situation, other Iraqis throughout central and southern Iraq have indicated little or negative change in their humanitarian situation since 2003. The still inadequate capacity of the Iraqi Government has limited the provision of essential services necessary to address lacking humanitarian conditions in some areas. The U.S. Mission–Iraq

(USM–I) and Multi-National Force–Iraq (MNF–I) are partnering with Iraqi ministries to develop further capacity.

Access to health care and the quality of the Iraq public health system remain concerns that are being actively addressed by the Iraqi Government and by the coalition. In 2003, Iraqi civilian health care lagged behind the region based on the number of physicians in the country; the ratio of physician-to-population served; health care expenditures per capita; lack of equipment maintenance/modernization; extremely inefficient national medical supply system, and leading health statistics. With improving security conditions, Iraqi health care has shown a measured increase in capability throughout the past 12 months, with a clear potential for significant gains within the next 12–24 months. The Iraqi Government, with coalition assistance, has now completed the construction of 105 of 137 planned Primary Healthcare Centers (PHCs), with the remaining 32 scheduled for completion by September 2008. Also, of the 47 hospital renovation projects in 20 hospitals across the country, 32 have been completed with the remainder ongoing. Though a shortage of medical providers exists, these infrastructure improvements helped increase the capacity of Iraqi medical facilities to treat 3.25 million patients annually in hospitals and 630,000 outpatients annually at PHCs. We continue to engage with Iraqi ministries to develop a national health care strategy, encourage repatriation of Iraqi physicians who left the country, reengineer the Iraqi medical supply distribution system, and improve national emergency medical services communication ability.

The status of water, wastewater, and solid waste treatment services vary by locale. In partnership with the Iraqi Ministry of Water Resources, the U.S. Government has completed the rehabilitation, expansion, and/or construction of 21 major water treatment plants and hundreds of small water compact units. These projects have restored or added around 2.2 million cubic meters per day of treatment capacity, which is sufficient to serve around 7.5 million Iraqis at a standard level of service. To address the recurring challenge in Iraq of a summer outbreak of cholera, we have worked with Iraqi ministries to ensure adequate stocks of chlorine are onhand. Many wastewater treatment projects have also been completed and rehabilitated, and results from recent water testing reveal that 87 percent of samples were adequate. Solid waste management in urban areas is conducted by local municipalities and reliability of municipal programs depends heavily on local officials. In rural areas, open trench solid waste disposal is the norm. To address long-term sustainability issues, MNF–I and USM–I continue to work with Iraqi officials to develop operations and maintenance capability and to train staff from the relevant ministries.

Access to staple goods in Iraq is generally good. Iraqis have access to affordable staple goods through several means. The first method is through the Public Distribution System, a public food program managed by the Ministry of Trade that delivers basic food items and commodities to nearly all Iraqis for a nominal fee.

The system is part of a social safety net that provides the population with 10 products, including wheat flour and cooking oil. Besides the commodities provided through the Public Distribution System, increased security and stability have allowed many markets to reopen, farmers to return to their fields, and food commodities to be imported into the country, thus increasing the availability and affordability of staple goods by the average Iraqi. In terms of access to gasoline, the availability of benzene and diesel has also increased as the security situation has improved. More petrol stations are open, and importation and distribution of refined oil products have increased. The best indicator of that positive change is the lack of vehicle lines at the petrol stations. Previously, Iraqis had to wait in long lines to fuel their cars or purchase benzene for their generators.

The most pressing issue for the Iraqi Education System is the construction and rehabilitation of schools. Currently, there are 20,000 schools in Iraq, with an estimated 4,000 more needed to accommodate the large numbers of children enrolled. Improved security has had an effect on enrollment, as total primary school enrollment rose by over 180,000 students to 4,334,511 for 2007–08. Total secondary enrollment for 2006–07 was 1,491,933; data for the current year is not yet available. The Iraqi Central Organization for Statistics and Information Technology will not speculate on the overall percentage of children enrolled in school until a census is completed. There is a sufficient number of teachers, though training is needed to integrate modern teaching standards.

RESPONSES OF AMBASSADOR RYAN CROCKER TO QUESTIONS SUBMITTED FOR THE RECORD BY SENATOR ROBERT P. CASEY, JR.

Question. In recent testimony before the Congress, both Secretary Rice and Secretary Gates have affirmed that the United States does not intend to extend security assurances or commitments to the Iraqi Government under the aegis of the Strategic Framework Agreement or Status of Forces Agreement currently under negotiation between the United States and Iraq. Ambassador Crocker, you were the lead U.S. negotiator on the Declaration of Principles and are now heading the U.S. team drafting both the Status of Forces Agreement and the Strategic Framework Agreement. Can you confirm to the committee that the United States will not, under any circumstances, extend security assurances or commitments to the Government of Iraq this year?

Answer. As both Ambassador Satterfield and I have testified, neither document will extend security commitments to Iraq this year.

Question. On Friday, the State Department announced a 1-year renewal of a contract with Blackwater Worldwide, the private security contractor, to provide security for U.S. diplomats in Iraq. In response to the announcement of the contract renewal, Iraqi Prime Minister Maliki declared on Sunday that this renewal is not final because "they committed a massacre against Iraqis and until now this matter has not been resolved." He went on to say, "No judicial action has been taken and no compensation has been made. Therefore, this extension requires the approval of the Iraqi Government, and the government would want to resolve the outstanding issues with this company."

- A. Please review the process by which this contract renewal was made. Was any consideration given to stripping Blackwater of the contract and giving it to another qualified entity? To what extent did the views of the Iraqi Government factor into the decision of the State Department?
- B. How does the decision to renew this contract with a company that, in the eyes of the Iraqi people, represents U.S. arrogance and impunity serve your overall mission of counterinsurgency and winning the hearts and minds of the Iraqi people?
- C. As the United States and Iraq negotiate a Status of Forces Agreement, how do you envision that agreement will treat private military contractors in Iraq? Will they be subject to Iraqi law? Will the Iraqi Government have the right to veto the presence of certain companies?

Answer to Part A. This task order with Blackwater for protective services in Baghdad is a 5-year contract with an initial year and then four option years. The Department exercised option year two of the task order as an interim measure. One of the principal recommendations of the report by the Secretary of State's Panel on Personal Protective Services is that U.S. Embassy Baghdad submit a recommendation on whether the continued services of Blackwater is consistent with the accomplishment of the overall United States mission In Iraq, based on the results of the FBI investigation into the September 16 incident, which is still ongoing. The Department has the right to terminate this contract for convenience or for cause at any time.

Answer to Part B. The Department of State agrees that winning the hearts and minds of the Iraqi people is key to our overall mission in Iraq. To that end, since the Nisoor Square incident on September 16, 2007, the Department has taken numerous steps to minimize the risk of future incidents, while continuing to protect our diplomats in a highly dangerous environment. For example, the Embassy revised the use of force policy applicable to private security contractors in order to emphasize that the overall success of any mission must not be viewed solely in terms of whether the protectee was kept safe, but also to reflect the impact on the local population.

The Department has instituted numerous other measures to improve the oversight and accountability of its security contractors, including placing a Diplomatic Security Special Agent in every convoy, revising the procedures for reporting and investigating incidents, and improving communication and coordination with MNF–I and Government of Iraq officials.

It was due in part to these considerations that the Department took the interim measure of exercising another option year of Blackwater's task order to provide protective services in Baghdad, pending the results of the FBI investigation.

Answer to Part C. Jurisdiction over private security contractors is a subject of deep concern to both Iraq and the United States. This matter will be carefully considered by both sides in the course of the SOFA negotiations. As with other negotia-

tions, we do not publicly discuss our negotiating positions, or those of our negotiating partners, on key issues.

RESPONSES OF GEN DAVID PATRAEUS TO QUESTIONS SUBMITTED FOR THE RECORD BY SENATOR ROBERT P. CASEY, JR.

ELECTROCUTION DEATHS

According to information provided by the Army and Marine Corps to the office of Representative Altmire, at least 12 servicemembers have died in Iraq as a result of accidental electrocutions since 2003. On January 2, 2008, Staff Sergeant Ryan Maseth of Shaler, Pennsylvania, was electrocuted while taking a shower in his living quarters in the Radwaniyah Palace Complex (RPC) in Baghdad. Recent news reports and statements from the Department of Defense in response to Staff Sergeant Maseth's death indicate that a lack of government oversight and poor contract management may have contributed to accidental deaths or injuries of U.S. personnel serving overseas.

Question. Since 2003 when the first accidental electrocution death was reported, how many deaths or injuries from accidental electrocutions of military and contract personnel in Iraq, as well as any other military installation, have occurred?

Answer. According to safety records maintained by the Multi-National Corps–Iraq (MNC–I) Safety Office and U.S. Army Combat Readiness Center, between September 2003 and May 2008, 11 military personnel and 2 contractor employees died due to accidental electrocutions in Iraq. The same records show two soldiers died in the United States and one in Germany by accidental electrocution. The 13 recorded deaths due to accidental electrocution in Iraq occurred under the following circumstances: 5 died from contact with power distribution lines, 2 installing communications equipment, 2 performing maintenance on generators, 2 taking a shower, 1 while power washing equipment, and 1 while swimming. The only two events that occurred inside billeting facilities (both while taking a shower) were on different bases in Iraq and occurred 3½ years apart (May 2004 and January 2008).

Question. Did the Army or Defense Contract Management Agency (DCMA) actually fund Kellogg, Brown and Root Services, Inc. (KBR) to perform electrical repair work at the RPC complex, prior to the death of Ryan Maseth?

Answer. Yes, the Army funded KBR to perform maintenance as part of a contract modification under the Logistics Civil Augmentation Program. The funds were for limited maintenance to include electrical repairs initiated by customer service order requests.

Question. What were the dates of this contract?

Answer. The contract modification was made using a "change letter" that was issued on 23 February 2007.

Question. Did KBR submit reports documenting safety hazards relating to the improper grounding of electrical devices at the RPC complex?

Answer. Yes, KBR submitted reports documenting potential grounding issues. It is my understanding that, prior to the 23 February 2007 contract modification, KBR conducted only limited technical inspections of the RPC complex. The last inspections were performed on 10 February 2007. These inspections revealed no deficiencies related to the water pump contributing to SSG Maseth's death but did indicate other grounding issues.

Question. Did KBR receive $3.2 million under ACL07–139–D9–005 to repair deficiencies identified in KBR's February 10, 2007 technical inspection report?

Answer. KBR received an estimated $3.2 million pursuant to the 23 February 2007 contract modification in order to perform maintenance services.

Question. What measures have the Department of Defense and its affiliates taken to ensure proper safety and code enforcement by contractors operating in Iraq, specifically KBR, in eliminating issues of electrical safety hazard since 2003?

Answer. Multi-National Force–Iraq is currently reviewing facilities maintenance electrical standards and incorporating changes into our theater support contracts to help insure proper electrical safety standards. The Defense Contract Management Agency (DCMA) has directed KBR to implement a theaterwide, full technical inspection of all maintained facilities where no prior inspection was performed. Additionally, DCMA directed KBR to perform life, health, and safety inspections on all other maintained buildings to begin any necessary repairs. The MNC–I Safety Office has

issued several safety alerts on electrocution hazards. Additionally, the Army Sustainment Command has made annual improvements to the contract statements of work based on lessons learned to insure electrical safety.

NEGOTIATING A LONG-TERM RELATIONSHIP WITH IRAQ

THURSDAY, APRIL 10, 2008

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met, pursuant to notice, at 9:38 a.m., in room SD–419, Dirksen Senate Office Building, Hon. Joseph R. Biden, Jr. (chairman of the committee) presiding.

Present: Senators Biden, Feingold, Bill Nelson, Menendez, Cardin, Casey, Webb, Lugar, Coleman, Voinovich, Murkowski, and Isakson.

OPENING STATEMENT OF HON. JOSEPH R. BIDEN, JR., U.S. SENATOR FROM DELAWARE

The CHAIRMAN. The hearing will come to order. I apologize for keeping my colleagues and the witnesses waiting.

Last November, the President of the United States and Prime Minister Maliki of Iraq signed a Declaration of Principles, which they—or, what they referred to as a Declaration of Principles, which set out what is referred to these days, in Washington jargon and international jargon, as a framework. It's interesting—I don't know—the good news for you all is, you have to explain this to other diplomats. The bad news for us is, we have to explain it to ordinary, very smart Americans, who don't understand the jargon, and it's confusing. So, part of what I hope we can do is demystify some of what is being discussed here.

So, the Declaration of Principles set out a framework for our countries—that is, Iraq and the United States—to negotiate by the end of July of this year, agreements governing cooperation in political, economic, and security spheres. And, among other things, the Declaration contemplates, "providing security assurances and commitments to the Republic of Iraq to deter foreign aggression against Iraq," and—that's the end of the quote—and supporting Iraq, "in its efforts to combat all terrorist groups," including al-Qaeda, Saddamists, and "all other outlaw groups, regardless of affiliation," which means all those folks fighting in Iraq and killing each other. So, to average Americans and to slow Senators like me, that sends up a—not one red flag, but 25 red flags, because I don't know of any time we've ever had a Status of Forces Agreement or an agreement not requiring congressional approval that says, "Not only are we going to talk to you and consult with you when it comes to whether or not you're going to be attacked from outside, but we're going to consult with you—the government and—on any-

thing that may happen to you inside," when, in fact, we don't know what the hell the government is—heck the government is inside.

We just witnessed the "government," Mr. Maliki, a Shia, the Dawa party, engaging in a—I'm not making a judgment, but engaging in using force against another Shia group that helped put him in office, the Sadr operation, along with—you know, so it gets pretty complicated for average Americans and average Senators.

So, we're going to hear, today, about these two agreements that the administration's negotiating with Iraq which were anticipated in the November declaration.

On Tuesday, Ambassador Crocker told us that these agreements would set forth a vision—that was his phrase—of our bilateral relationship with Iraq. One of the problems is, you're about to set forth a vision of an administration that is not shared by many other people. We're likely to have a—we're going to have a new President, who has an even shot. It may be—of the three people competing, the vision this administration shares for Iraq is clearly not one shared by two of the three, and the third—may or may not share the vision. I suspect he might.

One agreement is a Strategic Framework Agreement that will include the economic, political, and security issues outlined in the Declaration of Principles, and that document, I think, might be better titled "What the United States Will Do for Iraq," because it consists mostly of a series of promises that flow in one direction, promises by the United States to a sectarian government that has, thus far, failed to reach any political compromises necessary to have a stable country.

Now, whether they're binding or not, if I look at this—and excuse me for speaking not in diplo-speak or in foreign-policy terms, but like, I think, normal people look at these things—here we are, the reason why we're not going to continue the U.N. umbrella that allows us to be where we are now and extend it, is the Iraqis said, "Hey, look, we're not an occupied country, we're a sovereign country, we're going to deal with ourselves." The reason why we're not just doing a straight Status of Forces Agreement—as I said, "You want a Status of Forces Agreement, we want some promises. We want something in return. And what you all seem to be saying to us"—and this is—I just want to put this in the framework, I may be wrong, speaking of frameworks—"You all are coming to us and saying, 'Well, we're going to make commitments'" that are not binding to them, but in Iraq, they think we mean it. It may not be binding. We're binding you to come up and get a treaty. But, in Iraq, when we say, "We'll do the following things," the Iraqi people and the Parliament we're going to try to sell them on is, "We're going to them," because if—otherwise, we wouldn't be having this discussion, we wouldn't be trying to have a strategic agreement with Iraq at this moment, were it not for the Iraqis demanding something more for our continued presence, and an agreement relative to our forces in Iraq. I just want to put this in context, at least as I understand it.

The second agreement is what officials call standard Status of Forces Agreement which will govern the presence of U.S. forces in Iraq, including their entry into the country and the immunities to be granted to our forces under Iraqi law. But, unlike most SOFAs,

as they're referred to, unlike most Status of Forces Agreements, it will permit U.S. forces, for the purposes of Iraqi law, to engage in combat operations and detain insurgents; put another way, detain people we conclude are bad guys.

Now, no other Status of Forces Agreements that I'm aware of allows us the ability—and I think we should have—if we're going to be there, we should have this authority, though I'm speaking for myself, but it is unusual. I can't think of any agreement, of the 80 or 90 or so we have, where we have—an American military commander commanding forces under a Status of Forces Agreement in another country can say, "By the way, there are some bad guys over there. Let's go get them." I don't think there's any, but I'll be happy to hear—to be corrected, if that's the case.

So, unlike most other of these agreements—and there may be some—we're going to ask to be able to continue to engage in combat operations and detain people that the U.N. mandate allows us to do under our control.

In February, Secretaries Rice and Gates made clear that, despite the unambiguous reference to "security commitments"—that's the phrase—security commitments in the declaration, these agreements would not include a legally binding security commitment to defend Iraqis, if attacked, or—or to defend the government against other militia groups within this country and what—whether we call it a civil war or not, you know, competing interests for control of Iraq. And I welcome that clarification, but it obscures a critical point: The likelihood that the United States will promise some response if Iraq is threatened or attacked—often called a "security assurance" or a "security arrangement"—it will likely create the perception, at least, in Iraq, that the United States—and, I would argue, in the region—that the United States would come to Iraq's rescue if it's threatened to be attacked. Next President may not want to do that. Next President may say, "I'm not buying into that deal. That's not my vision. I'm no piece of that vision."

It also ignores the further startling pledge in the declaration, to support the Iraqi Government in its battle with, "all other outlaw groups." So, I assume that means any group that is at odds with the Prime Minister—"the government"—is an outlaw group. And that's a potentially expansive commitment to take sides in an Iraqi civil war.

The key question before this committee, in my view, is whether either agreement should be approved by the Congress, either as a treaty, approved by two-thirds of the Senate, or as a congressional-executive agreement approved by both houses. It is a fact that security arrangements with several countries were made without explicit congressional or Senate approval, but not all security arrangements are created equal.

Our present military commitment in Iraq, in the context—you can't discuss this other than the context in which it's in—the context in which this agreement would be made and concluded are important factors in evaluating, in my view, whether congressional approval is required. Moreover, past practice is not a reason to bypass Congress, nor can it answer the question of the President's authority, as the Supreme Court reminded us when it struck down

dozens of statutes providing for a legislative veto in the landmark case *INS* v. *Chadha.*

This committee has long been concerned with unilateral efforts of the executive branch to bind the Nation. In 1967, the committee held a series of hearings that led to Senate approval of the National Commitments Resolution, which states that a national commitment by the United States can only result, "from affirmative action taken by the executive and the legislative branch of the United States by means of a treaty, statute, or concurrent resolution in both Houses of Congress specific to providing for such commitment."

In its report on the resolution, the committee expressed concern that some foreign engagements, such as our base arrangements in Spain, form a kind of quasi-commitment unspecified as to the exact import, but like buds in springtime, ready under the right climatic conditions to burst into full bloom. I'm continuing to quote, "In practice, the very fact of our physical presence in Spain constitutes a quasi-commitment to the defense of the Franco regime, possibly even against internal disruptions."

In 1970, a special subcommittee of this committee engaged in the study of security arrangements and commitments abroad. It described the practice of creeping commitments—that's the phrase, "creeping commitments"—and observed that, "Overseas bases, the presence of elements of U.S. Armed Forces, joint planning, joint exercises, or extensive military assistance programs represent to host governments more valid assurances of U.S. commitment than any treaty or executive agreement."

The Constitution gives Congress the power to authorize the use of force, the power to raise and support the military, and the power of the purse, and it gives the Senate the power to approve treaties. The President, as Commander in Chief and Chief Diplomat, can direct forces in war, once authorized, and negotiate and sign treaties. This division of power was intentional, and, among other things, was designed to prevent one person from making national commitments that could result in taking the country to war. I've often stated that no foreign policy could be sustained in the United States of America, no matter how enlightened, no matter how brilliant the vision, without the informed—the informed consent of the American people ahead of time; basically, without them knowing what they're getting into. That old expression of Vandenberg's, "You want me in at the landing, I've got to be in on the takeoff." I think it was Vandenberg.

Five years ago, President Bush went to war in Iraq without gaining that consent. He did so by overstating the intelligence and understating the difficulty, cost, duration, and mission. He had a legal basis, but he didn't get the informed consent from the American people, and we're seeing the consequence now. With just 9 months left in his term, the President is on a course to commit the Nation to a new phase of a long war in Iraq, and, thereby, bind—at least politically and internationally, perceptively—bind his successors to his—what I consider to be a failed policy. Once again he appears poised to do so, without the informed consent of the American people, by rushing to conclude long-term agreements with the Iraqis without adequate public debate and without a voice of the people's

representatives in Congress. Instead of giving us a strategy to end the war without leaving chaos behind—this is purely me, I do not associate anyone else, I do not speak for my party in this regard, I'm not speaking for the Presidential candidates on the Democratic side either—but, from my perspective, he's—instead of giving us a strategy to end the war without leaving chaos behind, the President has made it clear that he intends to pass on the problem to his successor, and, by these agreements, to make it harder—harder, not easier—for a successor to change course.

The President may have the power to initiate these talks, but I think it's a mistake for him to do so. The situation in Iraq can hardly be described as normal, and the government in Baghdad is far from established and reliable, even in the eyes of the Iraqi people. That is a very shaky edifice for building a long-term relationship.

Instead, I believe the President should devote his energies—notwithstanding what he legally may be able to do, I think he should devote his energies to working with Iraq and its neighbors on a diplomatic surge, I think, to help developing a lasting political settlement and provide the foundation for a stable Iraq, and he should defer discussion of such long-term agreements to his successor.

But, the President persists in this course. And if he does, the Congress will insist on its role in approving or disapproving these agreements.

I conclude—before I yield to the chairman—by saying I believe that the President would be well suited, the country would be better off, there would be clear and more precise understanding on the part of both the Iraqis, as to what we're promising, and on the part of the American people, as to what they're committing to, for him to negotiate a Status of Forces Agreement, period. A Status of Forces Agreement, period. And—but, that's my view.

We're going to get a chance—and I genuinely—and I mean this sincerely—and I'm anxious to hear what the administration has to say on this. And they're going to be followed by a panel of witnesses who have varying degrees of difference—legal scholars—on what is required by the President, what is required by the Congress. And we're anxious to hear it.

With that, let me yield to Chairman Lugar.

OPENING STATEMENT OF HON. RICHARD G. LUGAR, U.S. SENATOR FROM INDIANA

Senator LUGAR. Well, thank you very much, Mr. Chairman.

I join you in thanking our witnesses for joining us today to discuss the legal framework for our presence in Iraq. Although the issue may seem technical, it is highly consequential, both for United States policy and for the welfare of our soldiers and diplomats.

American military and civilian personnel in Iraq and the other members of the multinational coalition have worked under a series of Chapter VII United Nations Security Council resolutions, the latest being UNSCR 1790, adopted on December 18, 2007. This Chapter VII resolution authorizes the presence of the Multi-National Force in Iraq until December 31, 2008. It notes the re-

quests made by Prime Minister Maliki in his letter of December 10, 2007, which is part of the resolution.

Prime Minister Maliki declares that, "The Government of Iraq considers this to be its final request to the Security Council for the extension of the mandate; and expects, in the future, that the Security Council will be able to deal with the situation in Iraq without the need for action under Chapter VII of the Charter of the United Nations."

Chapter VII actions give a U.N. force internationally recognized authority to use deadly force if necessary without having to ask the permission of the host nation. It's distinguished from Chapter VI missions—such as those in Cyprus and Lebanon—that require the consent of the host government.

The Multi-National Force in Iraq also operates under an order issued by the Coalition Provisional Authority in 2003. CPA Order Number 17, as it is called, ensures that our personnel will not be subject to Iraqi legal proceedings. This protective legal umbrella will expire when the mandate for the Multi-National Force expires at the end of this calendar year.

I lay out these points, because they make clear the technical reasons for our hearing today. Our presence in Iraq must be governed by international law or a bilateral agreement, and our military and diplomatic personnel must have appropriate legal protections.

Transitioning to a bilateral agreement can deliver benefits with respect to our relationship with Iraq. Such an agreement would be a tangible expression of Iraqi sovereignty, it would provide a predictable legal framework for both sides. Negotiations on such an agreement also have the potential to enhance United States leverage in our dealings with the Iraqi Government.

Last summer, Senator Warner and I proposed an amendment to the Defense Authorization bill. Among the elements of that amendment was an acknowledgment that the rationalization for the authorization to use force, passed in 2002, is obsolete and in need of revision. Many of the conditions and motives from 6 years ago no longer exist or are irrelevant to the current situation. The amendment stated an expectation that the President would send to Congress a new rationale for the authorization. Our amendment also included a requirement that the administration, "initiate negotiations with the Government of Iraq on a Status of Forces Agreement, with the goal to complete work not later than 120 days after enactment of this Act."

The administration has told our committee that there are two agreements being negotiated in parallel. The first is a Status of Forces Agreement, which prescribes how criminal jurisdiction over our troops and claims against activities by our military personnel will be handled. The second agreement is a Strategic Framework Agreement that addresses broader issues in the United States-Iraqi strategic relationship. Clearly such agreements have the potential to be extremely consequential for the future of American activities in Iraq.

On Tuesday, Ambassador Crocker testified that the agreements being negotiated, "will not establish permanent bases in Iraq, and we anticipate that it will expressly foreswear them. The agreement will not specify troop levels, and it will not tie the hands of the

next administration. Our aim is to ensure the next President arrives in office with a stable foundation upon which to base policy decisions, and that is precisely what this agreement will do. Congress will remain fully informed as these negotiations proceed in the coming weeks and months."

Although this is reassuring, Congress has legitimate concerns about commitments or understandings that might be made in these agreements, and the subjects covered in a Strategic Framework Agreement may directly or indirectly affect how and when American forces would be used in Iraq in the future.

We know that Iraq presents an extraordinarily complex environment for United States troops who might be drawn into future scenarios related to ethnic strife, competing militias, internal territorial disputes, terrorist attacks, foreign incursions, or even coup attempts. The complexity of these legal issues is not a reason to avoid talks with the Iraqis, but as these negotiations go forward it is essential that the administration be fully transparent about their intentions and the progress of their deliberations.

We are 7 months from a Presidential election. Even before that, our mission in Iraq may well evolve, based on conditions on the ground, Iraqi political developments, and concerns about the strains on the American military. Congress and the American people should be thoroughly apprised of the details of any agreement related to the future of American involvement in Iraq. Therefore, I thank the administration for the briefings that our committee has received, thus far. We will appreciate very much the testimony we hear today.

I thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

And, again, I welcome our witnesses.

Ambassador David Satterfield, the Senior Advisor to the Secretary of State and Coordinator for Iraqi Policy, career Foreign Policy Officer with significant credentials. He spent most of his career dealing with the Middle East, serving as Deputy Chief of Mission in Baghdad, Principal Deputy Assistant Secretary for the Bureau of Near East Affairs, and Ambassador to Lebanon—all cushy jobs. [Laughter.]

And Mary Beth Long is the Assistant Secretary of Defense for International Security Affairs. She's previously served as Deputy Assistant Secretary of Defense for Counternarcotics and for the Central Intelligence Agency, and has briefed us before, both in closed session and open, and it's a delight to have her here. And I thank you for being here, Madam Secretary.

And Joan Donoghue is a Principal Deputy Legal Advisor for the Department of State. She's previously served as Deputy General Counsel for the Department of Treasury. Probably happy to be with State and not Treasury right now, in light what—all that's going on. I'm joking. [Laughter.]

But, thank you all for being here. And, as I understand it, both Assistant Secretary Long and Ambassador Satterfield are going to testify.

We'll begin with you, Mr. Ambassador.

STATEMENT OF HON. DAVID SATTERFIELD, SENIOR ADVISOR TO THE SECRETARY OF STATE AND COORDINATOR FOR IRAQ, DEPARTMENT OF STATE, WASHINGTON, DC; ACCOMPANIED BY JOAN DONOGHUE, PRINCIPAL DEPUTY LEGAL ADVISOR, DEPARTMENT OF STATE, WASHINGTON, DC

Ambassador SATTERFIELD. Thank you very much, Mr. Chairman.

And I would ask for concurrence that my prepared remarks be entered into the record.

The CHAIRMAN. They will be.

Ambassador SATTERFIELD. Mr. Chairman, Senator Lugar, members of the committee, thank you for the opportunity to appear today to discuss the U.S. Government's intent and purpose, as well as progress toward developing a basic framework for normalized relations with the Iraqi Government, which would include a Status of Forces Agreement.

Our overarching goal in Iraq is to help the Iraqi people establish their country as a stable, democratic nation with an effective sovereign government that can meet its people's needs and play a positive role in the region and in the International Community. There is healthy debate about the future presence, composition, and role of U.S. forces in Iraq. However, it is clear that U.S. forces will need to operate in Iraq beyond the end of this year.

The Government of Iraq has expressed its intent that the U.N. Chapter VII mandate expire at the end of this year, and not be renewed. The United States and the U.N. Security Council support this goal. It's therefore imperative that the United States negotiate with the Iraqi Government an agreement that would provide a post-Chapter VII framework applicable to U.S. forces, including Iraqi consent to the presence and operation of those forces and the protections necessary for our troops to continue to operate in Iraq.

Such an agreement is similar to many SOFAs we have across the world. This SOFA is indeed unique, in that it also takes into account the special circumstances and requirements for our forces in Iraq; in particular, in providing for consent by the Government of Iraq to the conduct of military operations and associated detainee operations.

In addition to a Status of Forces Agreement, we intend to establish a strategic framework for a strong, forward-looking relationship with Iraq, a relationship that reflects our shared political, economic, cultural, and security interests. Such a strategic framework would broadly address the topics outlined in the Declaration of Principles signed by the President and Prime Minister Maliki in November 2007.

Both the Status of Forces Agreement and the Strategic Framework come at the urging of, and with explicit support from, the Iraqi Government and moderate political forces from across the spectrum of Iraq's ethnic, religious, and political communities and parties. Together, they seek an accord that both affirms Iraqi sovereignty and continues to permit United States and coalition forces to assist in addressing the threat posed by extremists and outside actors who seek power through violence and terror.

On the U.S. side, Ambassador Crocker will be in the lead, and he is assisted by an interagency team of experts charged with negotiating the details of the Status of Forces Agreement. The Iraqis

have also set up a broadly representative and technically capable team, a team that represents, if you will, a national decision on their part. And together we are in the initial stages now of engaging and clarifying positions on key issues.

The Status of Forces Agreement will set the basic parameters for the U.S. military presence in Iraq, including the appropriate necessary consent from the Government of Iraq and protections necessary for our troops to operate effectively. These provisions are vital for our military. We owe it to our forces in Iraq to obtain for them the protections they enjoy elsewhere in the world.

The Strategic Framework and the Status of Forces Agreement will not tie the hands of the next President. They will ensure that every policy option remains on the table. As for the size of the United States presence in Iraq, the nature of our operations in Iraq, the Status of Forces Agreement and the Strategic Framework will do nothing to commit or limit the discretion of this President or the next President to make those important decisions.

Neither the Framework nor the Status of Forces Agreement will include a binding commitment to defend Iraq or any other security commitments that would warrant Senate advice and consent.

I want to be clear. They will not establish permanent bases in Iraq—indeed, the agreements will be explicit on this point—nor will they specify the number of forces or the role of forces to be stationed in that country.

In keeping with past practice, our intent is to conclude the Status of Forces Agreement as an executive agreement, rather than a treaty. We intend to consult, as the Secretaries of Defense and State and we have pledged, with the Congress throughout this entire process. We are committed to a fully transparent process, and we understand the importance of such engagement.

Background briefings by senior administration officials, including this panel, have already begun. Ambassador Crocker, our lead negotiator, testified before both the House and the Senate this week, as you know. And, as with other negotiations, I must make clear, we will not be publicly discussing our negotiating positions, but we will ensure Members of the Congress are kept fully informed.

Mr. Chairman, members, the United States has enduring national security interests in Iraq; 2008 is a year of critical transition, both for the United States and for Iraq. Our primary objective is to build a sustainable foundation for success in promoting U.S. interests. We are committed to doing everything we can to ensure that the situation in Iraq continues to stabilize and that the next administration has maximum flexibility to consider and to adopt its own policies to conditions and circumstances on the ground. This is precisely what the agreements we seek with Iraq must and will achieve.

Thank you.

[The prepared statement of Ambassador Satterfield follows:]

PREPARED STATEMENT OF AMBASSADOR DAVID M. SATTERFIELD, SENIOR ADVISOR TO THE SECRETARY OF STATE AND COORDINATOR FOR IRAQ, DEPARTMENT OF STATE, WASHINGTON, DC

Chairman Biden, Ranking Member Lugar, members of the committee, thank you for the opportunity to appear before you today to discuss the U.S. Government's progress toward developing a basic framework for normalized relations with the

Iraqi Government, which would include what is known as a Status of Forces Agreement.

Our overarching goal in Iraq is to help the Iraqi people establish their country as a stable democratic nation, with an effective sovereign government that can meet its people's needs and play a positive role in the international system. Our efforts are now paying off. Not only have Iraq's army and police played an increasing role in dramatically improving security over the past year, but also Iraq's democratically elected government is increasingly providing services for the Iraqi people and building relationships with other nations to combat regional instability. More and more, the Iraqis are taking greater control of their own destiny, and they desire a more normal relationship with the United States.

There is healthy debate about the future presence and composition of U.S. forces in Iraq. However, it is clear that U.S. forces will need to operate in Iraq beyond the end of this year. For nearly 5 years, the presence in Iraq of the United States and our coalition partners has been authorized by United Nations resolutions. The Government of Iraq has expressed its strong desire that the U.N. Chapter VII mandate expire at the end of this year. The U.S. and the U.N. Security Council support this goal. It is therefore imperative that the United States negotiate with the Iraqi Government an agreement that would provide a post-Chapter VII framework applicable to U.S. forces, including Iraqi consent to the presence and operation of our forces and the protections necessary for our troops to continue to operate in Iraq. This agreement is similar to the many status of forces agreements (SOFAs) we have across the world, which address such matters as jurisdiction over U.S. forces; the movement of vehicles, vessels, and aircraft; nontaxation of U.S. activities and the ability of U.S. forces to use host-government facilities. The SOFA is also unique in that it also takes into account the particular circumstances and requirements for our forces in Iraq, in particular, by providing for consent by the Government of Iraq to the conduct of military operations. Neither we nor the Iraqis intend for this to be a permanent provision of the SOFA.

In addition to a status of forces agreement, we intend to establish a framework for a strong relationship with Iraq, reflecting our shared political, economic, cultural, and security interests. This strategic framework will broadly address the topics outlined in the Declaration of Principles signed by President Bush and Prime Minister Maliki on November 26, 2007. Both the SOFA and the strategic framework, which will build upon the improving security in Iraq and the increased capabilities of the Iraqi Government, come at the urging of the Iraqi Government and moderate political forces from across the spectrum of Iraq's ethnic, religious, and political communities. Together, they seek an accord that both affirms Iraqi sovereignty and continues to permit U.S. and coalition forces to assist in restraining extremists and outside actors who seek power through violence and terror. Strengthening those moderate political voices is vital to Iraq's long-term stability and regional security. And it is vital to our national security that they succeed.

On the U.S. side, Ambassador Crocker is the lead strategist, and he is assisted by an interagency team of subject-matter experts charged with negotiating the details of the SOFA. The Iraqis also have set up a broadly representative and technically capable team, and, together, we are in the initial stages of engaging and clarifying our positions on key issues.

The status of forces agreement will set the basic legal parameters for the U.S. military presence in Iraq, including the appropriate consent from the Government of Iraq and the protections essential for our troops to operate effectively. These provisions are vital for our military, and we owe it to our troops in Iraq to obtain for them the protections they have elsewhere in the world.

Far from constricting the policy options available to the next President, the SOFA and strategic framework will ensure that every policy option remains on the table. These options include a range of missions that the next administration may wish to pursue, such as helping the Iraqi Government fight al-Qaeda, develop its security forces, and stop the flow of lethal training and aid from outside Iraq. As for the size of the U.S. presence in Iraq, the SOFA and the strategic framework will do nothing to limit the discretion of this President—or the next President—to make that important decision. Neither the framework nor the SOFA will include a binding commitment to defend Iraq or any other security commitments that would warrant Senate advice and consent. The SOFA, like all of our other bilateral SOFAs, will not contain provisions that govern the status for foreign forces in the United States and thus will differ from the NATO SOFA, which was concluded as a treaty because it does contain such reciprocal provisions. Also, let me be clear; the SOFA and strategic framework will not establish permanent bases in Iraq or specify the number of American troops to be stationed there.

In keeping with past practice, our intent is to conclude the SOFA as an executive agreement, rather than a treaty subject to Senate approval. We will continue to consult Congress throughout the entire process as negotiations proceed in the coming months. Background briefings by senior administration officials have already begun, and Ambassador Ryan Crocker, our lead negotiator, testified before both the House and the Senate this week. As with other negotiations, we will not publicly discuss our negotiating positions on key issues. But we will ensure that Members of Congress are kept fully informed.

A bilateral security agreement with Iraq has long been noted as a necessary milestone in our relationship by bipartisan commissions and by leading Members of Congress from both political parties. The Independent Commission on the Security Forces of Iraq, chaired by GEN James L. Jones, the former Marine Corps Commandant and NATO Commander, recommended negotiating a bilateral agreement. This echoed a call from a diverse group of senior Senators, including Carl Levin, John Warner, and Richard Lugar. The Baker-Hamilton Iraq Study Group similarly advocated a series of longer term missions that would require agreement with the Iraqi Government.

The United States has enduring national interests in Iraq—2008 is a year of critical transition, both for the United States and Iraq. Next year will bring new Iraqi national elections and new tests for Iraqi Security Forces who are slated to assume the lead in security efforts in all of their country. Our primary objective now is to build a sustainable foundation for success. We are committed to doing everything we can to ensure that the situation in Iraq continues to stabilize and that the next administration has maximum flexibility to adapt its own policies to conditions and circumstances on the ground. This is precisely what an agreement with Iraq must, and will, achieve.

The CHAIRMAN. Thank you very much.

Madam Secretary.

STATEMENT OF HON. MARY BETH LONG, ASSISTANT SECRETARY OF DEFENSE FOR INTERNATIONAL SECURITY AFFAIRS, DEPARTMENT OF DEFENSE, WASHINGTON, DC

Secretary LONG. Thank you, Mr. Chairman.

I'd like to start out by thanking this body and its members for your continued support of our men and women in uniform and to the Department of Defense. Thank you, again, for everything that you do for us.

The Department of Defense, of course, has a strong interest in not only achieving the Strategic Framework that Ambassador Satterfield will speak to you about, but, as well, the Status of Forces Agreement that we're here to talk about today. This latter document, of course, provides the protections and the authorities for the United States military, its civilian personnel, and the contractors supporting for them to operate, and continue to operate, in Iraq. It is, as a matter of course, an essential document in transitioning the institutional relationship between our countries in a military way.

As all of you are aware, on January 1, 2009, the day following the expiration of the current United Nations UNSCR resolution, our men and women in uniform, as well as our coalition partners, will need an international authority under which to maintain their continued operations in Iraq. The United States is very interested, in addition to the SOFA and arranging this for our troops, in providing a robust coalition presence in Iraq well into 2009 and beyond.

As we move ahead in our negotiations with Iraq, I would like to join Ambassador Satterfield in guaranteeing and assuring you, we're committed to a transparent and cooperative process with the Members of this body, as well as the other legislative body.

And, with that, Mr. Chairman, I stand ready for your questions. Thank you.

The CHAIRMAN. Thank you very much.

Maybe we'll start with 7-minute rounds. Let me begin.

I don't think there's been many times when I've taken issue with a position taken by Chairman Lugar, and he points to the need for U.S. leverage, in his opening statement. I would think we're at the maximum point of U.S. leverage we'll ever be, at this moment. If we don't have leverage now over this government, then we're in real trouble with the decision having to make about—we have 140,000 troops there, and more than that now. If that doesn't constitute leverage, I don't know what does.

But, anyway—and, again, I'm going to try to—I'm going to try to pursue this so that, I think, that my constituency can understand what we're talking about here.

And let me begin with the last statement, your concluding point, Mr. Ambassador. You say, "We have enduring national interests in Iraq." What are they?

Ambassador SATTERFIELD. Senator, we believe strongly that, both in and through Iraq, the future of United States interests in a stable, secure Middle East, in an Iraq and a broader region which is fully prepared and able to confront the challenge posed by extremism, whether al-Qaeda's terror or Iran's expansionist, hegemonistic ambitions, is facilitated, is supported through what happens in Iraq. This is not solely about Iraq or the future of that country, although that is an important issue. It is, more broadly, about the price and the advantages of failure and success in making of Iraq a stable state, a state that is able to assist in our, and in regional, efforts to confront the extremism, the terror, and Iranian ambitions, of which I spoke. Those are our fundamental interests.

The CHAIRMAN. Now, would you acknowledge that it's possible that two of the three Presidential candidates don't share that vision? There are those—I'm not speaking for either candidate, but it may very well be, the next President does not believe that Iran is seeking hegemony in the region and that Iran may very well be worse off with an Iraq in disarray. You would acknowledge that's a possibility, wouldn't you?

Ambassador SATTERFIELD. Mr. Chairman, I speak on behalf of this administration.

The CHAIRMAN. Right. That's the point I want to make. You speak in behalf of "this" administration, whose views are not shared by two of the three potential next Presidents. And we're about to codify, we're about to lay out for the whole world to see, this President's vision of our rationale to be in Iraq. I think that, as they say, overmakes my point.

You are speaking, as you should, for this President. You've laid out two premises that there is significant disagreement on with the competing parties' candidates. One, that the fight against terrorism resides in Iraq—that is not a view shared by—they acknowledge terrorism exists, but it is not a view shared by a lot of the witnesses that have appeared before us in the past. Witnesses appeared before us—very confident women and men of very respected backgrounds have said that if we leave Iraq, there's no rationale

for al-Qaeda to stay, that the real war against terrorism is on the Pakistan/Afghan border.

I'm not making the case who's right or who's wrong, but I'm making the case, at the front end of this, you have a vision that—representing the President—that is not a vision at least wholly shared by two of the candidates who may very well—at least based on polling data, have an even chance of being the next President.

So, what in the heck are we doing? Forget the legalities of this. Just think of the practicalities. Just like big nations can't bluff, big nations can't make implied promises that you have a pretty good idea the next guy coming along may not—or woman coming along—may not be committed to. This is folly. This is a serious, serious mistake, in terms of the interests of the United States of America. Forget the constitutional requirements. Forget the precedents.

Well, let me ask you another question, if I may. What—as you point out, you're not going to tie the hands of the next President of the United States of America. Yet, the security arrangement envisions, at a minimum, we will consider protecting the government—because that's what we're talking about now, we're going to have to deal with the Government in Iraq—the government against threats, both internal and external.

What would happen if, tomorrow, the Maliki government decided that The Awakening was a threat—I predict, to my colleagues, that may cross his mind—and decides that he is going to move with Iraqi forces, primarily Shia, against an element of The Awakening, the Sunnis, in a remote part of Anbar province, gets tied down, just like he did in Basra? What is the expectation, do you think, of the Government of Iraq? That would use, as we did in Basra, helicopters, we would use intelligence data, we would use communications, we would use—you know, we would coordinate with them? I would expect that would be the expectation. And then, what happens when the United States doesn't? What happens to those forces of ours who are sitting on the ground?

This is a bad idea. What do you think is the notion, here, that is contemplated by—let me back up.

Have we had discussions, to the best of your knowledge, with the Maliki government about extending the U.N. mandate for 3 months?

Ambassador SATTERFIELD. Mr. Chairman, I led the negotiations in Baghdad last December that produced the extension for 1 additional year, to December 31 of this year——

The CHAIRMAN. That's why I asked the question.

Ambassador SATTERFIELD [continuing]. Of the Security Council resolutions. I participated in the prior 2 years' negotiations, as well. I can assure you that, in the course of those 3 years of discussions, of negotiations, particularly this last one, it became quite clear that the Government of Iraq—and this is beyond Prime Minister Maliki—but that the political structure of Iraq wished to bring to an end, by December 31 of this year, and no later, that Chapter VII mandate, based on reasons of sovereignty assertion, as well as a national will and a sense of national preparedness.

In two previous years, in 2005 and 2006, we secured an additional extension, based upon our judgment, in consultation with the

Government of Iraq and its political leadership, that that was both a possible goal and a desirable goal. That is not our conclusion—was not our conclusion last year.

The CHAIRMAN. You haven't answered my——

Ambassador SATTERFIELD. We do not believe, Mr. Chairman——

The CHAIRMAN. You haven't answered my question.

Ambassador SATTERFIELD [continuing]. That this can be——

The CHAIRMAN. With all due respect, has there been a direct request, in the last month or so, of the Iraqi Government to consider a binding Status of Forces Agreement and an extension—an extension of the U.N. mandate for 3 months? They are not unaware—I speak with the same principals you speak with. I may have spoken to them as many times as you have in my close-to-dozen trips to—or 10 or 12, whatever it is—to Iraq, whether it's Maliki or whether or not it's the Vice Presidents representing each of those constituencies there or—I mean, you know, and—all of us have, not just me; we've all spoken to them. Has anyone said to them—they know there's an election coming up, they know the debate that's going on, they're watching this, as well as—I mean, the TVs are turned on for this hearing, not because we're important, because they're wondering what's going on—has anyone said to them, in the last several months, "Consider extending the mandate for 3 months to allow the next administration to work out its relations"?

I mean, you say the following. You say that we want a normalized relationship with the Iraqi Government. There is no Iraqi Government that we know is likely to be in place, a year from now. They haven't even worked out, under their Constitution, the two provisions they're required to work out, a law—a regions law, which is written in their Constitution, which goes into effect the middle of this month, because they've postponed it, kicked it down the road 16 months; that expires—I ask my staff for help—I think, mid-April. So, come a couple of days from now, any of the—any of the 18 governorates—they may not—will have the legal authority to vote within their governorate to establish a region defining its own security arrangements, not in contravention to the Constitution, the national Constitution, and defining a number of other things. They are able to write a constitution, any one of those governorates, just like the constitution of the State of Indiana, the constitution of the State of Minnesota. They're able to do that. Just like Minnesota has their own State Police, they can decide to have their own State Police. Nothing done yet.

We don't know what the shape of this government's going to look like. We're having provincial elections that are coming up, which most of the witnesses before us said are probably not going to take place on time. Hope they do.

So, the idea we're normalizing relationships with a government that is far from normal or normalized—half the Cabinet has walked away. There's not a normal Government in Iraq.

My time is up. I've gone 3 minutes beyond it. Almost 4. I apologize. But, if you want to respond, you can. I understand if you don't want to. But, just understand my frustration here. The premise is, there's a normalized government—we're going to normalize relations with a government that really doesn't thoroughly exist. It is

sovereign, but it does not—who are we normalizing it with? What is the shape of that government?

And you point out that the enduring national interest that we want to essentially codify—not bindingly, but codify with the Iraqis—is one that is not necessarily shared by the next President.

I think you're making a big mistake for our national interests, in pushing this without telling the Iraqis—and if we don't have leverage now, what are they going to say, "Go home"? Good. Have us go home. Tell us they don't want us there. Not a lot of Americans are going to say, "Oh, no, no, no; let's stay when you don't want us."

We just heard, for 2 days, from two incredibly competent government servants—one military, one civilian; Petraeus and Crocker—that the Iraqis really want us to stay. This sure as heck would be a good test.

I yield to my colleague.

Senator LUGAR. Well, thank you very much, Mr. Chairman.

The chairman has laid out, in some detail, political analysis of conditions in the United States, as well as an analysis of developments of the Government in Iraq.

Let me just pursue, for a moment, that proposition, that—and both are, if not in flux, at least subject to substantial changes.

Now, given that predicament, why have you chosen the current path of the presentation of these two agreements? For example, the chairman has mentioned, if I gather his argument correctly, extending the U.N. Security Council resolution for another 3 months. One alternative might have been to approach the Security Council for an extension of the next year—that is, 2009—on the basis, literally, of these very substantial prospective changes in Iraq, quite apart from changes in the United States.

Now, from the standpoint that you described, Ambassador Satterfield, as having negotiated the last go-round of this, the Iraqis with whom you dealt would find that very unsatisfying. As a matter of fact, they have said, "This is it, with 2008, that year extension, and that's it." And I understand the point of view of those leaders with whom you visited, or maybe even some more substantial group of people. But, on the other hand, the situation is one in which the political changes have to be recognized by the Iraqis, really, in their own country, and perhaps they also recognize political change that may occur in the United States of America in our debate, regardless of which party wins.

Now, under those circumstances, it would appear that we have at least some leverage—speaking of leverage—to indicate that, although it may be the preference of the Iraqis, at least those in the leadership, to see the Security Council mandate come to an end at the end of 2008, in our judgment it really won't work out that way.

And I mention that very candidly, in view of the opposition to the proposition of the two agreements, that you must sense that it was at least manifest in some comments in the hearings with General Petraeus and Ambassador Crocker, and certainly have been in the chairman's opening statement and questioning of you this morning. But, this is, in essence, is not likely to be a laydown hand. Knowing this, that you had a political argument in this country, why did you

proceed as you have to present these two agreements in the form you have presented them?

Ambassador SATTERFIELD. Senator, as you note, the Iraqi Government, beyond Prime Minister Maliki, the entire structure of the Iraqi political establishment, has made quite clear, in growing fashion, but explicitly so in the concluding part of last year, they wish this to be the end of the Chapter VII mandate. We believe—they certainly believe—that that reflects the broadest view of their constituents, because, indeed, they have constituents in Iraq. We believe it's an appropriate moment, given that Iraqi demand—and that is exactly what it is, a demand that the mandate come to a close—it is their request which is the requirement, not a U.S. request for extension of the Security Council mandate—given their demand that it come to an end, we determined that a course which laid out both a framework that presented the Status of Forces Agreement in context—that is a specific agreement in which the Iraqis offer to us authorities, offer to us permissions, offer to us protections for our personnel in country—that this would be presented by the Iraqis to their people, as we will present it here, in the context of a broad and overarching strategic partnership and relationship with Iraq and with its people for the time to come.

With respect to the political environment here, this administration, as is the case, Senator, with any administration, must pursue what it determines to be U.S. national interests, as well as the best means of pursuing those interests, until the last day, the last hour that it remains in office. And we believe these undertakings, the Strategic Framework and the Status of Forces Agreement, provide a stable platform for the next administration—indeed, for this administration in the next months—to look at the situation in Iraq, to make judgments about how best to carry forward United States interests with the greatest ability to make appropriate and thoughtful decisions possible. It does not tie the hands of the next President.

Senator LUGAR. Well, let me just follow a little bit further on that. And this is not meant to demean, for a moment, that argument you presented. But, the context of the argument I presented was that this administration surely recognizes the argument that we're having here today, and have had a little bit before. Taking into account these two agreements, along with the testimony we heard from General Petraeus and Ambassador Crocker regarding a 45-day pause in the drawdown for further consultations we begin to arrive at a more stable understanding—at least from the administration's perspective—for what things may look like as we reach the end of this administration and the end of the year, as far as the Iraqis are concerned. What the committee is trying to figure out in a bipartisan way—and this is difficult in the middle of a political campaign—is where does this leave the next administration?

Now, your assertion would be, "Well, it leaves it with a stable situation. You have two agreements. The Iraqis have made proposals for security. Whoever the incoming President is, or Secretary of State or Defense or so forth, ought to be happy to have a lay of the land." Maybe so, maybe not. Maybe the incoming folks are not at all happy with that situation; as a matter of fact, did not really like the particular agreement that was fostered, but at least pro-

ceeded to make things stable for this administration through the rest of the year. And, in simply commonsense terms, this is why we're having, it seems to me, if not an argument, at least a debate, about an issue that otherwise, as you say, would seem very matter-of-fact, that we'd finally get the U.N. out of it, turn it into a bilateral agreement about Iraq and the United States.

But, as the chairman has pointed out—and I don't necessarily want to get into the detail of how stable I believe the Iraqi Government is, how comprehensive, and so forth—but we've had, not endless hearings, but a good number, trying to describe "a bottom-up scenario where stability in the provinces might somehow ever get to the Green Zone." Even discussing the Iraqi Government as if it is an entity that is definable, that is strong—and so forth—seems to me to be a stretch; although diplomatically, I understand your standpoint. Nevertheless, as you're dealing in these negotiations, who else do you deal with? Do you go to the Green Zone, not out into one of the 18 provinces, to try to find and divine the future?

Let me just, sort of, get back to the thought that it may very well be that the administration's point of view is simply to try to ride this one through with the two agreements.

I would hope, in the course of these hearings, and in other consultations that you have promised, that as we get into details that will not be public today, that there is even some degree of give within our own conversations, quite apart from that which we might ask of the Iraqis. Because I think the chairman's points are well raised. Ultimately, although we haven't promised Mr. Maliki what we would do if this force or that force came at him, or if somehow the Parliament can't move on anything, or if, in fact, corruption or lack of service, or the breakdown of the power system, or all these things occur, and you can't really cover all those contingencies, and yet all of them are very real, given testimony we've already heard about the country. So that although the Iraqis may insist that, "We are sovereign, we want the U.N. out of there, the U.N. Security Council, it's all passé,"—we have some leverage with them, I would contend—in fact, quite a bit, in terms of their security and their future. And, I think, probably we ought to utilize that in the coming weeks as we discuss these agreements.

Ambassador SATTERFIELD. Senator, if I could respond to the points that you've made, and a point, a very good point, which the chairman made, as well.

We have very deliberately chosen to negotiate these documents, not with a given figure or office, or even with a given party or faction. These have to reflect a national decision on the part of the Iraqis, has to reflect national will, which is why we have very deliberately structured these negotiations—insisted on it, in fact, and have had that reciprocated by the Iraqi side—in seeing a broad collective, reflecting, frankly, the majority of all of the forces in Iraq, except those on the extreme margins, which, of course, are a different story. The vast majority of Iraqis and their political representatives are part of this process because of the concerns over what might be the course of different governments, different parties taking office through the constitutional provisions of Iraq.

With respect to the issue of, "Wouldn't it be better to simply continue with the Security Council resolution?"—putting aside the

point that the Iraqis themselves have made clear to the Council and to us, they don't wish that to be the course, we believe that acknowledging, formally, Iraqi sovereign status is, itself, a major contributing element to stability in the time ahead in Iraq. It has its own intrinsic value and merit, in terms of that country's future and in terms of how we see that country's future impacting on the region.

And, finally, a point which the chairman and you both raise about, "What would be the consequences of a decision—a request on the part of this or any other Iraqi Government, for a particular engagement of U.S. forces?" The case would be, under the Status of Forces Agreement, as is the case today, at this moment—any such request would be subject to consultation, reflection, and analysis on the part of our leaders, diplomatic and military, in Iraq as well as here in Washington, and a decision would be taken on that basis, based on our assessment of national interest. And we have been extremely clear and fully transparent with the Iraqi Government on this issue of what consultations mean. It's reflected in sort of the "web and woof" of everything we do in Iraq today. It will not change with these agreements.

Senator LUGAR. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Taking advantage of being chairman, for 30 seconds here. The difference is, there is no formalized agreement guaranteeing the present government's security internally. That's the big difference. Or at least implying we would do that.

And I want to make it clear to the witnesses, I don't doubt for a minute the veracity of everything you say about these not being binding. So, understand I am not in any way questioning your assertions about the intentions of the administration, relative to not formally binding the next administration. I just wanted to make that clear.

I yield to the Senator from Wisconsin, Senator Feingold.

Senator FEINGOLD. Thank you, Mr. Chairman.

Thank you all for being here.

In his appearance before the Senate Armed Services Committee this week, Ambassador Crocker was asked about the agreement being negotiated with the Iraqi Government and whether, "you envision this after we succeed in this conflict." Ambassador Crocker responded that he, "would actually envision it as helping us to succeed in the conflict."

I'd like to confirm that what we are in fact seeking to establish a long-term relationship with Iraq, even as the fighting continues. Is that correct? Are we—are we—is that what we're trying to do? And are there any conditions the Government of Iraq must meet before the United States agrees to anything, such as achieving national reconciliation?

Ambassador SATTERFIELD. Senator, we do, indeed, believe, as Ambassador Crocker stated, as I have stated, that the conclusion of these arrangements, we believe, will contribute to stability in Iraq, security in Iraq, and, indeed, to our common success—ours and Iraq's. And in terms of conditionality, obviously we continue to work with the Government of Iraq, as it continues to work on advancing the goal of national reconciliation, along with greater

assumption of its responsibilities on the security side, on the economic side.

Senator FEINGOLD. But, are we trying to establish this long-term relationship as the fighting continues?

Ambassador SATTERFIELD. Well, we are obviously negotiating these arrangements now while the fight for a stable and secure Iraq continues; yes, sir.

Senator FEINGOLD. OK. Given the fact that the Maliki government with which you're negotiating does not represent a true coalition of the main Iraqi political parties, won't this agreement have the effect of exacerbating the perception that we are taking sides in a civil war, especially since the majority of the Iraqi Parliament has called for a timetable for the withdrawal of the American troops?

Ambassador SATTERFIELD. Senator, in fact, we believe the Government of Iraq, the Presidency Council, Prime Minister Maliki, as the head of the executive branch, do indeed reflect the broad range of centrist parties in Iraq. Those parties that have excluded themselves from participation in the government in whole, the Sadrist Movement, although they do continue to participate in the Council of Representatives, represent a rather extreme position. Prime Minister Maliki does have the participation in his government, and is in active dialog with the principal Sunni interlocutor, Vice President Tariq al-Hashimi. He is very much part of this process. As I said to the chairman and Senator Lugar, we have structured this negotiation, the Iraqis have structured their negotiating team, to reflect all—and I will underscore "all"—of the major political parties in Iraq, ethnic, sectarian parties. They are all part, formally, of——

Senator FEINGOLD. OK, but this is a——

Ambassador SATTERFIELD [continuing]. This process.

Senator FEINGOLD [continuing]. Duly elected Parliament. Are you not concerned at all that the majority of the Iraqi Parliament has called for a timetable for the withdrawal of United States troops? Is that not relevant?

Ambassador SATTERFIELD. Senator, I do not believe that the majority of the members of the Iraqi Parliament do not support the conclusion of these arrangements, and would not offer their support for these arrangements. We believe, quite to the contrary, that, indeed, they will enjoy broad popular and broad legislative support in Iraq.

Senator FEINGOLD. Historically, security commitments to other countries have only been made in treaties that were ratified by the Senate. Now, I understand that you are saying that this agreement will not provide any commitments or bind future Presidents. I would note that the agreement will not bind the Congress either. If the Congress were to enact legislation prohibiting enforcement of the agreement, would you agree that this statute would be binding and would override the executive agreement?

Ambassador SATTERFIELD. Senator, we do intend to negotiate the Status of Forces Agreement as an executive agreement, as is the course with virtually all such arrangements that don't contain reciprocal or other binding commitments.

With respect to the speculative question on possible legislation, we would have to assess that legislation in its context.

Senator FEINGOLD. If Congress passes a clear law overriding the executive agreement, would the law override that agreement, in your view, from a matter of law?

Ms. DONOGHUE. Senator, as Ambassador Satterfield indicated, we would obviously have to look carefully at it, at the time. It would certainly present difficult questions for us if we were at that, sort of, loggerheads and we would hope that, through additional briefings and discussions with you about the content of the agreement and the extent to which it provides protections for our troops, we wouldn't reach that point.

Senator FEINGOLD. I would suggest your difficulty is in the nature of our Constitution. If we pass a law overriding it, that's the law.

What would your—in your view, have to be in these negotiated documents to cause them to rise to the level of needing congressional approval?

Ms. DONOGHUE. Senator, we haven't done a laundry list of the things that "could" create a problem, because we simply aren't contemplating those things. We've tried to identify some of the topics that have arisen in discussions of these agreements to try to make clear what we don't intend to cover. So, for example, there certainly has been a practice that a binding security commitment has been submitted to the Senate. We don't intend one of those, and we haven't done thorough analysis about whether there's any possible way that we could make an argument that we wouldn't have to submit that to the Senate.

Senator FEINGOLD. OK.

Ambassador Satterfield, you note in your testimony, "our overarching goal in Iraq is to help the Iraqi people establish their country as a stable democratic nation, with an effective sovereign government that can meet its people's needs and play a positive role in the international system." Wouldn't this objective be better served by establishing the basis for an international peacekeeping force, which would be perceived by the local population as impartial, unlike the Iraqi perception of United States forces?

Ambassador SATTERFIELD. Well, Senator, that is not the intent or goal of the Iraqi Government. It is not something that we believe would be a practical or achievable goal, now or in the foreseeable future.

Senator FEINGOLD. During the Iraq hearing, on Tuesday, Ambassador Crocker committed to submitting the agreement to the Iraqi Parliament for approval. Ambassador Satterfield, do you believe that this agreement should be approved by the Iraqi Parliament, rather than just being signed by the Prime Minister or the Presidency Council?

Ambassador SATTERFIELD. Senator, we will leave to the Iraqi Government decisions on how to proceed with this agreement, in accordance with their constitutional requirements.

Senator FEINGOLD. And do you understand that requirement to be submitting to the Iraqi Parliament?

Ambassador SATTERFIELD. We leave that decision to the Iraqi Government.

Senator FEINGOLD. Then why would Ambassador Crocker have committed to submitting the agreement to the Iraqi Parliament?

Ambassador SATTERFIELD. What Ambassador Crocker said was, that was our understanding of what the Iraqi Government intended to do with the agreement.

Senator FEINGOLD. Is that your understanding, as well?

Ambassador SATTERFIELD. Yes, indeed.

Senator FEINGOLD. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

Senator Coleman.

Senator COLEMAN. Thank you, Mr. Chairman.

First, in terms of Status of Forces Agreement, can you do a Status of Forces Agreement and not do the Security Agreement? Could you do one without the other?

Ambassador SATTERFIELD. Senator, we believe, as I noted in a prior remark, that presenting the Status of Forces Agreement to the Iraqi Parliament, to the Iraqi people, to their political leadership, is best done, most successfully done, in context. That context is the broad nature of a cooperative partnership, strategic relationship that we see as a value both to the United States and a value to Iraq and its people as we go forward. Now, that kind of broad overarching relationship certainly has a security dimension, but it also has economic, cultural, technical dimensions to it. This helps the Status of Forces Agreement be understood fully in the context of a relationship that goes beyond dimensions of security alone.

Senator COLEMAN. The challenge that we face—and I would—and I think the question, by the way, is, In the middle of a Presidential election, our political situation, can you put politics aside? Can folks of goodwill on both sides of the aisle look at this and say—we know there's going to be a new President. They may have a different perspective of what our enduring national interests are, they may have the same perspective. I suspect, whoever the President is is going to have some differences and some different perspectives. In understanding our own situation, is it possible to—for the administration to engage in a dialog with this Congress, with Members of Congress, with representatives of candidates, and have some kind of commitment that we don't go forward—we can't go forward with anything unless we have that solid understanding and commitment?

I think we're fighting about—not "fighting"—I think there's some conflict here that you would think we could avoid. The reality is, we're in a Presidential election, and leadership's going to change, and we're going to have some—we have some long-term interests in Iraq. We're going to—no question about that—we have some long-term interests in Iraq. And even in this committee, I know—I mean, there is disagreement.

I listened to General Odom the other day. I disagree with his perspective about Iran. I don't think—or I don't think Israel's going to be safer. I don't think Hamas is going to be less emboldened. I don't think Hezbollah is going to be quieter. And it—you know, if we're simply somehow out of Iraq, that that's going to make Iran a better friend. They're going to still do what they're doing, which is undermining security in the region.

All that said and done, I think, in terms of our future relationship with Iraq, because of the political environment that we're in, it would just make sense that, rather than have some of the exchanges we're having, that we—the administration says, "Congress, we're going to work with you, and we're not going to go forward unless we have the chairman of the committee, the ranking member, the former chairman, sit down and we have an understanding that we're comfortable with what's being done here. And if we can't get to that, then we have to have something else to continue the relationship." But, otherwise, we're going to engage in this debate, and one side's going to say, "Well, the Iraqi Congress is approving this, but we're not approving it." It's become a—people are going to be making political points over something that I don't think the intent is to make political points on.

The intent is to protect our troops, protect their interests. They operate now under a U.N. mandate. That mandate's going to end. I have the concern—I certainly agree the issue was conditionality—I have some concerns about the Iraqis' ability to move forward aggressively on the political front, and I think this is an opportunity for us to have some conditionality.

But, rather than a question, my humble suggestion is that, if we're going to engage in full conversation, and full transparency and full recognition of the political reality, that somehow, when we're done with this hearing, that there be some conversation with the leadership on both sides of the aisle, and say, one, we've got to get Status of Forces Agreement. Our folks—troops have to be—there are some basic protections they have to have in place, no question about that. And I don't think there's much argument about that. But then, on the other issue, we recognize that, unless we have that understanding, this is going to be—people are going to be making political points over something that shouldn't be a matter of politics. And I can see the debate, and I can hear the debate. We've already heard some of it. And if there's a way to avoid that, I think it would be in the best interests of this country, the best interests of the administration. I'd certainly work closely, Mr. Chairman and Ranking Member, with whoever, to see if we can find some common ground here.

Ambassador SATTERFIELD. Senator, I very much appreciate the points that you've made, and we certainly do hope that, through a full transparency in briefings, which we can provide in open, as well as in other more confidential settings, on the issue of strategic framework, we can, indeed, meet the concerns, address the concerns which you and many others have expressed about this.

We do believe that the two pieces of this process go together, have to go together, that together they advance long-term, beyond this administration, U.S. national interests. But, indeed, we are committed to the kind of exchanges, the kind of full transparency you discuss.

Senator COLEMAN. Well, then my concern is, rather than get to the point where there are going to be some resolutions in Congress that are going to attempt to create—tie the hands of an administration, create constitutional challenges as to what Article I says, versus Article II, of the Constitution, executive—or legislative versus executive—that there be a very clear understanding that

we're not going to go forward with a security arrangement unless and until there is full buy-in from this body. It doesn't have to be a formal treaty, but I just think there has to be that recognition. Otherwise, we're going to proceed down a very bitter, partisan, political divide that is going to be used for scoring points and not protecting our troops.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. I think it's a good suggestion.

I would add, if I could, it's not—the reason why these political points are so sharp is, I think everyone would acknowledge, the underlying policy differences are so real. Sometimes political points are just scored for political points. But, the policy differences among the candidates are really significantly different, and that's what agitates the—this whole issue. So, I think it's an interesting suggestion.

Senator from Florida.

Senator BILL NELSON. Mr. Chairman, Senator Cardin and Senator Casey were here before me, and, as a courtesy, I would defer to them.

The CHAIRMAN. Senator Cardin.

Senator CARDIN. Thank you, Mr. Chairman.

Let me thank my friend from Florida, Senator Nelson, for yielding the time.

First, I want to thank our panel for their service to our country—I mean that sincerely—and for their commitment to a transparent process in dealing with Congress on these two agreements.

But, I must tell you, I strongly disagree with the way that you are proceeding. I don't think it's in the interest of this country. I agree completely with the chairman. I find it very difficult to understand—and my constituents find it difficult to understand—why we could not have a 3-month extention of the U.N. resolution set to expire at yearend if only the United States made that request to Iraq. I find it unbelievable that Iraq would not yield to our recommendation on that point, considering the national elections here in the United States. And I believe that's the way we should proceed.

As the chairman has pointed out, there are strong differences of opinion in this country with regard to a Strategic Framework. There is just a different view by the majority of Congress and the American people as to how we should proceed in Iraq versus how this administration intends to proceed in Iraq.

So, I must tell you, I just disagree with any effort by this administration to enter into an agreement with Iraq without the approval of Congress. The administration's expressed intent to do so is being interpreted by the people of this Nation as an effort to affect the next administration and future Congresses. I don't think there's anything you could say that would convince me or the people of Maryland—and that's people who support and those who oppose the President's plans otherwise. There's simply a belief that the President's trying to affect the options of the next administration, the next President—and the next Congress.

So, Mr. Ambassador, let me just ask you something about the language you have used. Language is important. You know that; you're a diplomat. You say that neither the Framework nor the

Status of Forces Agreement will include a binding commitment to defend Iraq. And you've mentioned that word "binding" several times. All of you have. Would you commit to us that we could eliminate that word "binding," that neither agreement will include a commitment of any sort in regards to the United States defending Iraq?

Ambassador SATTERFIELD. Senator, this administration believes, the President believes, and these arrangements will certainly express that view, that the stability and security of Iraq is vital to broad, long-term U.S. national security interests in and beyond the Middle East. The President believes, the administration believes, that assuring—not in the form of a binding legal commitment, but assuring the people of Iraq and the Government of Iraq that we do believe their security is important, that we will act as we believe necessary and appropriate to protect and advance that security, that that is our policy. That, we think, is important to do.

Senator CARDIN. Well, Mr. Ambassador, that's where we disagree. We disagree as to the appropriate manner to make that agreement. We do not believe that this administration should enter an agreement which will clearly have an effect on U.S. military presence in Iraq and will clearly affect the options of the next administration or the next Congress. As you know, last summer this Congress passed legislation requiring the President begin to bring our troops home. The President vetoed that bill. So, there's a different view here in Congress. And I don't know how you can come before us and say that the agreement you are proposing will allow all the options a future President and a future Congress might choose to pursue. I look at the options that you lay out and I don't see any options that outline the drawing down of U.S. troops.

I just believe that, out of respect for our Constitution and the responsibilities that each of us have to the American people, that this administration should not be negotiating an eleventh-hour agreement. That is just wrong.

And I am not encouraged by your statements. I think the word "binding" is somewhat in the eyes of the beholder. I have seen the United States—I've seen the State of Maryland—spend a lot of money, not because they had a "binding" commitment, but because they thought they had lead people to believe they would and that created a moral obligation to do so.

And I don't take comfort from your statement here, that "2008 is a year of critical transition, both for the United States and Iraq." If you were here 1 year ago, you would have said 2007 was a year of critical transition. If you were here 2 years ago, you would have said 2006 is a year of critical transition. If you were here in 2005, you would have said 2005 is a year of critical transition.

So, yes; I think 2008 will be a year of transition for Iraq and the United States. And I don't believe it's appropriate for this administration to bind our Nation's options, especially without the approval of Congress. I just want you to know that. I want you to know that.

I think you're moving into very dangerous territory.

I look forward to the open process that you have committed to. And I can assure you this will not be the last time you're going to hear from us on the negotiations that you're pursuing.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

Governor.

Senator VOINOVICH. Thank you, Mr. Chairman.

I'm sorry I missed the other discussion.

The question I have is this. Iraqis want to let the Chapter VII mandate expire in the U.N. Security Council at the end of this year. We say we support it. Is there some overwhelming feeling on the Security Council that should entertain Iraq's request that Chapter VII be allowed to expire? And in light of the fact that we have an election coming up here in the United States, don't Iraqis understand that this is going to be a fairly controversial thing between now and our November election? That's No. 1.

No. 2, the agreement said it would "take into account numerous principles, including the United States supporting the Republic of Iraq in defending its democratic system against internal and external threats." And the chairman of the committee mentioned internal threats being perhaps the Sunnis, if the central, Shia-dominated government feels threatened. Who are the external threats? "Providing security assurances and commitments to the Republic of Iraq to deter foreign aggression against Iraq that violates its sovereignty and integrity of its territories, waters, or airspace." This looks like a real commitment from Uncle Sugar, to Iraq.

And then, in the February 13, 2008, Washington Post article by Secretary of State Rice and Secretary of Defense Gates, they said, "In these negotiations, we seek to set the basic parameters for the U.S. presence in Iraq, including the appropriate authorities and jurisdiction necessary and to operate effectively to carry out essential missions, such as helping the Iraq Government fight al-Qaeda, develop its security forces, and stem the flow of lethal weapons and training from Iran. In addition, we seek to establish a basic framework for a strong relationship with Iraq, reflecting our shared political, economic, cultural, and security interests. Nothing to be negotiated will mandate that we continue combat missions. Nothing will set troop levels."

Well, it seems to me that if you're talking about "supporting the Republic of Iraq and defending its democratic system against internal and external threats," and "providing security assurances and commitments to the Republic of Iraq to deter foreign aggression against Iraq that violates its sovereignty and the integrity of its territory," implicit in those statements is a commitment by the United States to participate.

Even though Secretaries Rice and Gates say a Status of Forces Agreement (SOFA) will not mandate U.S. participation, the United States actually is making commitments in the agreement. And I have to say to both you and the administration that you aren't going to conclude such an agreement between now and the November election.

In the past, the administration often has not listened to the Congress. They basically have said, "Trust us. We'll take care of it. Don't worry about it." The fact of the matter is that this Congress and this Senate are going to get involved in this issue. My best advice to you would be to try to work out the Status of Forces Agreement. If I were you, I'd also go to the United Nations and

say, "You know what, folks? We've got an election coming up. We've got lots of political problems. You understand that. You all come from countries some of which face similar situations."

I think that you ought to consider some other options. Instead of spending all this time concentrating on the agreement, try to work with members of the Security Council to see if Iraq can delay the agreement until after the U.S. Presidential election. Proceeding with this agreement now will embroil us in controversy, allegations will be made, you name it. I mean, that's the reality of this situation. Do you understand what you're up against in trying to get this done now?

Ambassador SATTERFIELD. Senator, the two issues that you pose, the question of the Security Council—the Security Council, in December of last year, welcomed—indeed, the members strongly supported the Iraqi request that the Chapter VII mandate terminate and not be extended after December 31 of this year. That is the formal position of the Security Council——

Senator VOINOVICH. Well, why doesn't the Security Council delay the conclusion of the agreement for 6 months?

Ambassador SATTERFIELD. Because the Government of Iraq, Senator, requested that the mandate be terminated, and because the members of the Council, on reflection of the strategic interest in seeing a sovereign agreement and all that a sovereign agreement entered into by the Government of Iraq with the United States or other coalition members would mean for security in that country, a goal shared by the Council, supported——

Senator VOINOVICH. What if you tell the Iraqis that you're not going to be able to complete this second agreement between now and the end of this administration?

Ambassador SATTERFIELD. Senator, with all respect, that is not the position of this administration.

Secretary LONG. Senator, I think there—I could provide an illuminating point that might be helpful to the point that you raised.

One of the things that's often overlooked about the Security Council resolution is that, by the nature of that resolution, it may be revoked by Iraq, as the requestor, at any time. So, on the issue of the protections of our forces in Iraq, we could put ourselves, very possibly, in the position, by going around the Iraqi request or by not recognizing the reality that it may be revoked, of putting men and women in uniform who are in Iraq in the position of having no document which internationally provides them with the protections that they require. And, in fact, the Baker-Hamilton Study Group recommended that we have such a SOFA agreement. So, I just wanted to illuminate that——

Senator VOINOVICH. Well why don't you concentrate on the SOFA and back off from formulation of the framework? This administration is not going to get it done.

Ambassador SATTERFIELD. Senator, again, I understand the point on the linkage here, but we do see a linkage. The Strategic Framework, we do not believe in any way obligates or commits this or the next administration in a fashion which should be seen as unacceptably binding.

Senator VOINOVICH. I don't think——

Ambassador SATTERFIELD. We do see it as useful——

Senator VOINOVICH. No——

Ambassador SATTERFIELD [continuing]. In getting the SOFA.

Senator VOINOVICH. All right.

Ambassador SATTERFIELD. Do you——

Senator VOINOVICH. You look at it that way. I'm just saying to you, from my perspective and from what I'm picking up from my colleagues, it's not going to happen. Proceeding toward a strategic framework with Iraq is going to turn into a big political thing between now and the election. I think, in the long run, rushing such an agreement could even hurt, rather than help, the situation. I'm asking you to look at reality.

The CHAIRMAN. Gentlemen, a vote has just started, but I would suggest we keep going. There's going to be three votes in a row. And I suggest you all miss the votes and continue the hearing. [Laughter.]

No; I suggest we keep this going for as long as we can, to get through the first vote. Then we're going to have to adjourn or recess until the two votes are completed.

We have a very distinguished panel behind this panel, and I hope we'll come back.

But, I yield to the Senator from New Jersey.

Senator MENENDEZ. Mr. Chairman, I understand that Senator Nelson had yielded——

The CHAIRMAN. He has set a bad precedent for you. [Laughter.]

Senator MENENDEZ. Well, I'm happy, at this moment, to yield to Senator Casey.

The CHAIRMAN. All right.

Senator Casey.

Thank you.

Senator CASEY. Mr. Chairman, thank you very much.

And I now owe the State of New Jersey, as well as the State of Florida. Thank you——

[Laughter.]

Senator CASEY [continuing]. For breaking the rules. We're grateful. I'm the beneficiary——

Senator MENENDEZ. Our interest rates are higher, though. [Laughter.]

Senator CASEY. I want to thank the panel.

Mr. Ambassador, I want to return to a point that several of my colleagues have been probing—I think it's important to establish something for the record.

It's just a very simple question. Is it your testimony today, and is it the legal position of the administration, the President, and the Department of State, that the Strategic Framework Agreement that you're seeking to negotiate and to put into action is legally binding on the next administration or not legally binding?

Ambassador SATTERFIELD. Senator, at present, we contemplate the Strategic Framework as a collection of political assurances on the character, the content of the partnership with Iraq that includes, but goes beyond, security measures, that, as such a collection of political assurances, it would not rise to the level of a legal commitment that would trigger advise-and-consent procedures.

Senator CASEY. And I would also ask the counsel, Is it your legal position of the State Department, that this is not legally binding?

Ms. DONOGHUE. That is the current understanding of the text. And, of course, with any text, we watch it closely as it develops—and we constantly evaluate whether we need to change that.

Senator CASEY. Well, look, one of the reasons why there's such skepticism—you sense it here today, and I know you understand this prior to today—is that this isn't happening in a vacuum. What's been happening for a number of years now, and certainly the last number of months, is that the question of this Strategic Framework being debated and discussed and argued about in the context of signing statements. This and other issues have caused a lot of concerns. Language from months ago seemed to commit us to deterring foreign aggression in Iraq. It's not as if this just is a difference of opinion about this Strategic Framework. It's in that context, why you have a high degree of skepticism. You're hearing, from both sides, about the problems you face in getting this done, at least from the vantage point of Congress.

And what I don't understand is—and I'd ask you about—however, let me just return to one aspect of your testimony, first.

Mr. Ambassador, on page 3 of your testimony, the continuation from page 2, right in the middle of that paragraph, you say, "Together they"—meaning both the SOFA and the Strategic Framework—"seek an accord that both affirms Iraqi sovereignty and continues to permit U.S. and coalition forces to"—and this is the language I'm focusing on—"to assist in restraining"—"assist in restraining extremists and other outside actors who seek power through violence and terror." What does that mean?

Ambassador SATTERFIELD. Senator, what that means is the following: For U.S. forces to be present in—to be effective in their presence in Iraq, in advancing the security goals that we believe are important, they will require from the Iraqi Government, after the expiration, December 31, no later than the 31st of December, of the Chapter VII mandate, permissions from the Government of Iraq for the conduct of combat operations and associated detainee operations, as they will require certain protections from the Government of Iraq. Whether or not forces are or are not present, and at what levels, whether or not they should conduct these operations is a decision for the Executive, this and the next administration. But, for that Executive to have the ability to make such decisions, they will require permission from the Government of Iraq. The Status of Forces Agreement codifies, sets forth, those post-Chapter VII permissions. That is what that testimony means.

Senator CASEY. Well, for the life of me, I can't understand why you wouldn't want to have greater consensus here, through the Congress and through the American people, for any kind of Strategic Framework, because it's going to be very difficult to give integrity to what you're trying to accomplish here if you don't have the support of the American people and have a Congress which, at best, is highly skeptical about what you're trying to do.

I know I'm low on time, because we have to vote. Senator Webb and Senator Menendez are—and others—are waiting.

I guess the last thing I wanted to cover is just the question of—we've been hearing a lot of different perspectives on this, and we know that, months ago back in November, in the Declaration of Principles, that declaration asserted, "security assurances and com-

mitments to the Republic of Iraq to deter foreign aggression against Iraq that violates its sovereignty and integrity of its territories, waters, and airspace." If there was a lost-in-translation, or a bad translation, why didn't the administration immediately clarify that, or repudiate it, or explain? Why did this comment sit there, so to speak, on the paper until it was questioned by others in Congress? Principally why didn't the administration immediately say, "That translation was bad," if it was that "We didn't mean to say that. That's misleading language"?

Ambassador SATTERFIELD. Senator, indeed, as soon as concerns were raised over that language—Secretary Gates was, I think, the most forceful and detailed member of the administration to speak to the fact that that language was not interpreted by us at the time, should not be interpreted now as to imply a binding security commitment or guarantee.

Senator CASEY. Thank you very much.

The CHAIRMAN. Thank you very much.

Senator Isakson.

Senator ISAKSON. Thank you, Mr. Chairman. I'll be very brief.

Counselor Donoghue, is there any historical precedent in the United States that lends any guidance on this? I know we had declarations of war in World War I and World War II and Korea was a U.N. action, if I'm not correct. Did the transition from Truman to Eisenhower also necessitate a Status of Forces Agreement? Do you know?

Ms. DONOGHUE. Well, we have Status of Forces Agreements of a wide variety. We have about 80 that we consider to be enduring Status of Forces Agreements, and a smaller number, perhaps 40, that were negotiated for specific arrangements. Is that——

Senator ISAKSON. But, none preceding a transition of Executive power from one administration to the next? The pending issue is the election in November and what status we're going to negotiate in advance of that, and whether that agreement might possibly bind somebody. I'm just wondering if there is a historical precedent in the United States.

Ms. DONOGHUE. Senator, I don't know the answer to that. We would have to look at the dates on which each of these agreements were concluded, and tie them to the election cycle.

Senator ISAKSON. If there is one, I'd like to know it. And if you'd let me know, I'd appreciate it.

Ms. DONOGHUE. Yes, Senator.

[The written information and charts supplied by Ms. Donoghue follow:]

The United States began negotiating status of forces agreements (SOFAs) after World War II, when it began deploying U.S. forces abroad for extended periods. At least 18 agreements concerning the status of U.S. forces abroad have been signed in the final year of a Presidential term. The attached chart lists these agreements.

Furthermore, we are not aware of any case in which an incoming administration has terminated a SOFA recently concluded by the outgoing administration. In fact, we are not aware of any U.S. administration terminating any SOFA under any circumstances whatsoever.

Country	Presidential Election Year	Status of Forces Agreement
The Bahamas	1984	Agreement concerning United States defense facilities in The Bahamas, with annex, agreed minute, and exchanges of notes (one Confidential). Signed at Washington April 5, 1984. Entered into force April 5, 1984.
Dominican Republic	1988	Agreement concerning the status of United States Government personnel temporarily present in the Dominican Republic in connection with their official duties. Effected by exchange of notes at Santo Domingo July 20 and August 4, 1988. Entered into force August 4, 1988.
Grenada	1992	Agreement concerning the status of United States Armed Forces personnel in Grenada. Effected by exchange of notes at St. George's December 7, 1992 and October 11, 1993. Entered into force October 11, 1993.
Guyana	2000	Agreement regarding the status of military and civilian personnel of the United States Department of Defense temporarily present in Guyana in connection with military exercises and training, counter-drug related activities, United States security assistance programs, or other agreed purposes. Effected by exchange of notes at Georgetown December 28 and 29, 2000. Entered into force December 29, 2000.
Jordan	1996	Agreement regarding the status of United States military personnel and civilian employees of the Department of Defense who may be in Jordan temporarily in connection with their official duties. Effected by exchange of notes at Amman April 4 and 10, 1996. Entered into force April 10, 1996.
Kenya	1980	Agreement concerning the use of certain facilities in Kenya by the United States, with annex. Signed at Nairobi June 26, 1980. Entered into force June 26, 1980. **(Confidential)**
Madagascar	2000	Agreement relating to the status of United States military and civilian personnel of the United States Department of Defense temporarily present in Madagascar in connection with humanitarian relief operations. Effected by exchange of notes at Antananarivo March 11 and 13, 2000. Entered into force March 13, 2000.
Maldives	2004	Agreement regarding military and Department of Defense civilian personnel. Effected by exchange of notes at Colombo December 31, 2004. Entered into force December 31, 2004.
Mozambique	2000	Agreement concerning the status of United States military and civilian personnel of the U.S. Department of Defense temporarily present in Mozambique in connection with humanitarian relief operations. Effected by exchange of notes at Maputo March 3 and 7, 2000. Entered into force March 7, 2000.

Nigeria	2000	Agreement concerning the status of United States military and civilian personnel of the U.S. Department of Defense temporarily present in Nigeria in connection with military training and other activities as may be agreed upon by the two governments. Effected by exchange of notes at Abuja August 24 and September 7, 2000. Entered into force September 7, 2000.
Oman	2000	Agreement concerning access to and use of facilities in Oman, with annexes and implementing arrangement. Signed at Muscat November 12, 2000. Entered into force November 12, 2000. **(Confidential)**
Qatar	1992	Defense cooperation agreement, with annexes. Signed at Doha June 23, 1992. Entered into force June 23, 1992. **(Secret)**
Saudi Arabia	1980	Status of Forces Agreement. Effected by Exchange of Notes October 12, 1980 and November 3, 1980. **(Confidential)**
Senegal	2000	Agreement regarding the status of United States military and civilian personnel of the United States Department of Defense temporarily present in Senegal in connection with training, humanitarian relief operations, exercises and other agreed activities. Effected by exchange of notes at Dakar December 21, 2000 and January 11, 2001. Entered into force January 11, 2001.
Saint Lucia	2000	Agreement regarding the status of members of the armed forces of the United States and civilian personnel of the United States Department of Defense present in St. Lucia in connection with military exercises and training, counter-drug related activities, United States security assistance programs, or other agreed peaceful purposes. Effected by exchange of notes at Bridgetown and Castries December 28 and 29, 2000. Entered into force December 29, 2000.
Somalia	1980	Agreement concerning the use of certain facilities in Somalia by the United States, with annex, exchange of notes and aide memoire. Entered into force August 22, 1980. **(Confidential)**
Suriname	1996	Agreement regarding the status of U.S. Special Forces Deployment for Training Exercise Mission. Effected by exchange of notes at Paramaribo January 17 and February 2, 1996. Entered into force February 2, 1996.
Tonga	1992	Agreement concerning the status of members of the United States Armed Forces in the Kingdom of Tonga. Done at Suva July 20, 1992. Entered into force July 20, 1992.

Senator ISAKSON. Mr. Satterfield, can this agreement, if completed, be canceled by either party at any time?

Ambassador SATTERFIELD. Yes, Senator.

Senator ISAKSON. Mr. Chairman, you informed me, the other day that any treaty that we negotiate is cancelable by either party at any time.

The CHAIRMAN. That's correct. I don't know of a treaty we've written that doesn't allow either party to an escape clause saying the treaty is no longer their national interest, and unilaterally withdraw from it, as President Bush did with the ABM Treaty.

Senator ISAKSON. My only comment would be, if either an advice-and-consent treaty, or the agreement are both cancelable at any time by either party, no matter how deep a debate we get into—is it really relevant?

The CHAIRMAN. Well, if you're——

Senator ISAKSON. Or, what's the difference?

The CHAIRMAN [continuing]. If you're asking me, they're relevant in the sense that withdrawal from treaties and withdrawal from executive agreements have political consequences that—you saw when we withdrew from the ABM Treaty, what that did internationally, the responses we received. And, again, it falls under the category, in my view, Senator, that big nations can't make assurances lightly, whether they're legally binding or not, without having consequences when they don't fulfill that obligation. That's the generic point I was making.

And you asked about the treaty—any treaty like it. I would like to suggest that, when you're looking—I don't know of any treaty that allows the latitude and protection for civilians and contractors as broadly as is being sought here, 180,000. So, civilian, nongovernment security forces contracted, like Blackwater, and the ability of a stationed force being able to, on its own, initiate military action in the country in which the Status of Forces Agreement exists—I know of no such treaty. I'd be delighted to hear if there was one; I may be mistaken.

Senator ISAKSON. I'll yield the balance of my time to Mr. Menendez, who has been waiting.

The CHAIRMAN. We have about 3 minutes, which means we'll have 5 minutes after the vote. So, if you—I think you could probably get in, and I'll go protect you on the floor—I'm not being facetious—so that you get shut out, in terms of voting, if you want to begin.

Senator MENENDEZ [presiding]. OK, Mr. Chairman.

Ambassador, let me ask you this. What was the purposes of the Declaration of Principles for a long-term relationship?

Ambassador SATTERFIELD. The purpose of the Declaration of Principles, last November, was to begin to lay out the broadest parameters of shared Iraqi-United States goals, to be fleshed out in the form of the Strategic Framework and, in terms of security issues, the Status of Forces Agreement this year.

Senator MENENDEZ. And in that declaration, the language clearly said, in the security sphere, "supporting the Republic of Iraq in defending its democratic system against internal and external threats" and providing, "security assurances and commitments to the Republic of Iraq to deter foreign aggression against Iraq that violates its sovereignty, integrity of its territories, waters, or airspaces." Is that not correct?

Ambassador SATTERFIELD. Senator, we have explained—Senator, I believe I addressed Senator Casey on the point that Secretary Gates and others have made clear. This does not, the language you refer to, constitute a binding security guarantee or commitment on the part of the U.S. Government.

Senator MENENDEZ. Well, words have meaning. Certainly those of us who have practiced in the law understand that words have real meanings. And when you start off in a Declaration of Principles that basically commits the United States to support the Republic of Iraq in all of these ways, it raises real flags for those of us who are concerned. And I echo the comments of the chairman and the ranking member and others who are concerned about your Status of Forces Agreement that you are pursuing.

Isn't it true that, under the Provisional Authority's resolution, that has been signed, that if we had an extension of the U.N. resolution, we'd have all of the guarantees we would be able to achieve under a Status of Forces Agreement?

Ambassador SATTERFIELD. Senator, the U.N. Security Council Chapter VII mandate empowers what was CPA legislation on privileges and immunities, but it is the intent of the Government of Iraq, as expressed to the Security Council and accepted by the Council and by the U.S. Government, to terminate that mandate. We are approaching this from the standpoint of a successor to the Chapter VII mandate.

Senator MENENDEZ. I understand that. If you had an extension of the resolution, you'd need no Status of Forces Agreement. Yes or no?

Ambassador SATTERFIELD. From the strict standpoint of protections for U.S. forces and the bases for the presence of those forces, that is correct.

Senator MENENDEZ. OK. Now, let me ask you this. It seems to me that what we are looking at here is a real concern in which we, I think, on both sides of the aisle, largely believe that such an agreement needs to come before the Congress. I know that that's not the administration's point of view—or certainly at least before this Senate. But, it is a real challenge to having seen the Statement of Principles, having seen the precedent set here by the administration in signing statements and other relevant issues to what they will dictate what they believe the law is, notwithstanding what the Congress says the law is, that there is a total lack of confidence that we will not be committed in the longer term context in the Status of Forces Agreement.

Let me ask you, in a different context, isn't it true that, in fact, we have probably the greatest leverage right now? Moving aside from a Status of Forces Agreement and the necessity, we believe, for the administration to come to the Senate, isn't this a moment, as this agreement is negotiated—of tremendous interest to the Iraqis, as well as to us?

Ambassador SATTERFIELD. Indeed, it is, Senator.

Senator MENENDEZ. Therefore, isn't this a moment, as you pursue this, even though I believe you should pursue it with the Senate's concurrence, that it should be used for real leverage to get the Iraqis to move in a direction that we want them to move and they have not?

Ambassador SATTERFIELD. Well, Senator, we certainly—and not just in the context of these negotiations, but in terms of our broad dialog and engagement with the Government of Iraq—are, indeed, making clear, as we have in the past, the need for continued progress. But, I would say, as Ambassador Crocker spoke over the past 2 days, that, indeed, progress is being made. More needs to be done, but significant, substantial progress has been made.

Senator MENENDEZ. Yes, well let me just say, I believe that to the extent that Iraq is equally, if not as—greater than us, in terms of our interest in having such an agreement, that it provides a tremendous leverage opportunity, one that I don't hear the administration even talking about using as a tool in pursuing greater acceleration of some of the key political elements that we need for an

opportunity in Iraq to be successful. And I just think that that is a huge mistake and undermines a critical opportunity to make the Iraqis make the hard choices, compromises, negotiations necessary for a government of national unity, as well as bearing more of its funding of its own domestic responsibilities.

I have a message from the chairman, that he would ask you to stay, because Senator Webb and maybe one other may have some questions. And if you would do so, we would appreciate it.

And thank you for your responses.

[Recessed.]

The CHAIRMAN [presiding]. The hearing will come to order. We do apologize. The witnesses are pros, though; they know how this place works. I apologize.

What we've done is—there's going to be another vote, but we have plenty of time for Senator Webb, who I think is the last questioner of this panel, to be able to get in his questions. And then we'll—for the next panel, we'll let you know—we're going to dismiss this panel, but there'll probably be another 10 minutes before we begin your panel. I'm sorry. I hope none of you have planes or trains to catch in the meantime, because we're anxious to hear what you have to say.

I yield to the Senator from Virginia.

Senator WEBB.

Senator WEBB. Thank you, Mr. Chairman.

Ambassador Satterfield, I'm trying to get myself straightened, here. Let me start off by saying that I agree with the chairman on the question of the political wisdom of the way this is moving forward. I also happen to agree with Senator Feingold, particularly on the potential that there is a constitutional issue here, certainly an issue in federal systems, in terms of how the different branches of government really should be working.

And I don't know if you all read Arnaud de Borchgrave, the columnist, commentator. I think he's pretty good. He had an article, that came out yesterday, actually, and one of the paragraphs in this article said, "The full"—I'm quoting, here—"The full impact of Bush's answer to a question put to him by a European author in a private Oval Office meeting a year ago leaves no room for doubt. After an optimistic briefing on Iraq, the author asked the President, 'What about your successor?' and Bush replied, 'Don't worry about him, we'll fix it so he'll be locked in.'"

Whether it is accurate or not, as it pertains to the issue before it, it certainly defines the mood of distrust that has followed the way that we ended up in Iraq, from many of us who were warning, prior to the invasion, that there was no exit strategy, because people who were putting this together did not intend to leave.

And particularly in terms of putting together this larger Strategic Framework, the way that it's been repeated identified, going to political, economic, cultural, and security matters, I think you can understand the hesitations from both sides of the aisle on that.

I'd like to get some clarification on a couple of things, if I may, just in a sense of attempting to understand the actual legal environment in which you are proposing to move forward.

First, Secretary Long, you mentioned—and this is my best attempt at trying to get a quote while you were speaking. I think

the operative words are exact. I don't know if I got your whole quote. But you said, "After 31 December, we will need an international authority in order to maintain our military presence in Iraq. We will need an international authority." What international authority will that be?

Secretary LONG. Senator, I apologize if I implied that there was a legal necessity for an international authority. What I meant to say was that the—our authorities now to operate in a combat nature in Iraq are derived from the United Nations Resolution Chapter VII and subsequent related agreements. The auspices under which we are operating will expire, as you know, on December 31, 2008, the end of this year, and we will—we are looking to replace those with an authority granted by the Iraqi Government, pursuant to the SOFA.

Senator WEBB. So, in your view, the international authority, after December 31, would come from what document?

Secretary LONG. I don't want to make a legal determination, but I know that, in the view of many of our coalition partners, they are operating now with our Armed Forces under the Chapter VII resolution, and that they believe they are required—and I don't have insight into their legal structures for a subsequent legal authority under which our coalition partners will continue to operate with us. Now, whether that is granted as a bilateral agreement with—between whatever country and the Iraqis, or whether it is a subsequent United Nations resolution, we don't know yet. Some of them are contemplating operating with our forces under an——

Senator WEBB. No, no, what—for the United States——

Secretary LONG. For the United States——

Senator WEBB [continuing]. After December 31, 2008, is there an operative legal authority in place right now for us to continue in Iraq?

Secretary LONG. Not for combat operations, no.

Senator WEBB. And so, what is the operative legal authority that you believe will allow us to move forward?

Secretary LONG. The Status of Forces Agreement——

Senator WEBB. In terms of the Status of Forces Agreement, under what legal authority is that going to be negotiated?

Secretary LONG. That's an executive agreement that is binding, sir.

Senator WEBB. So, essentially what you are maintaining is that an executive agreement from the United States Government can bind us—let me choose a better word—can authorize the continued presence of the United States military in Iraq.

Secretary LONG. Go ahead.

Ambassador SATTERFIELD. Senator, the Status of Forces Agreement relates to, specifically and exclusively, authorization or permission from the Government of Iraq, as the host government, for the presence of forces, for privileges extended to those forces——

Senator WEBB. I understand——

Ambassador SATTERFIELD [continuing]. Or for the ability to conduct combat and associated detainee operations. It is quite distinct from—entirely distinct from the authorizations or the authorities within the U.S. system required for that presence of forces and their conduct.

Senator WEBB. That's exactly the point that I'm trying to make. So, what is this other authority that authorizes us to be there after December 31? What is the legal authority?

Ambassador SATTERFIELD. The legal authorities in the U.S. context——

Senator WEBB. Right.

Ambassador SATTERFIELD [continuing]. Are the same authorities under which we are present and under which we conduct operations in Iraq today.

Senator WEBB. In other words, the congressional authorization of 2002.

Ambassador SATTERFIELD. It is, Senator, the President's authorities as Commander in Chief, it is both the 2001 counterterrorism, as well as the 2002 congressional authorizations.

Senator WEBB. So, in your view—you and I have had a discussion about this before, the congressional authorization of 2002 and this other document authorize the United States to maintain a presence in Iraq until when?

Ambassador SATTERFIELD. Along with the President's constitutional authorities as Commander in Chief, that authorization is not limited in time. I'd defer to the counselor for further detail on that.

Senator WEBB. So, in perpetuity, arguably, your position would be that the United States Congress probably does not abrogate that authority, because, since it goes to the Commander in Chief. That's actually the wording of the Presidential signing statement when he signed the 2002 authorization.

Ambassador SATTERFIELD. Senator, the two specific pieces of legislation do not contain a temporal calendar for termination of their authorities.

Senator WEBB. Right. So your view would be—and I have read, carefully, the Presidential signing statement in 2002, where the President doesn't say that this congressional authorization limits his ability to function as a Commander in Chief. So, we're obviously going to be in disagreement on this. I'm just trying to get clear, here. You're maintaining that the congressional authorization of 2002 and the other one you mentioned, in 2001——

Ambassador SATTERFIELD. 2001.

Senator WEBB [continuing]. Plus, or perhaps superceded by, the President's authority as Commander in Chief, authorizes the United States to be in Iraq after December 31——

Ambassador SATTERFIELD. Along with——

Senator WEBB [continuing]. Into perpetuity, unless something else happens.

Ambassador SATTERFIELD. Along with the President's constitutional authorities as Commander in Chief are the authorities in the United States system for the presence of conduct of operations of United States forces in Iraq.

Senator WEBB. So, if you don't have the Strategic Framework Agreement, you would say that this is the authority for negotiating United States bases in Iraq, et cetera. What is the——

Ambassador SATTERFIELD. Well——

Senator WEBB. What is the impact of the Strategic——

Ambassador SATTERFIELD. Senator——

Senator WEBB [continuing]. Framework Agreement?

Ambassador SATTERFIELD [continuing]. Whatever authorities this or any other U.S. President may have through the Constitution or statute, when U.S. forces are present in a foreign country, they require some form of authorization for that presence and for their operations. Now, that can come in the form of an international mandate. That is the extent—but, terminating, December 31, Chapter VII——

Senator WEBB. Right.

Ambassador SATTERFIELD [continuing]. Resolution—or they are based upon a sovereign agreement that is either bilateral or multilateral, as in the case of NATO, for——

Senator WEBB. Right.

Ambassador SATTERFIELD [continuing]. That presence and those operations——

Senator WEBB. Or bilateral, as in the sense of Japan, the Philippines——

Ambassador SATTERFIELD. Or——

Senator WEBB [continuing]. Et cetera.

Ambassador SATTERFIELD. Yes, exactly, sir.

Senator WEBB. OK.

Ambassador SATTERFIELD. You must have one of the two.

Senator WEBB. So, it would be your position, then, that the Strategic Framework Agreement, from a United States perspective, is the authorizing agreement for bases—for negotiating bases and these other sorts of things.

Ambassador SATTERFIELD. It is the basis for the Government of Iraq's permission for forces to be there and to conduct certain operations, if the Executive determines to do so.

Senator WEBB. Or if the United States Government determines to do so.

Ambassador SATTERFIELD. Post-December 31.

Senator WEBB. So, this is an essential document.

Ambassador SATTERFIELD. It is, Senator.

Senator WEBB. OK. And I would argue, Mr. Chairman, that it's a document that would need some congressional consent.

What is a "permanent base"?

Ambassador SATTERFIELD. Senator, the administration has made quite clear that we are not seeking permanent bases in Iraq, and the agreement——

Senator WEBB. Right. But——

Ambassador SATTERFIELD [continuing]. Would explicitly exclude that.

Senator WEBB [continuing]. What is a permanent base? Are our bases in Japan permanent bases?

Secretary LONG. I have looked into this. As far as the Department is concerned, we don't have a worldwide, or even a departmentwide, definition of "permanent bases." I believe those are, by and large, determined on a case-by-case basis. But, as Ambassador Satterfield pointed out, the Secretary of Defense has said, explicitly, that this agreement does not——

Senator WEBB. Well, I understand that. But, basically, my point is, it's sort of a dead word.

Secretary LONG. Yeah, Senator——

Senator WEBB. It doesn't——

Secretary LONG [continuing]. You're exactly right.

Senator WEBB [continuing]. Really mean anything.

Secretary LONG. It doesn't. We've had——

Senator WEBB. We've had——

Secretary LONG [continuing]. Bases——

Senator WEBB. We've had bases in Korea since 1953 anyway, and I would be hard-pressed to say they're permanent. How long is permanent? We have bases in Japan, under a security agreement, that—we are relocating a lot of those to Guam, so I wouldn't say that they are permanent. So, to say that these won't be permanent bases really doesn't go to the question of what they will be; it goes to the question of what they won't be. And what we're saying they won't be is a dead word.

Secretary LONG. Senator, you're exactly right. I think most lawyers, from a "permanent" standpoint, would say that it—the word "permanent" probably refers more to the state of mind contemplated by the use of the term.

Senator WEBB. Exactly. And I would say that the state of mind, in a governmental sense, should be established by all the appropriate constitutional players. I mean, you're saying that this agreement will reflect all of the major political parties of Iraq, but, at this point, it doesn't really reflect all the major political parties of the United States. That's why we're interested in continuing this discussion.

And I thank you for your time. I'm well over my time.

I thank you, Mr. Chairman.

The CHAIRMAN. Thank you. I'm glad you were able to have the extra time.

Let me follow up, as we're about to—this last vote—and I'll thank you for your presence and let you all go. But, there's a certain irony here. The irony is that we're acknowledging that the Iraqis will not give us a Status of Forces Agreement, absent other commitments that are not technically binding, but, nonetheless, commitments of stating to what the relationship is going to be in the future. And we are—making the argument—and you always use the phrase, Secretary Long, of "multinational forces." The truth is, when this U.N. resolution expires, in January, no other forces are allowed to be in that country, unless the Iraqis negotiate, independently with them, a Status of Forces Agreement. So, if you've got 8 Czechs or 27 Czechs or 15 whoever, they require, in order for their troops to be protected—because they can't piggyback on ours, there is no national, there is no international, thing that allows them to do that.

And the irony here is, the—you are correct, I believe, that the authorization of use of force in 2002 is the basis upon which we are able to use force in Iraq, but it says, "to defend the national security of the United States against continuing threats posed by Iraq and to enforce all relevant U.N. Security Council resolutions regarding Iraq."

All U.N. Security Council resolutions regarding Iraq will cease and desist as of January 1 of this year. So, that's no longer relevant. And the Government of Iraq is the very government we're negotiating the Status of Forces Agreement, so, ipso facto, it is not a threat to the United States of America. So, I would respectfully

suggest you have no constitutional basis upon which to argue that the resolution of authorizing the use of force of 2002 gives you any constitutional or legal jurisdiction, justification for what you're about to do.

And the last point I'll make is that the agreements referenced are accurate, you need either an international mandate or a sovereign agreement for American forces to be there. Status of Forces Agreements in every other country do not call for the ability—whether it's Korea or Japan—for the United States, in this Status of Forces Agreement, to engage in war unilaterally within that country or with anyone else. NATO, which was cited, is a treaty and a different breed of cat, does not at all relate to this. It is not at all remotely comparable.

And so, the irony here is, we are saying the Iraqis will not give us a Status of Forces Agreement to protect our forces, which you all agree we need, absent a larger agreement, a separate agreement; and in the Status of Forces Agreement, we're asking for something we've not asked in any other Status of Forces Agreement I'm aware of, the ability to unilaterally conduct military operations—not in defense of our troops being attacked—unilaterally—as well as be able to take prisoners in the country of Iraq, whether Iraqi citizens or otherwise, and hold them without the permission of the Iraqis. They're two things we're asking for in this Status of Forces Agreement.

I'd respectfully suggest you don't have a constitutional leg to stand on for this agreement. So, I'd also suggest—and I'll be happy—I'm going to cease, so let you—because I'll submit some of these in writing, and I'd appreciate a written answer, as well.

I'd also suggest you negotiate a Status of Forces Agreement, period. Because I'd also suggest that if the answer is, "The Iraqis won't give it to us because they want more," that's an awful hard case to explain to the American people, why we ain't giving everything. We're giving, and going to continue to give, 30 to 40 American lives a month, even with the downturn in violence. We're continuing to give 230 to 240 Americans wounded a month, even with the reduced violence. We're continuing to give $3 billion a week. If that ain't enough, then, guess what? If the Iraqi Parliament votes for us to go home, guess what? I predict to you, 85 percent of the registered Republicans in Americans, 95 percent of the Democrats, and 90 percent of the Independents will say, "Hey, man, they don't want us? OK, we're out of there."

I think you need a different game plan, respectfully, because I do think we have to protect our troops. And that's selfish, because some of us have special troops that are going to be there. And so, I will submit some of these in writing, if you will.

I thank you, as always, for your candor. You've been straightforward with us. I truly appreciate it. I understand your point. But, I think we have a political—in a broad sense, a political dilemma here, as well as a legal and constitutional one. And hopefully we can resolve it.

But, if you'd like to make any closing comment, I'd be delighted to hear you, your view.

Ambassador SATTERFIELD. No, Senator; we certainly understand the points that have been raised here today by you and all of your

colleagues. We understand the importance of a full understanding on the part, not just of this body, but the American people, of what both of these documents do and don't do. And we certainly understand the sacrifices made——

The CHAIRMAN. Oh, I know you do.

Ambassador SATTERFIELD [continuing]. By America——

The CHAIRMAN. I wasn't implying you didn't.

Ambassador SATTERFIELD [continuing]. In that country. They're extraordinary. And they continue to be——

The CHAIRMAN. Yes.

Ambassador SATTERFIELD [continuing]. Extraordinary.

But, what we are seeking to do here is to secure, for the long term, fundamental American interests, interests that we, frankly, believe will be shared by this and all administrations.

Thank you, sir.

The CHAIRMAN. Well, that's my hope. And I thank you all.

I apologize to the next panel, I've got to run and make this vote. And if I can get one of my colleagues to come back, I'd ask them to start, so we don't hold you up, if they come back.

So, I'd ask my staff, whoever comes back, Democrat or Republican, if they'd empower the panel and begin.

But, I thank you all.

We're recessed until the next vote.

[Recess.]

The CHAIRMAN. The hearing will come to order.

We have a very distinguished panel. We've kept you waiting a great deal already, for which I apologize. And I'm glad they, though, had an opportunity to hear the testimony today of the administration so—because I may ask you to comment on some of what they've said and I acknowledge that there are varying interpretations, constitutionally and legally, of what they said.

Mike Matheson is a visiting research professor of law at George Washington University, here in Washington, DC. He was a career attorney in the Offices of the Legal Advisor at the Department of State for 28 years, including 13 years as Deputy Advisor to two of the Acting Legal Advisors.

It means you've got to go back, though, right? Good luck on your testimony. You're not going back? Oh, I thought you were staying, I thought you were on leave, I'm sorry. I misspoke, I misunderstood.

Mike Glennon is an old friend of this committee, as a matter of fact he used to sit back here, back in the old days, when he and a guy named John Ritch ran this place. He's a professor of international law at the Fletcher School of Law and Diplomacy. We've called on him—both Republican chairs and Democratic chairs have called on him repeatedly since his stint here as counsel from 1977 to 1980. Happy to have him back.

And Ruth Wedgwood is director of the International Law and Organization Programs at the Paul Nitze School of Advanced International Studies at Johns Hopkins University, a really fine outfit. She's also a member of the Secretary of State's Advisory Committee on International Law, and a member of the Defense Policy Board as well as a member of the United Nations Human Rights Committee.

I thank you all for being here, and maybe if you could proceed in the order in which you were recognized, and then we'll have some questions, with your permission.

Thank you.

STATEMENT OF MICHAEL J. MATHESON, PROFESSOR, GEORGE WASHINGTON UNIVERSITY SCHOOL OF LAW, WASHINGTON, DC

Mr. MATHESON. Thank you, Mr. Chairman. I appreciate the invitation to testify today. I have submitted a written statement which I suggest be included in the record, and that I give you a summary.

The CHAIRMAN. The entire statement will be placed in the record.

Mr. MATHESON. Thank you.

I just want to focus on certain questions about these agreements which the administration apparently intends to conclude, pursuant to the joint declaration. I will be focusing on legal issues, but of course this, in no way, obviates the very legitimate policy and practical concerns that you—and other members of the committee—have been raising.

First of all, with respect to the question of security commitments and security assurances: As you know, the term "security commitments" has been the subject of considerable dialog between the political branches over the years, as to what it means, and what the consequences of it are. It's most commonly been used in the sense of a binding obligation of the United States to act in the common defense of another country, in the event of armed attack. Of course, such security commitments were included in a number of defense treaties after World War II—the NATO treaty, Korea, Japan, and so on.

This term has often been used in distinction from "security assurances," or "security arrangements," which typically have been used to mean a commitment to take some lesser action, in the event of a security threat to another country. One good example of that was in the 1975 agreement with Israel, in which the United States agreed that in the event of a threat to Israel's security, that the United States would—and let me quote this, "consult promptly with the Government of Israel with respect to what support, diplomatic or otherwise, or assistance, it can lend in accordance with its constitutional principles."

As we know, the Declaration of Principles with Iraq refers both to security commitments and assurances. The administration has now told us that it does not intend to give security commitments. Assuming that's the case, I suppose that's an answer to the legal question, but obviously it does not, in any way, dispose of the considerations you and other members were suggesting that there could be significant political and practical consequences of a security assurance, even though it may not rise to the level of a security commitment.

Next, with respect to the status of the U.S. forces, when U.S. Armed Forces are deployed in another country for an extended period, the United States will always want to have in place some form of agreement or other instrument which defines the status of those forces, and assures that they have appropriate privileges, and appropriate immunities from local law and local jurisdiction.

There isn't any uniform model or content for these SOFAs—some are very brief and general; some are very extensive and may include a number of formal understandings or appendices. But they typically have certain common objectives. They give U.S. forces the right to enter, to move about in conducting their mandate; they grant exemption from some, or all, local taxes and charges; they grant exemption from local criminal or civil jurisdiction, in whole or in part. The specific terms may vary, depending on the circumstances and the demands of the host country.

With respect to Iraq, United States forces are in Iraq as part of the Multi-National Force that's been authorized by the Security Council under Chapter VII of the U.N. Charter, as you know. And the Security Council authorized the Multi-National Force to use "all necessary measures" to maintain security and stability in the country, and to protect the international contingents, and for various other purposes. And it's commonly understood that this authorizes those units to use force in carrying out that mandate.

The status of the Multi-National Force is governed by an order issued in 2004 by the Coalition Provisional Authority, as the occupying authority; this is known as CPA 17, and its been maintained in force since the end of the occupation by a provision of the Iraqi Constitution, for the duration of the Multi-National Force mandate.

CPA 17 does those things which a typical SOFA will do. It gives immunity to Multi-National Force personnel from Iraqi criminal jurisdiction; it governs such matters as contracting, and taxes, and travel, and so on. It does differ from a typical SOFA in one respect, which is that it gives immunity to civilian contractors, as well as to government personnel.

Now, CPA 17 only covers U.S. forces as they are part of the Multi-National Force. As you know the current mandate of the Multi-National Force only extends through the end of this current year. If no follow-on SOFA were concluded by then, then it would be prudent to extend the current protections of CPA 17.

This could be done by action of the Security Council to extend the current U.N. mandate, but there could be other ways to do the same thing—to preserve the status quo. For example, one might have a simple exchange of notes between the United States and the Iraqi governments, which would agree to maintain the current authority and status of United States forces for some interim period while the follow-on agreement was negotiated. And that applies not only to the technical status of those forces, but also to any authorization to conduct military operations that might be desirable.

Next, the role of Congress in all of this: With respect to security commitments, as we know, they have almost always been done in the form of treaties, but at a minimum, in any event, by some kind of act of Congress. More limited security assurances, such as a simple promise to consult in the event of a security threat, could be done by executive agreement, and has been done in the past by executive agreement, pursuant to the President's constitutional authority.

With respect to SOFAs, there's no uniform model or format. The NATO SOFA was in the form of a treaty. There were other SOFAs which were concluded as agreements implementing treaties, but also there have been a large number of SOFAs concluded

as executive agreements, pursuant to the President's constitutional authority.

If a SOFA with Iraq were limited to giving United States forces exemption from Iraqi law, then the President could do this without the necessity for congressional approval. If other types of commitments were added, that might or might not require congressional approval as a legal matter, depending upon their content, and their relationship to other statutory restrictions.

For example, if there were a commitment to permanent bases—whatever that might mean—in an Iraqi SOFA, then that would be contrary to the DOD Appropriations Act, and consequently, the administration has told us there will be no such commitment.

But even if you had a case where an agreement fell completely within the President's constitutional authority, that doesn't mean, in my mind, that Congress should not play a significant role. On the contrary, given the very obvious importance of the future United States-Iraqi relationship, and given the importance of the role of the United States forces in that relationship, it seems to me as a minimum that the administration should fully consult and involve Congress in decisions about both the form and the substance of the agreement.

And I would go further—I would say that, ideally, the two branches should be arriving at some consensus on the future role and status of the U.S. forces, and this might be confirmed in some form. It might take the form of formal congressional approval, it might take the form of a sense-of-Congress resolution, it might take the form of formal exchanges with the congressional leadership; the important thing is that it should be a joint endeavor, it seems to me, in defining the future role of the United States and its forces in Iraq. This, I think, would be necessary to acknowledge and accommodate the legitimate interest of Congress, both with respect to U.S. foreign and national security policy, and the use of U.S. funds, and the disposition of U.S. forces.

Mr. Chairman, that completes my summary. Of course, I'd be very glad to answer your questions.

[The prepared statement of Mr. Matheson follows:]

PREPARED STATEMENT OF MICHAEL J. MATHESON, PROFESSOR, GEORGE WASHINGTON UNIVERSITY LAW SCHOOL, WASHINGTON, DC

I have been asked to give my views on the agreements with Iraq that are contemplated pursuant to the November 2007 United States-Iraq Declaration of Principles.[1] It would appear that the administration intends to conclude a Status of Forces Agreement (or SOFA) to govern the rights and immunities of U.S. forces in Iraq, and a Strategic Framework document to establish a broader blueprint for future cooperation in the political, economic, cultural, and security fields. These documents are intended, among other things, to govern the United States-Iraq security relationship after the expiration of the current U.N. Security Council mandate, which currently provides for the presence of U.S. and other coalition forces through December of this year.

SECURITY COMMITMENTS AND ASSURANCES

According to the Declaration of Principles, the new documents will include "security assurances and commitments to the Republic of Iraq to deter foreign aggression against Iraq that violates its sovereignty and integrity of its territories, waters, or airspace."

[1] See www.whitehouse.gov/news/releases/2007/1/20071126–11.

The question of what constitutes a "security commitment" to another country has been the subject of dialog between the executive branch and Congress for decades. In 1969, the Senate adopted the National Commitments Resolution,[2] which asserted that any "promise to assist" a foreign country "by the use of Armed Forces" would be a "national commitment" that could only be given by means of a treaty, statute, or concurrent resolution.

The National Defense Authorization Act for Fiscal Year 1991 included a provision requiring the President to submit a report to Congress describing all existing "security arrangements with, or commitments to" other countries.[3] In 1992, President George H.W. Bush submitted a report listing current U.S. security commitments and arrangements.[4] He defined a "security commitment" as "an obligation, binding under international law, of the United States to act in the common defense in the event of an armed attack on that country." He provided a list of current U.S. security commitments, almost all of which were contained in treaties concluded between 1947 and 1960, including the North Atlantic Treaty, the Rio Treaty (with Latin American countries), the Southeast Asia Treaty, and treaties with Australia, New Zealand, the Philippines, South Korea and Japan.[5]

The provisions of these treaties vary somewhat, but each contains language that contemplates U.S. action in the common defense in the event of armed attack against one of the treaty parties. For example, Article 5 of the 1949 North Atlantic Treaty says that the Parties agree "that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defense . . ., will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area."[6] Article V of the 1960 Treaty of Mutual Cooperation and Security between Japan and the United States says that each Party "recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes."[7]

The 1992 Presidential report contrasted such security commitments with "security arrangements"—that is, pledges by the United States to take some action in the event of a threat to the other country's security, typically to consult with that country—but containing no commitment with respect to the use of U.S. Armed Forces. It listed a number of such arrangements, including those with Israel, Egypt, and Pakistan. For example, it cited the 1975 Memorandum of Agreement with Israel, which stated that in the event of a threat to Israel's security or sovereignty, the U.S. would "consult promptly with the Government of Israel with respect to what support, diplomatic or otherwise, or assistance it can lend in accordance with its constitutional practices."[8] Pledges of this sort have also been called "security assurances."

In addition to such "security commitments" and "security assurances," there are a variety of other steps that the United States might take to enhance the security of a friendly country, including providing military assistance, sales of military items and technology, and stationing U.S. forces. Some or all of these steps may be taken in conjunction with security commitments or assurances.

Once again, the United States-Iraq Declaration of Principles refers to "security assurances and commitments." However, on reflection, the administration has now stated that the agreements contemplated will not include any security commitments to Iraq. Other forms of security assurances or arrangements may be included in either the SOFA or the strategic framework document, but the administration has not yet, to my knowledge, indicated exactly what is intended.

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[2] S. Res. 85, 91st Cong., 1st Sess., June 25, 1969.

[3] Sec. 1457, Public Law 101–510; codified in 50 U.S.C. 404c.

[4] See Treaties and Other International Agreements: The Role of the United States Senate, a study prepared for the Senate Foreign Relations Committee by the Congressional Research Service, 103d Cong., 1st Sess., November 1993, p. 206–07.

[5] The State Department also maintains a list of "U.S. Collective Defense Arrangements," consisting of these treaties. See www.state.gov/s/l/treaty/collectivedefense.

[6] April 4, 1949; 63 Stat. 2241; TIAS 1964; 34 UNTS 243.

[7] June 23, 1960; 11 UST 1652; TIAS 4510; 373 UNTS 186.

[8] September 1, 1975; 32 UST 2150; TIAS 9828.

STATUS OF U.S. FORCES

When U.S. forces are deployed to a foreign country for a significant period—whether under U.N. authority or not—the United States will typically wish to have in place an instrument making clear the status of U.S. forces and the extent of their immunity from the law and jurisdiction of the state in which they are operating. If the U.S. is acting as an occupying power, this may take the form of an occupation order; otherwise, it will take the form of an agreement with the state in question, either concluded by the U.S. Government itself or by the Multi-National Force or coalition of which it is a part. According to the administration, the United States has such agreements with more than 115 countries.[9]

There is no uniform model or template for SOFAs, but they typically have certain common objectives: To give U.S. forces the right to enter, leave, and move about the country, wear their uniforms and use their vehicles; to exempt U.S. forces and personnel from some or all taxes and charges of the host country; to regulate claims and contracts; and to exempt U.S. personnel from local criminal and civil jurisdiction in whole or in part. This may be stated in brief and general terms, or it may be complex and detailed. For example, the SOFA concluded in 2002 with East Timor was less than 3 pages in length, while the Korea SOFA ran to more than 150 pages and was accompanied by a series of agreed understandings.

The terms of these agreements may vary, depending on the needs of the situation and the attitude and demands of the foreign government in question. For example, on the question of foreign criminal jurisdiction over U.S. personnel, some SOFAs allocate criminal jurisdiction between the United States and the host country, depending on whether or not the offenses alleged were committed against other U.S. personnel or in the course of official duty; while other SOFAs give U.S. personnel complete exemption from foreign criminal jurisdiction.

U.S. forces are present in Iraq as part of the Multinational Force (MNF) authorized by the Security Council under Chapter VII of the U.N. Charter. Security Council Resolution 1511 in October 2003 authorized that force "to take all necessary measures to contribute to the maintenance of security and stability in Iraq," including the security of U.N. and Iraqi operations and "key humanitarian and economic infrastructure." This "all necessary measures" language is understood to include freedom of movement and the right to use necessary force to carry out the MNF mission. Subsequent resolutions referred also to "preventing and deterring terrorism and protecting the territory of Iraq," combat operations against violent groups and internment of their members, humanitarian assistance, civil affairs support, and relief and reconstruction.[10]

This authorization and mandate has been periodically renewed by the Council. In December 2007, the Council extended the mandate until December 31, 2008. It declared that it would terminate that mandate earlier if requested by the Iraqi Government, and noted that Iraq had advised that it would not request a further extension of that mandate.[11] (Of course, the Council still retains the right to extend the mandate if it should wish to do so, and any early termination of the mandate would still require affirmative Council action.)

The status, privileges, and immunities of U.S. forces in Iraq are still governed by an order issued in June 2004 by the Coalition Provisional Authority as the occupying authority during the initial period of U.S. operations in Iraq. That order, known as Coalition Provision Authority Order Number 17 or CPA 17, grants immunity to all MNF personnel from Iraqi arrest and criminal jurisdiction, and regulates other matters usually covered by SOFAs, such as contracting, travel, taxes, and fees. It differs from typical SOFAs in one significant respect, in that it grants such immunity to civilian contractors with respect to acts performed under their contracts.[12]

Article 126 of the Iraqi Constitution states that "existing laws shall remain in force, unless annulled or amended in accordance with the provisions of the Constitution," which is apparently understood to mean, among other things, that CPA 17 will continue in force unless specifically rescinded or amended by the Iraqi Parliament. However, CPA 17 does not provide a clear basis for the status of U.S. forces after the termination of the MNF mandate. It only covers U.S. forces as part of the MNF, and it states that it will remain in force for the duration of the MNF mandate

[9] Condoleezza Rice and Robert Gates, "What We Need Next in Iraq," Washington Post, February 12, 2008.

[10] See U.N. Security Council Resolution 1546 (2004) and letters incorporated by reference.

[11] U.N. Security Council Resolution 1790 (2007).

[12] See http://www.cpa-iraq.org/regulations/20040627__CPAORD__17__Status__of__Coalition__Rev__with__Annex__A.pdf.

under Council resolutions "and shall not terminate until the departure of the final element of the MNF from Iraq."

While this language might give some room for the continuation of immunities for any U.S. forces that may temporarily remain in Iraq as part of the MNF after December 31, 2008, it would, if possible, be better to clarify the matter in a definitive way. In the event a permanent SOFA is not agreed by that date (which the administration evidently intends to do), it would seem prudent to take some affirmative step to continue the CPA 17 provisions for a further period while negotiations continue. This might, for example, be done by a temporary extension of the MNF mandate by the Security Council, an exchange of notes between the United States and Iraq temporarily extending the current status of U.S. forces, or an act of the Iraqi Parliament.

Finally, the question arises as to whether any other agreement to be negotiated pursuant to the November 2007 Joint Declaration would in any way define or affect the future mission or status of U.S. forces. Secretaries Rice and Gates have stated that the coming negotiations with Iraq will "set the basic parameters for the U.S. presence in Iraq, including the appropriate authorities and jurisdiction necessary to operate effectively and to carry out essential missions" but that nothing to be negotiated will mandate combat missions, set troop levels, provide security commitments or authorize permanent bases in Iraq.[13] It may be worthwhile to clarify what is intended along these lines, and in particular whether anything is intended that would go beyond the traditional scope of SOFAs as described above.

THE ROLE OF CONGRESS

With respect to security commitments and assurances, U.S. practice gives useful guidance as to the form these commitments or assurances should take. Security commitments in the technical sense have generally been undertaken by treaty, or at a minimum by act of Congress.[14] Certainly a binding commitment to defend Iraq would call for such action. On the other hand, properly limited security assurances—such as a simple promise to consult—have taken various forms, including sole executive agreements and policy statements, and the President could offer them on the basis of his own constitutional authority.

With respect to Status of Forces Agreements, there is no uniform model or format. The NATO SOFA took the form of a treaty;[15] some SOFAs have been agreements implementing prior mutual defense treaties;[16] but a great many take the form of executive agreements concluded under the President's own constitutional authority. If the agreement is limited to giving U.S. forces and personnel exemption from foreign law, the President may conclude it without further congressional approval.

Other types of commitments would have to be evaluated within the context of any relevant existing legislation, which might or might not require further congressional action, depending on the content of the commitments and the applicable statutory restrictions. Particular attention would have to be paid to any commitments of U.S. funds, any commitments to provide military assistance or arms sales, any arrangements involving U.S. bases in Iraq or access to Iraqi bases, any forgiveness of obligations to the United States, and any immunities or exceptions from the application of U.S. law. For example, any commitment to permanent U.S. bases in Iraq would be inconsistent with the most recent DOD Appropriations Act,[17] and the administration has now indicated that there will be no such commitments.

But even if a proposed commitment or arrangement falls within the President's independent constitutional authority, this does not mean that Congress should play no role in the process. Given the obvious importance of the future United States-Iraq relationship and in particular the role of U.S. forces in the future security of Iraq, it would seem at a minimum that the administration should engage in serious consultation with Congress on both the form and substance of the agreements that will implement the United States-Iraq Declaration of Principles. Ideally, the two branches should arrive at a consensus on the future role and status of U.S. forces,

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[13] See note 9 above.

[14] 14 Apparently security commitments were given to the Marshall Islands and Micronesia under Compacts of Free Association approved by Congress. See note 4 above at p. 206.

[15] North Atlantic Treaty Status of Forces Agreement, 4 UST 1792, June 19, 1951. Since this agreement granted exceptions and immunities from U.S. law to foreign NATO personnel, it had to be done as either a treaty or pursuant to act of Congress.

[16] For example, the Agreement Under Article IV of the Mutual Defense Treaty Between the United States of America and the Republic of Korea, Regarding Facilities and Areas and the Status of United States Armed Forces in the Republic of Korea, TIAS 6127, July 9, 1966.

[17] Act Making Appropriations for the Department of Defense for the Fiscal Year Ending September 30, 2008, Section 8113.

which might then be confirmed in some form—for example, by statute, joint resolution, provisions in authorization or appropriations legislation, sense-of-the-Congress resolution or formal exchanges with the congressional leadership. Such steps would acknowledge and accommodate the direct interest and responsibility of Congress in U.S. foreign and national security policy, in the use of U.S. funds, and in the disposition of U.S. Armed Forces.

The CHAIRMAN. Thank you very much.

Professor Glennon.

STATEMENT OF MICHAEL J. GLENNON, PROFESSOR OF INTERNATIONAL LAW, FLETCHER SCHOOL OF LAW AND DIPLOMACY, TUFTS UNIVERSITY, MEDFORD, MA

Mr. GLENNON. Thank you, Mr. Chairman.

It's very good to see you again, and very nice to be back in this room where I spent so many days over the years.

First, let me apologize for the length of my written statement. I know it's a bit longer than normal, but I also know that the administration is going to disagree very strongly with what I'm about to say, so I wanted to lay out my reasoning and the supporting evidence completely, so that the committee can come to an informed judgment on these matters.

In any event, I can summarize it very quickly.

The CHAIRMAN. The entire statement will be placed in the record.

Mr. GLENNON. Thank you, Mr. Chairman.

There are two issues. The first, Mr. Chairman, is whether the administration's negotiating something with Iraq that ought to be submitted to the Senate for its advice and consent as a treaty. My answer is yes.

I know that the administration has said that it intends to make no explicit security commitment to Iraq that creates a binding legal obligation, but in my view, that does not resolve the issue. I must say, in listening to the administration's testimony here this morning, I was rather reminded of that famous Magritte painting of a pipe, and it's entitled, "This is not a pipe."

The question still arises whether the administration—whatever it says—will be making an implied security commitment to Iraq, as you noted earlier, in your initial comments.

As you well know, Mr. Chairman, this committee was greatly concerned about the abuse of implied security commitments in the late 1960s and early 1970s. Senator Stewart Symington's Subcommittee on Security Commitments held extensive hearings in the full committee, and the Senate concluded that military base agreements with other countries could create implied commitments.

This conclusion then led the committee and the Senate to find that the base agreements with Spain and Portugal created implied commitments to those countries, commitments that were constitutionally required to be submitted to the Senate for its advice and consent as treaties.

The rationale for that conclusion was that the context of a base agreement—as you indicated earlier—the context of the base agreement, taken in its entirety, and viewing all relevant elements of the bilateral relationship, created an implied commitment.

The Symington subcommittee listed some of the factors that create an implied commitment. It said, "Overseas bases, the presence

of elements of United States Armed Forces, joint planning, joint exercises, or extensive military assistance programs, represent to host governments more valid assurances of United States commitment than any treaty or executive agreement."

Mr. Chairman, every one of those factors identified by the Symington subcommittee is present with respect to Iraq. There will be bases, combat troops, joint planning, joint exercises, and extensive military assistance programs. And there will be more than that. There will be American troops, on the ground, fighting side-by-side with the Iraqis. When American troops stop fighting, they may still be present, in effect, as a tripwire in a situation that remains volatile and potentially explosive. If they are attacked, they will, no doubt, fight.

Added to all that will, of course, be the security framework arrangement itself. Recall that President Bush and Prime Minister al-Maliki formally agreed last November that it would include security assurances and commitments against both external and internal threats.

I am not aware, Mr. Chairman, of any treaty to which the United States is a party that commits the United States to defend a government against internal threats. And, indeed, Mr. Chairman, I don't believe that the United States has ever been a party to such a treaty.

So in sum, if all of these factors taken together do not add up to an implied security commitment, it's hard to imagine what would. It is hard to conceive of an international agreement more significant than the new security agreement with Iraq. The proverbial Martian stepping off a flying saucer could only react with bewilderment in comparing the proposed security arrangement to the international agreements that this administration has submitted to the Senate for its advice and consent as treaties. These include an agreement to control antifouling systems on ships, an agreement against doping in sports, an agreement governing the international registration of industrial designs, and a treaty to govern port privileges for tuna ships.

I do not understand, Mr. Chairman, how the United States Constitution could solemnly require Senate advice and consent to the regulation of steroids, bilge pumps and tuna boats, but not to a commitment to use armed force to defend another government from its own people.

So, I believe, Mr. Chairman, that constitutionally the new security arrangement with Iraq should be submitted to the Senate for its advice and consent as a treaty.

This would be good, in my view, not only for the Senate, but for the Executive. Treating the security arrangement as a treaty is the best way to ensure that the United States and Iraq share the same understanding of what that arrangement means. It imputes no ill intent to the Executive to observe that the administration has an understandable incentive to overstate the scope of the security arrangement in its communications with the Iraqis, and to understate the scope of the arrangement in its communications with the Congress. It is essential that the Congress not be led to believe that there is no security commitment if there is one. It is also essential that the Iraqis not be led to believe that there is a secu-

rity commitment, if there is not one. When it comes to the role of the United States in Iraq's future security, Congress and Iraq must be on the same page. If they are not, the consequences could be catastrophic, both internationally and domestically.

Now, Mr. Chairman, it would be easy to stop here, but I would be remiss if I did so. As important as the Senate's treaty power is, there is a second, even larger, issue before the committee today that Congress urgently needs to confront. That issue concerns its war power. The question is whether there is any continuing authority under United States domestic law under which use of force can be continued in Iraq, and my answer to that question is, "No."

None of the sources of authority that the administration relies upon to use force in Iraq, in fact, authorizes use of force—not the Commander-in-Chief clause, not Congress's 2002 joint resolution, not the 2001 AUMF, and not subsequent appropriations legislation.

The Commander-in-Chief clause, Mr. Chairman, is not a source of authority, because the President cannot constitutionally exceed limits that Congress imposes when it authorizes use of force. Congress imposed limits in the 2002 joint resolution—it authorized use of force for two, and only two purposes: To defend the national security of the United States against a continuing threat posed by Iraq, and to enforce all relevant U.N. Security Council resolutions regarding Iraq.

Those two limits are now being exceeded—or, as Senator Lugar put it—the resolution is obsolete. First, as you pointed out earlier, there is no threat posed by Iraq that has continued to exist from before the United States-led invasion. The continuing threat posed by Iraq was seen as stemming from the Government of Iraq, from the regime of Saddam Hussein—and that regime is now gone. The threats that we're fighting against today are new threats that come from within Iraq. The legislative history is clear that the 2002 joint resolution does not authorize the use of force against those sorts of threats.

Second, each relevant Security Council resolution that Iraq was flouting before the invasion has now been honored. The 2002 joint resolution did not authorize the use of force to enforce future Security Council resolutions that did not then exist. To interpret Congress's 2002 joint resolution that way would raise very grave constitutional problems, concerning delegation, appointments, and presentment; problems that can be avoided by construing that resolution as applying—in Representative Gephardt's words, and he was the chief sponsor of this on the House side—as applying to "outstanding resolutions that existed at the time of enactment of the 2002 joint resolution," not as applying to any future Security Council resolution that the Security Council might, at any point in the future, adopt. The Constitution permits only 535 Members of Congress to place the United States in a state of war, not the United Nations Ambassadors of Belgium, Croatia, and Indonesia.

The so-called AUMF is also a thin reed on which to base authority to use force in Iraq. First, there are very serious doubts whether the organization called "al-Qaeda in Iraq," or "al-Qaeda in Mesopotamia" is, in fact, the same organization that was behind the 2001 terrorist attacks on the United States. In any event, it's clear that only a very small portion of the casualties being suffered by

the United States in Iraq today are being inflicted by al-Qaeda in Iraq. No, force is being used against elements, for the most part, that are not affiliated with al-Qaeda in Iraq.

It is true that in the fog of war it's uncertain where the line is drawn. But that very uncertainty has legal consequences under the War Powers Resolution, because the War Powers Resolution requires that any use-of-force authorization be specific. And the ambiguities that I've just referred to mean that under the War Powers Resolution, it is not permissible to infer authority to use armed force, either from the 2001 AUMF, or, any longer, from the 2002 joint resolution with respect to Iraq.

Finally, the administration's claim—that Congress has, since 2002 enacted lots of appropriations legislation, which implicitly approves what is being done in Iraq—also runs afoul of the War Powers Resolution. As you know, Mr. Chairman, the War Powers Resolution singles out appropriations legislation in section 8(a)(1), and says that authority to infer the use of armed force may not be inferred from appropriations legislation, unless the authority is specific, and it specifically refers to the War Powers Resolution. No appropriations legislation does that.

So, I conclude, Mr. Chairman, that first, the administration should submit the new security arrangement to the Senate for its advice and consent as a treaty, and second, that Congress has got to enact new authority to use force in Iraq, and that if the Congress does not do that, the administration constitutionally will be required to wind up that use of force with all deliberate speed, consistent with the safety of the United States troops now on the ground in Iraq.

Thank you.

[The prepared statement of Mr. Glennon follows:]

PREPARED STATEMENT OF MICHAEL J. GLENNON, PROFESSOR OF INTERNATIONAL LAW, FLETCHER SCHOOL OF LAW & DIPLOMACY, TUFTS UNIVERSITY, MEDFORD, MA

Mr. Chairman and members of the committee, thank you for inviting me to testify today on negotiating a long-term relationship with Iraq. It is a pleasure to be back.

I testified about the constitutionality of the administration's proposed security arrangement on February 8 before the House Foreign Affairs Committee's Subcommittee on International Organizations, Human Rights, and Oversight, where I was asked whether a binding security commitment could constitutionally be made by the President without approval by the Senate or the Congress. My view was that the President could not make such a commitment on his own. Since then, the administration has indicated that it does not intend to enter into a binding security commitment with Iraq. However, the administration apparently continues to adhere to the November 26, 2007, Declaration of Principles signed by President Bush and Iraqi Prime Minister al-Maliki, and to the position that the strategic framework contemplated by that Declaration can be put in place without Senate or congressional approval. The Declaration, as you know, envisions "security assurances and commitments . . . to deter foreign aggression against Iraq that violates its sovereignty and integrity of its territories, waters, or airspace." The question that arises is whether, in light of the surrounding circumstances, what is now contemplated by the Declaration might still include components that should be accorded Senate or congressional approval.

Mr. Chairman, my view is that the absence of a binding, explicit security commitment to Iraq does not resolve the issue whether Senate advice and consent is required. Even absent an explicit security commitment, an implicit security commitment can exist—and, in fact, will exist if the President proceeds to put in place the security framework arrangement that is apparently contemplated. That arrangement should therefore be presented to the Senate for its advice and consent as a treaty.

In my view, however, there is an even bigger question at stake today: What is the source of authority to prosecute the war in Iraq, and what will be the source of authority after the relevant Security Council resolution expires on December 31? The harsh truth is that U.S. military action in Iraq has gone far beyond what Congress authorized in October 2002 in the Joint Resolution on Iraq, or in the Authority to Use Military Force (AUMF) that it enacted following the September 11 attacks. I know that this committee is primarily interested in the former question—the constitutionality of a Presidential security commitment. I raise this issue, however, because the Senate cannot intelligently consider the lawfulness of a Presidential security commitment to Iraq without considering at the same time what authority, if any, exists for the President to use force in Iraq. If authority to use force in Iraq does currently exist, a plausible argument can be made that, in principle, the new security arrangement with Iraq might be authorized implicitly by the same statute or statutes that authorize use of force; the President can, after all, agree to do what he is lawfully authorized to do. On the other hand, if authority to use force does not exist, or if it will not exist in the future, a new security arrangement with Iraq cannot substitute for constitutionally required statutory authority to use force. The administration's proposed security arrangement—whether it is entered into as an executive agreement by the President alone or whether it is accorded the advice and consent of the Senate as a treaty—cannot constitutionally serve as a source of "authority to fight." And except as force is used incident to the need to protect forces being withdrawn, the Executive cannot constitutionally continue the use of force in Iraq without renewed statutory authority. Authority that earlier existed to use force in Iraq has now expired.

I will address these use-of-force issues in a moment, but let me begin with constitutional questions posed by the proposed security framework arrangement.

THE SECURITY FRAMEWORK ARRANGEMENT

The absence of a binding, explicit security commitment to Iraq does not resolve the issue whether Senate advice and consent is required. Even absent an explicit security commitment, an implicit security commitment may exist. An implicit security commitment derives from all pertinent aspects of the United States bilateral relationship with a given country. This committee and the Senate have long posited the belief that commitments requiring the approval of the Senate as treaties can be inferred from a variety of contextual factors, such as the establishment of U.S. military bases. These factors pervade the proposed strategic arrangement with Iraq. I therefore believe that the arrangement should be submitted to the Senate for its advice and consent as a treaty. An elaboration follows.

The international law backdrop: Tacit commitments

Contract lawyers in the United States domestic legal system are familiar with the concept of a "contract implied in fact." A contract implied in fact, as the Supreme Court described it, is a contract "inferred, as a fact, from conduct of the parties showing, in the light of the surrounding circumstances, their tacit understanding." *Baltimore & Ohio R. Co.* v. *United States,* 261 U.S. 592 (1923). It exists in the absence of explicit words of agreement. Agreement is deemed to be implied by the entire "course of dealing" between the parties, including nonverbal practice. "A treaty is in its nature a contract between two nations." *Foster* v. *Neilson,* 27 U.S. 253, 314 (U.S. 1829).

An analogous concept exists in international law. It is variously called a tacit agreement, a de facto agreement, a quasi-agreement or a special custom. A special custom arises, the International Court of Justice has found, when a certain practice between two states comes to generate lawful expectations, as when one state has consistently granted another a right of passage. Right of Passage Over Indian Territory (*Port.* v. *India*), 1960 I.C.J. 6 (Apr. 12). Treaty law and customary international law in such circumstances conjoin. "Such special customary law may be seen as essentially the result of tacit agreement among the parties," notes the Restatement (Third) of Foreign Relations Law of the United States. § 102, comment e. Treaties are to be liberally construed, the Supreme Court has made clear. All pertinent contextual elements are to be taken into account in determining the scope of the obligations undertaken. "Like other contracts," it has said, "they are to be read in the light of the conditions and circumstances existing at the time they were entered into, with a view to effecting the objects and purposes of the States thereby contracting." *Rocca* v. *Thompson,* 223 U.S. 317, 331–32 (U.S. 1912). The U.N.'s International Law Commission has underscored the possibility that binding international commitments can be created by conduct rather than words. "[B]ehaviours capable of legally binding States," the Commission has noted, "may take the form of formal declarations or mere informal conduct including, in certain situations, silence, on

which other States may reasonably rely." International Law Commission, "Unilateral Acts of States: Report of the Working Group" 3–4, U.N. Doc. A/CN.4/L.703 (Jul. 20, 2006).

Even if a textual disclaimer purported to make a commitment nonbinding on a party, there is authority that violation could still be unlawful. The late legal scholar Oscar Schachter, for example, wrote that it would be unlawful to act inconsistently with such an instrument if other parties "reasonably relied" upon it. Mere "political texts," he wrote, are still governed by the general requirement of good faith. Oscar Schachter, "International Law in Theory and Practice" 95–101 (1991). Henry Kissinger underscored this same point in referring to the Sinai Accords in 1975. "While some of the undertakings are nonbinding," he said, "they are important statements of diplomatic policy and engage the good faith of the United States as long as the circumstances that gave rise to them continue." Hartmut Hillgenberg, "A Fresh Look at Soft Law," 10 Eur. J. Int'l L. 499, 511 (1999). The Reporters' Notes to the Restatement emphasize the potential gravity of nonbinding commitments: "Parties sometimes prefer a nonbinding agreement in order to avoid legal remedies. Nevertheless, the political inducements to comply with such agreements may be strong and the consequences of noncompliance may sometimes be serious." § 301, Reporters' Note 2.

In reality, therefore, there often is little practical difference in the international order between legally binding security commitments, which are normally unenforceable, and nonbinding security commitments, the breach of which can lead to disastrous costs, reputational and otherwise.

Long-standing Senate concern about tacit commitments

The possibility that international commitments can be created implicitly through a combination of words and conduct gives rise to domestic constitutional concerns, for the Treaty Clause prohibits the President from making a treaty without the advice and consent of two-thirds of the Senate, and the Declaration of War Clause confers upon Congress the decision to place the nation in a state of war.

As you know, the question whether the President constitutionally can make security commitments on his own, without Senate or congressional approval, is not a new issue. In fact, this committee was the forum in which that question was debated at length in the 1960s and 70s. The committee established a Subcommittee on United States Security Agreements and Commitments Abroad headed by Senator Stuart Symington. The Symington subcommittee held a lengthy series of hearings on the issue, as the full committee did later.

Those hearings, and their collective wisdom, produced a measure that has abiding relevance. It is called the "National Commitments Resolution" and was adopted by the Senate in 1969. It warned that a national commitment "results only from affirmative action taken by the executive and legislative branches of the U.S. Government by means of a treaty, statute, or concurrent resolution of both Houses of Congress specifically providing for such commitment." S. Res. 85, 91st Cong., 1st Sess. (1969).

Looking back, the National Commitments Resolution seems a bit impressionistic. It sets out no bright lines or three-part tests. But the Senators behind it—Symington, Fulbright, Mansfield, Church, Case, Javits, and Aiken—understood the need to focus on fundamentals and, by doing that, to set the framework for debate. And the National Commitments Resolution did precisely that. The resolution, and the thinking that animated it, laid the conceptual predicate for later efforts to rein in what many believed had become an "imperial presidency" in the realm of diplomacy. Following the resolution's logic, this committee led the Senate in an effort to curb unauthorized national commitments:

- In December, 1970, after it was reported by the committee, the Senate adopted S. Res. 469, 91st Cong., 2d Sess. (1970), expressing the sense of the Senate that nothing in an executive bases agreement with Spain should be deemed to be a national commitment by the United States.
- In March, 1972, The Senate adopted S. Res 214, 92d Cong., 2d Sess. (1972), expressing the sense of the Senate that "any agreement with Portugal or Bahrain for military bases or foreign assistance should be submitted as a treaty to the Senate for advice and consent."
- In 1972, the committee declined to report the Vienna Convention on the Law of Treaties in the belief that the rule set out in Article 46 would permit the President to commit the nation in violation of constitutional limits set out in the Treaty Clause.
- In 1972, Congress adopted the Case-Zablocki Act, Public Law No. 92–403 (1972), requiring that the President to transmit to Congress the text of any international agreement other than a treaty as soon as practicable but no later than 60 days after it entered into force.

- On May 15, 1978, the Senate Foreign Relations Committee reported a measure (section 502 of S. 3076, 95th Cong., 2d Sess. (1978)) that would have subjected an unauthorized agreement to a point-of-order procedure that would have cut off funds for the implementation of the agreement in question, but the measure was rejected by the full Senate. (Section 502 incorporated the "Treaty Powers Resolution," S. Res. 24, 95th Cong., 2d Sess. (1978)).
- In September, 1978, the Senate adopted S. Res. 536, 95th Cong., 2d Sess. (1978), stating the sense of the Senate that in determining whether a particular international agreement should be submitted as a treaty, the President should have the timely advice of the Committee on Foreign Relations through agreed procedures established with the Secretary of State.

Mr. Chairman, I want to underscore the premise underpinning these steps, because that premise is directly pertinent to the proposed strategic framework with Iraq. The premise is that a national commitment can result not only from explicit words but can also result implicitly from deeds. The premise is that it is essential to look not only to text but also to the surrounding context—in its entirety—to determine whether a commitment in fact exists. The premise is that there is no bright line that separates commitment from noncommitment; that commitment often is subjectively created in the eye of the beneficiary state; and that all elements comprising the relevant bilateral relationship are pertinent. This committee put it well in its report on the National Commitments Resolution: "Some foreign engagements," it said, "such as our bases agreement with Spain, form a kind of quasi-commitment, unspecified as to their exact import but, like buds in springtime, ready under the right climatic conditions, to burst into full bloom."

This was the premise that led this committee and the Senate to urge that the base agreements with Portugal and Spain be submitted to the Senate as treaties. There was no formal, explicit, "binding" commitment by the United States to either Spain or Portugal. Rather, the committee, and the Senate, inferred from the surrounding context that the presence of bases in those countries constituted—in the words of the Symington subcommittee—de facto commitments. The full committee in its 1969 report on the National Commitments Resolution noted the real-world consequences of what it called a "quasi-commitment" to Spain:

> In practice the very fact of our physical presence in Spain constitutes a quasi-commitment to the defense of the Franco regime, possibly even against internal disruptions. At some point the distinction between defending American lives and property and defending the host government would be likely to become academic, if not to disappear altogether. . . . It is not difficult to envision a situation in which the need to protect American servicemen would lead to large-scale military intervention in Spain and, as a result, to another military enterprise unauthorized by Congress.

The Symington subcommittee listed a number of the contextual factors from which an implied commitment might reasonably be inferred: "Overseas bases, the presence of elements of United States Armed Forces, joint planning, joint exercises, or extensive military assistance programs represent to host governments more valid assurances of United States commitment than any treaty or executive agreement." It continued:

> [E]ach of these acts created an atmosphere in which the United States was better prepared and more inclined to undertake military action in the country in question; and the host government was increasingly led to believe that such actions would be taken should contingencies develop. An expectation of involvement or action was created on both sides.

The subcommittee recognized the practical reality that the mere presence of U.S. troops in a country entailed a U.S. military response if that country were attacked. It recalled the 1968 acknowledgement of GEN Earle Wheeler, then Chairman of the Joint Chiefs of Staff, that "the presence of United States troops on Spanish soil represented a stronger security guarantee than anything written on paper." Thus, the subcommittee found, "[f]aith on both sides is no longer placed primarily in the language of treaties, but in the presence of United States forces or facilities in the territory of those countries which are seeking United States protection through involvement."

Application to Iraq

Whether denominated an "implied," "tacit," "de facto," or "quasi" commitment, the security arrangement with Iraq, viewed, as this committee has counseled that it must be, in light of the entire surrounding context, must reasonably be considered to constitute a national commitment of precisely the sort contemplated by the Sen-

ate in the National Commitments Resolution and its legislative progeny. Every one of the contextual factors identified by the Symington subcommittee as giving rise to an implicit security commitment appears to present in the planned security arrangement with Iraq.

Verbal as well as nonverbal indicia of commitment support this conclusion. The November 26, 2007, "Declaration of Principles for a Long-Term Relationship of Cooperation and Friendship Between the Republic of Iraq and the United States of America" lays out the substance of what the United States and Iraq intend to agree upon in negotiations to be concluded before the end of this year. According to the Declaration of Principles, the Agreement will, among other things, provide "security assurances and commitments . . . to deter foreign aggression against Iraq that violates its sovereignty and integrity of its territories, waters, or airspace." Further, the Agreement will commit the United States to defend Iraq not simply against foreign aggression but "against internal and external threats," and will commit the United States to support the Iraqi Government in its effort to "defeat and uproot" "all outlaw groups" from Iraq. The proposed Agreement apparently will have no expiration date and no termination provision.

More important than these words, however, will be conduct. Thousands of members of the U.S. Armed Forces will continue to be stationed in Iraq. If attacked, those forces will no doubt become engaged in hostilities. Significant casualties over a protracted period of time are possible, particularly if the United States becomes involved in a wider regional conflict. Substantial military bases and other facilities apparently will continue to be maintained in Iraq. Joint planning will take place with the Iraqi armed forces, police, and other security elements. Joint exercises will be held. An extensive military assistance program will be carried out. Continued appropriations of public funds will unavoidable.

There can be little doubt, therefore, that whatever caveat or disclaimer the United States might formally apply in purporting to qualify its involvement, the Iraqi Government might reasonably conclude that the new strategic framework constitutes a national commitment by the United States. These and other factors, taken together, constitute, in the words of Senator Symington's subcommittee, "more valid assurances of United States commitment than any treaty or executive agreement."

Implications for the Senate's treaty power

The Framers of the Constitution believed that such a commitment should not be made unless it is accorded the advice and consent of two-thirds of the Senate as a treaty.

On some matters, it is true, the intent of the Constitution's Framers is opaque. As Justice Jackson wrote, their purposes often must be "divined from materials almost as enigmatic as the dreams Joseph was called upon to interpret for Pharaoh." *Youngstown Sheet & Tube Co.* v. *Sawyer (Steel Seizure),* 343 U.S. 579, 634 (1952). Here, however, their intent is luminously clear. I will focus on one, Alexander Hamilton, because he was the Framer least enthusiastic about legislative power. Hamilton wrote extensively about the treaty power. His views are therefore as significant as they are representative. Hamilton considered the treaty clause "one of the best digested and most unexceptionable parts of the plan." The Federalist No. 75 (Alexander Hamilton). He opined that "the vast importance of the trust, and the operation of treaties as laws, plead strongly for the participation of the whole or a portion of the legislative body in the office of making them." Id. Hamilton noted that although the King of England could make treaties by himself, this power was denied to the President: "In this respect, therefore, there is no comparison between the intended power of the President and the actual power of the British sovereign. The one can perform alone what the other can do only with the concurrence of a branch of the legislature." The Federalist No. 69 (Alexander Hamilton). Hamilton therefore considered "it would be utterly unsafe and improper to entrust that power to an elective magistrate of four years' duration." He concluded with a famous warning:

> The history of human conduct does not warrant that exalted opinion of human virtue which would make it wise in a nation to commit interests of so delicate and momentous a kind, as those which concern its intercourse with the rest of the world, to the sole disposal of a magistrate created and circumstanced as would be a President of the United States. The Federalist No. 75 (Alexander Hamilton).

The institutional virtues of the Presidency famously identified by Hamilton—unity, secrecy, and dispatch—have no relevance to the conclusion of a strategic arrangement with Iraq. No emergency exists: The administration has known since last year that the Government of Iraq wishes to enter into a bilateral arrangement with the United States to replace the governing U.N. Security Council resolution, which

expires at the end of this year. If the process of negotiating a new security arrangement, or approving it as a treaty, necessarily extends beyond the end of this year, there is no reason why the Security Council resolution itself cannot be extended, as was in fact done before. Extension of the resolution would, indeed, have the salutary effect of involving the next administration in the process of formulating the terms of the security arrangement, which seems fitting inasmuch as it is, after all, the next administration that will be called upon to execute it.

The unity and secrecy of the Executive are similarly more vice than virtue in the making of a security arrangement with Iraq. The approval process will be strengthened by the expression of diverse views. Executive officials normally are chosen for their support of an administration's policies. When the spread of opinion voiced in the decisionmaking process is overly narrow, its legitimacy suffers. The Senate, on the other hand, is a clearinghouse for multiple opinions. Deputy assistant secretaries of state do not fly home regularly to Indianapolis or Wilmington or Hartford to get an earful of constituent opinion about taxes, combat deaths, and war costs. Senators do. The sense that their viewpoints have been heard and considered gives divergent constituencies a sense of participation in policymaking that is crucial to a policy's legitimacy. Public deliberation in considering those views is a further element that is essential for legitimacy; the Senate was, of course, designed for deliberation. Anonymous staffers of the National Security Council who meet in secret, however great their expertise, cannot confer the needed measure of legitimacy on a policy. In short, the policy outcome is strengthened if the process is seen by the public as "regular," as having produced a decision as a matter of right. This is perhaps why the Supreme Court has emphasized the importance of free and open debate to the proper operation of separated powers. It said:

> That this system of division and separation of powers produces conflicts, confusion, and discordance at times is inherent, but it was deliberately so structured to assure full, vigorous and open debate of the great issues affecting the people and to provide avenues for the operation of checks on the exercise of governmental power. *Bowsher* v. *Synar,* 106 S. Ct. 3181, 3187 (1986).

An executive decisionmaking process removed from the full panoply of public or at least congressional opinion easily falls prey to the peculiar distortions of groupthink, to the pressures that cause the myopia of the quick fix to substitute for insight of statesmanship. Diversity of viewpoint is thus a crucial means of avoiding error and of achieving consensus. The greater the number of viewpoints heard, the greater the likelihood that the resulting policy will reflect accurately the common interests of the whole.

An open treaty-making process of the sort contemplated by the Framers injects productive new ideas into policy. It is no secret that the United States has no national strategy in Iraq. The "surge" is not a strategy. A funding cutoff is not a strategy. The United States has yet to develop a national consensus in answering the overarching question: What long-term support should the United States provide Iraq as the United States seeks to promote stability in the Middle East? The American people have a huge and obvious stake in their government's answer to that question. That answer ought not be worked out behind closed doors, solely between negotiators for Iraq and the current administration—an administration that will be in office for less than 3 weeks after the new arrangement takes effect. It is entirely conceivable that open, robust debate in the Senate could generate a national consensus around a genuine strategy for supporting long-term regional stability. Potentially new and different options could emerge from Senate debate, concerning, perhaps, broadening the negotiating process to include states other than just Iraq and developing a genuine collective regional security arrangement. Perhaps the Senate would insist upon an Iraqi commitment to movement toward political reconciliation as a condition for any U.S. commitment to Iraq. There are many possibilities. In any case, the United States needs a national strategy for dealing with Iraq in the coming years. The Senate is not only the logical place to develop that strategy—it is the constitutionally required place to do so.

Open Senate consideration of the security arrangement as a treaty would also ensure that the United States and Iraq share the same understanding of what the arrangement means. It imputes no ill intent to the Executive to observe that the administration has an understandable incentive to overstate the scope of the security arrangement in its communications with the Iraqis and to understate the scope of the arrangement in its communication with the Congress. It is essential that the Congress not be led to believe that there is no security commitment if there is one. It is also essential that the Iraqis not be led to believe that there is a security commitment if there is not one. When it comes to the role of the United States in Iraq's

future security, Congress and Iraq must be on the same page. If they are not, the consequences could be catastrophic, both internationally and domestically.

Why not include the House of Representatives? All are familiar with George Washington's famous suggestion that the Senate was to be the proverbial saucer where hot ideas from the cup of the House cooled. There is, in fact, continuing truth in the metaphor. A 6-year term does provide a measure of insulation from sometimes excessive popular pressure. Long-term national security strategy should weigh public opinion heavily, but cannot be automatically dictated by it. With two-thirds of the Senate not facing immediate reelection, Senators are better situated institutionally to formulate prudent policies that reflect the nation's long-term interests. In any event, while it is surely true that many international agreements are in this day and age approved as "congressional-executive agreements"—i.e., authorized by majority votes in both the House and Senate—there are sound interpretive reasons for construing the Constitution as not viewing these as interchangeable with treaties. The view that the President is constitutionally free to designate any agreement a congressional-executive agreement, and thereby to lower the Senate's required approval margin from two-thirds to one-half, would altogether eliminate a key check on the President's power that the Framers placed purposefully and explicitly in the constitutional text. Some international arrangements, constitutionally, must be concluded as treaties. The President cannot, as the late Philip Kurland put it, call a treaty something other than a treaty and thereby dispense with the obligation to secure Senate approval. Philip Kurland, "The Impotence of Reticence," 1968 Duke L.J. 619, 626. That would also seem to be the view of the United States Supreme Court, which in the famous case of *Missouri* v. *Holland,* 252 U.S. 416 (1920), emphasized that the treaty power is broader than the legislative power, implying that treaties and executive agreements are not interchangeable instruments.

If some agreements must be concluded as treaties, it makes sense to think that the most important agreements must be so concluded. It was for these reasons that this committee has said that "[t]he Treaty Clause requires that, normally, significant international commitments be made with the concurrence of two-thirds of the Senate. Acting on the basis of his sole constitutional power, the President would be without the power to enter into such an agreement." Exec. Rept. No. 95–12, 95th Cong., 2d Sess. (Panama Canal Treaties). It would be hard to conceive of an international agreement more significant than the new security arrangement being negotiated with Iraq. The proverbial Martian stepping off a flying saucer could only react with bewilderment in comparing the proposed security arrangement to the international agreements that this administration has submitted to the Senate for its advice and consent as treaties. Among them are an agreement to control antifouling systems on ships, an agreement against doping in sports, an agreement governing the international registration of industrial designs, and a treaty to govern port privileges for tuna ships. It is hard to understand how the United States Constitution could seriously require Senate advice and consent to the regulation of steroids, bilge pumps, and tuna boats but not to a de facto commitment to use armed force to defend another government—from its own people.

The argument will no doubt be heard that submission of the Iraq security arrangement as a treaty would complicate United States-Iraqi relations or somehow delay the implementation of needed initiatives. But it would be useful to remember, as Justice Brandeis reminded us, that the Constitution's separation of powers doctrine is designed not to promote efficiency but to save the people from autocracy. One of the key structural safeguards in that design is the check on executive power provided by the requirement that two-thirds of the Senate approve treaties. It is perilous to disregard such checks in the cause of administrative convenience. This committee put it well in its 1979 report on treaty termination:

> The constitutional role of the Congress has too often been short-circuited because it was viewed—in the executive branch and even by some Members of Congress—as an impediment to the expeditious adoption of substantive policies commanding the support of a majority. Thus, when in our recent history the substance of those policies lost that support, the procedures once available as checks had atrophied, and Congress was forced to struggle to reclaim its powers. The lesson was learned the hard way: Procedural requirements prescribed by the Constitution must not be disregarded in the name of efficiency, and the substance of a policy, however attractive, can never justify circumventing the procedure required by the Constitution for its adoption. S. Rept. No. 96–119 at 5–6 (1979).

Conclusion

For these reasons, Mr. Chairman, I believe that new security framework arrangement with Iraq should be submitted to the Senate for its advice and consent as a

treaty. I have not yet addressed constitutional requirements that govern the use of force within that framework, or whether constitutional requirements governing use of force are now being met in Iraq or will be met when the current Security Council resolution, Res. 1790, expires on December 31. If the constitutional requirements are being met, it is arguable that the same authorities that permit use of force also permit conclusion of the new security arrangement without a need for further authorization. It is to these crucial questions that I now turn.

AUTHORITY FOR USE OF FORCE IN IRAQ

The administration has cited a number of potential sources of authority for use of force in Iraq. In a February 13, 2008, opinion piece in the Washington Post, Secretary of State Condoleezza Rice and Secretary of Defense Robert Gates wrote that the new security arrangement with Iraq would include a provision that, in their words, confers "authority to fight." In a March 5, 2008, letter to Representative Gary Ackerman, Jeffrey T. Bergner, Assistant Secretary for Legislative Affairs of the Department of State, transmitted a paper from Ambassador David M. Satterfield, dated March 4, 2008, responding to Representative Ackerman's question whether the administration believes it has constitutional authority to continue combat operations in Iraq beyond the end of this year absent explicit additional authorization from Congress. He answered in the affirmative. The President's authority, Ambassador Satterfield wrote, would derive from four sources:

(1) His constitutional authority as Commander in Chief;

(2) The Joint Resolution to Authorize the Use of United States Armed Forces Against Iraq, Public Law 107–243, enacted October 2, 2002;

(3) The Authority for Use of Military Force (AUMF), Public Law 107–40, enacted September 18, 2001; and

(4) The fact that "Congress has repeatedly provided funding for the Iraq war, both in regular appropriations cycles and in supplemental appropriations."

In my opinion, authority to use force in Iraq will not be conferred after December 31, and is not currently conferred, by any of those sources. To summarize my view, an executive agreement cannot confer authority to use force. A statute can confer such authority, but the Constitution prohibits use of force that exceeds statutorily authorized limits. Force now being used in Iraq exceeds the limits imposed by both the 2002 Joint Resolution and the AUMF. The 2002 Joint Resolution authorizes use of force against Iraq for two purposes: To "defend the national security of the United States against the continuing threat posed by Iraq," as its resolution put it, and to "enforce all relevant United Nations Security Council resolutions regarding Iraq." The first purpose has been fulfilled: The "continuing threat" posed by Iraq was seen as stemming from the Government of Iraq—principally the regime of Saddam Hussein, and that regime is gone. The second purpose also has been fulfilled: "All relevant United Nations Security Council resolutions" referred to resolutions in effect at the time of enactment of the 2002 Joint Resolution, and, to the extent that they are still relevant, the current Iraqi Government is now in compliance with them. A contrary interpretation would raise serious delegation, presentment and appointments problems under the Constitution and should therefore be avoided. As to the AUMF, while it does permit the use of force against "organizations" that "planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001," and while force currently is being used against al-Qaeda in Iraq, it is doubtful whether al-Qaeda in Iraq is the same organization that engaged in the 2001 attacks, and in any event force is being used in Iraq against persons and entities not related to al-Qaeda in Iraq. Authority to use force cannot lawfully be inferred from either of these two ambiguous statutes, or from subsequent appropriations statutes; such an inference is prohibited under the section 8(a)(1) of the War Powers Resolution, which requires that use of force be specifically authorized. An elaboration follows.

The President's Commander-in-Chief power as authority to use force in a limited or "imperfect" war

The starting point must be the Constitution. In its earliest cases, the Supreme Court recognized a President's obligation to respect congressional restrictions when Congress has authorized "imperfect war"—a war fought for limited purposes. In an imperfect war, Justice Bushrod Washington said in *Bas* v. *Tingy,* 4 U.S. 37, 41 (1800), those "who are authorized to commit hostilities . . . can go no farther than to the extent of their commission." The following year, in *Talbot* v. *Seeman,* 5 U.S. 1, 27 (1801), Chief Justice John Marshall wrote that "[t]he whole powers of war being, by the Constitution of the United States, vested in Congress, the acts of that body can alone be resorted to as our guides in this enquiry." In the 2001 AUMF and in the 2002 Joint Resolution on Iraq, Congress in effect authorized limited or

"imperfect" war. The President is therefore constitutionally required to respect the limits imposed in those two laws; Congress has implicitly prohibited any use of force not authorized therein, and the President's authority is at its "lowest ebb"—lower than it might have been had Congress been silent. This is the critical lesson imparted by Justice Jackson's famous concurring opinion in the *Steel Seizure* case, 343 U.S. 579 (1952), which has since been adopted by the Supreme Court as the governing analytic framework.

An executive agreement as authority to use force

Ambassador Satterfield did not, in his March 4 paper, refer to the February 13, 2008, opinion by Secretary of State Condoleezza Rice and Secretary of Defense Robert Gates suggesting that the new arrangement will confer "authority to fight." In any case, whatever the import of such a provision under international law,[1] under U.S. domestic law, authority for the President to use force—"authority to fight"—in Iraq must come from either the Constitution or the Congress. The arrangement with Iraq, if entered into as a sole executive agreement, therefore could not serve as a source of such authority. The question whether a sole executive agreement can provide authority to use force was put to the State Department during the administration of President Gerald Ford. In connection with the appearance of Secretary of State Henry Kissinger's appearance before the Senate Foreign Relations Committee on November 19, 1975, Senator Dick Clark submitted the following written question to the Department of State: "Does any executive agreement authorize the introduction of U.S. Armed Forces into hostilities, or into situations wherein imminent involvement in hostilities is clearly indicated by the circumstances?" Assistant Secretary of State Robert J. McCloskey responded as follows on March 1, 1976, in a letter to Senator Clark:

> The answer is "no." Under our Constitution, a President may not, by mere executive agreement, confer authority on himself in addition to authority granted by Congress or the Constitution. The existence of an executive agreement with another country does not create additional power. Similarly, no branch of the Government can enlarge its power at the expense of another branch simply by unilaterally asserting enlarged authority.

The State Department's 1976 conclusion was correct. The President cannot confer upon himself authority to use force. So obvious is this principle that, when Congress made clear in 1973 in the War Powers Resolution (in section 8(a)(2)) that no treaty may be construed as conferring implied authority to use force, it made no reference to executive agreements. Congress no doubt deemed it unnecessary to affirm that if a treaty approved by two-thirds of the Senate cannot provide such authority, a fortiori a sole executive agreement cannot.

A treaty as authority to use force

Even if the new security arrangement were accorded the Senate's advice and consent as a treaty, it could not constitutionally authorize the use of force. Authority to use force would have to be conferred by implementing legislation, the enactment of which would of course include participation by the House of Representatives.

"A treaty may not declare war," the Senate Foreign Relations Committee said in its report on the Panama Canal Treaties, "because the unique legislative history of

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[1] Under international law, police activities, enforcement action and other uses of force by one state within the territory of another state are permitted if the government of that state consents. Provisions such as those in question could constitute consent by the government of Iraq for use of force by the United States within the territory of Iraq. Of course, any relevant limitations or restrictions imposed by humanitarian law (concerning, for example, requirements of humane treatment, proportionality, or the need to distinguish between combatants and noncombatants) would apply to any use of force by the United States. There is authority that a government cannot, under international law, lawfully consent to military intervention by another state if significant areas of its country or substantial parts of its population are under the control of an organized insurgency—i.e., if the country is in a civil war. The theory is that principles of self-determination require that the people of a state be permitted to determine their own destiny free from outside interference. According to this theory, intervention in a civil war is impermissible whether that intervention occurs on behalf of the sitting government or on behalf of insurgents—unless another state has intervened unlawfully on behalf of either, in which case "counter-intervention" is permitted on behalf of the other side. These rules have been violated so many times by so many states in so many conflicts, however, that it is in my opinion doubtful whether they now constitute binding international law. As a question of fact it is, moreover, doubtful whether the insurgency in Iraq has risen to a level that would constitute a civil war for international law purposes, although that could of course change over the period within which any security arrangement is in effect.

the declaration-of-war clause . . . clearly indicates that that power was intended to reside jointly in the House of Representatives and the Senate." S. Exec. Doc. No. 95–12, at 65 (1978). The events to which the committee alluded are recorded in Madison's notes of the Constitutional Convention. The Convention considered a proposal that would have permitted the President to make war by and with the advice and consent of the Senate, and the plan was rejected. The plan was rejected in the face of arguments that both Houses of Congress should participate in the decision to go to war. Accordingly, the United States has never entered into a treaty that would have placed the nation in a state of war. The Covenant of the League of Nations was rejected by the Senate in part because of concern that it would oblige the United States to use force if so required by the League's Assembly. In each of its post-World War II mutual security treaties, the United States has therefore made clear that none of those treaties imposes an automatic obligation upon the United States to use force.

The 2002 Joint Resolution as authority to use force

Section 3 of the 2002 Joint Resolution provides as follows:

> (a) AUTHORIZATION.—The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to—
>
> (1) defend the national security of the United States against the continuing threat posed by Iraq; and
>
> (2) enforce all relevant United Nations Security Council resolutions regarding Iraq.

The resolution provided no automatic termination date and remains in effect until these objectives are accomplished. Each of the two "prongs" will be examined in turn.

The first prong: A "continuing threat posed by Iraq"?

The first question is whether the joint resolution continues to authorize use of force on the basis of its first prong—defense against "the continuing threat posed by Iraq." A review of the resolution's text and legislative history reveals that it does not. The "continuing threat" referred to the danger posed in 2002 and earlier by the Government of Iraq. That threat was seen to flow from the regime's pursuit and possession of weapons of mass destruction. Iraq, the joint resolution noted, "attempted to thwart the efforts of weapons inspectors to identify and destroy" these weapons. The joint resolution found that Iraq continued "to possess and develop a significant chemical and biological weapons capability," actively sought a nuclear capability, and supported and harbored terrorist organizations. The threat, the resolution found, was that "the current Iraqi regime" would either employ weapons of mass destruction in a surprise attack against the United States or "provide them to international terrorists who would do so."

That threat is gone. Saddam Hussein's regime is history, and the threat posed by it is gone. Hussein is dead. A different government is in place. It does not possess or seek weapons of mass destruction. It does not support or harbor terrorists. There are, of course, terrorists present in Iraq today who pose a threat to American troops there. They may someday pose a threat to the general U.S. population. But Congress in 2002 authorized use of force against the old Iraqi Government, not against groups unaffiliated with Saddam Hussein's regime (many of which actually opposed it).

Our starting point is of course the text of the joint resolution. In and of itself, the text of the first prong says little about the scope of the "continuing threat posed by Iraq." Two aspects of the wording are significant, however. First, the text refers to the continuing threat posed "by Iraq"—not a continuing threat from Iraq. The joint resolution is not, and was not intended to be, an open-ended authorization to use force against any future threat arising from a group within the territory of Iraq. Its sponsors had in mind a particular "continuing threat"—one emanating in some way from the Iraqi Government. Second, the threat in question was "continuing," i.e., it is one that existed before the joint resolution was adopted and would continue to exist afterward, until it could be eliminated with the use of force. Threats that emerged after the enactment of the joint resolution therefore would not be continuing threats—they would not have continued from the period before use of force was authorized. Whatever threat may be posed today by entities that were not operating within Iraq before enactment of the joint resolution—such as, for example, al-Qaeda in Iraq—these are not among the entities against which the joint resolution authorizes the use of force.

During the debate over this authorization and the decision to go to war, the most cited threat posed by Iraq was that arising from Iraq's programs to develop weapons of mass destruction. Nevertheless, based on the legislative history of the resolution, it is not possible to construe the authorization as limited to the threat posed by Iraqi weapons of mass destruction. Nor was the authorization limited to the WMD threat posed by the regime of Saddam Hussein. Several amendments offered in the House and the Senate that would have imposed such restrictions were rejected. In the House Committee on International Relations, Representative Smith proposed an amendment that would have substituted the words "the current Iraqi regime" for "Iraq." The amendment was rejected by committee. H. Rept. No. 107–721, at 38 (2002). In the Senate, Senator Durbin proposed an amendment that would have replaced the words "the continuing threat posed by Iraq" with "an imminent threat posed by Iraq's weapons of mass destruction." 148 Cong. Rec. S10229 (daily ed. Oct. 9, 2002) (text of Amend. 4865). That amendment was rejected by the Senate. 148 Cong. Rec. S10272 (daily ed. Oct. 10, 2002) (Rollcall Vote No. 236 Leg.).

The House committee report likewise confirms that the "continuing threat posed by Iraq" was not limited to the primary threat of Iraq's weapons of mass destruction, though it does focus on the Iraqi Government in power at the time. The report's description of "The Current Threat in Perspective" mentions the threat posed by the Iraqi Government's aid to and harboring of terrorist organizations. H. Rept. No. 107–721, at 6–8 (2002). The Report declares that:

> The *current Iraqi government's* demonstrated capability and willingness to use weapons of mass destruction, the risk that the current Iraqi regime will either employ those weapons to launch a surprise attack against the United States or its Armed Forces or provide them to international terrorists who would do so, and the extreme magnitude of harm that would result to the United States and its citizens from such an attack, combine to justify action by the United States to defend itself. H. Rept. No. 107–721, at 7 (2002)(emphasis added).

Nevertheless, the House committee report repeatedly uses the "Iraqi regime" as a code word for "the Baathist government of Iraq led by Saddam Hussein." The report traces the history of Iraqi aggression and obstinacy in the face of international demands for transparence and compliance with human rights law and international standards for inspection and monitoring of its WMD-capable facilities. The report notes specifically:

> Iraq both poses a continuing threat to the national security of the United States and international peace and security in the Persian Gulf region and remains in material and unacceptable breach of its international obligations by, among other things, continuing to possess and develop a significant chemical and biological weapons capability, actively seeking a nuclear weapons capability, and supporting and harboring terrorist organizations. The continuing threat posed by Iraq is the motivation for the committee's favorable action on H.J. Res. 114.

The report highlights repeated Iraqi renunciations of its obligations under U.N. Security Council resolutions, "brutal repression of its civilian population," Iraqi "capability and willingness" to use WMD externally and internally (against Iran and its own Kurdish citizens), and continuous hostile acts toward the U.S., including the attempt to assassinate former President G.H.W. Bush in 1993. The report cites Iraqi attacks on U.S. and coalition aircraft enforcing the unilaterally imposed no-fly zones over northern and southern Iraq.

These are the sorts of "continuing threats" that Congress had in mind.

It is thus clear from the House committee report, the floor debate, and the text of the joint resolution itself that the authorization's supporters were concerned about the continuing threat posed by the Government of Iraq, not a threat from terrorist groups operating in Iraq or from Iraq. Numerous Members of the House saw the "continuing threat" as stemming from the then-existing Iraqi Government.

The same was true in the Senate. This interpretation is supported specifically by discussion in the Senate surrounding an amendment proposed by Senator Bob Graham that would have added authorization to "defend the national security of the United States against the threat posed by the following terrorist organizations: (A) The Abu Nidal Organization, (B) Hamas, (C) Hezbollah, (D) Palestine Islamic Jihad, (E) Palestine Liberation Front." 148 Cong. Rec. S10088 (daily ed. Oct. 8, 2002) (text of Amend. 4857). In opposing the amendment, Senator Joseph Lieberman, one of the original cosponsors of the Senate version of the text that became H.J. Res. 114 (2002), argued that this would "open up new territory," 148 Cong. Rec. S10159 (daily ed. Oct 9, 2002), and would likely be opposed by Senate Democrats, but he

did not suggest that the authority to use force against terrorist organizations was already contained in the underlying resolution. Rather, he characterized the Authorization as follows:

> [I]n responding to the threat to our national security *posed by Iraq under the leadership of Saddam Hussein,* it represents our best effort to find common ground to dispatch our constitutional responsibility and to provide an opportunity for the broadest bipartisan group of Senators to come together and express their support of action to enforce the United Nations resolutions that Saddam Hussein has constantly violated. . . . 148 Cong. Rec. S10159 (daily ed. Oct 9, 2002) (emphasis added).

To conclude, both the text and legislative history of the joint resolution indicate that the authorization to use force in Iraq was limited to the continuing threat posed by the Government of Iraq, in particular, but not limited to, the regime of Saddam Hussein and the threat of weapons of mass destruction. At present, U.S. forces in Iraq are engaged in the joint use of force with Iraqi forces and President Bush has praised the leadership of Iraqi Prime Minister Nouri al-Maliki. It is hard to see how any "continuing threat"—a threat that has continued since before 2002—is still posed by that government.

The most sensible conclusion, therefore, is that the first prong of the 2002 Joint Resolution is no longer available as a source of authority to use force in Iraq.

The second prong: "enforce all relevant Security Council resolutions"?

The second prong of the 2002 Joint Resolution further authorizes the use of force to "enforce all relevant United Nations Security Council resolutions regarding Iraq." To the extent that any resolutions adopted before enactment of the 2002 Joint Resolution are still applicable, all have been honored by the Iraqi Government; the United States surely is not contemplating the use of force to enforce them against that government. The question, therefore, is the meaning of "relevant": Does the term, as used in the second prong, refer to future United Nations Security Council resolutions—resolutions relevant to Iraq that might at some point in the future be adopted by the Security Council? The joint resolution, it is worth noting, does not set a pertinent time period; if it were construed as authorizing force to enforce a future Security Council resolution, there would be no reason, in other words, to believe that that authority would not continue indefinitely into the future, until the 2002 Joint Resolution is formally repealed.

The text of the second prong is ambiguous. The legislative history, however, is not. Congress appears clearly to have intended to authorize the enforcement of those Security Council resolutions outstanding at the time of the enactment and, at most, a limited set of potential future Security Council resolutions directed at implementing the outstanding resolutions. This set of future resolutions would not include Resolution 1790, which provides the current mandate for the Multinational Force in Iraq.

The second prong of the Authorization is not the only reference to "all relevant Security Council resolutions" in the 2002 Joint Resolution. 107 Public Law No. 243 § 2(2) (2002). The immediately preceding section expresses congressional support for U.S. diplomatic initiatives regarding Iraq using the same language regarding Security Council resolutions. In addressing this provision, the House committee report specified exactly what constitutes a relevant Security Council resolution for these purposes:

> This section states that Congress supports the efforts of President Bush to strictly enforce, through the United Nations Security Council, *all Security Council resolutions adopted prior* to the enactment of this Act addressing the threats posed by Iraq, *or adopted afterward to further enforce the earlier resolutions.* H. Rept. No. 107–721, at 41 (2002) (emphasis added).

The use of the same language in the subsequent section authorizing the use of the Armed Forces implicitly includes the same set of Security Council resolutions.

Further support for this interpretation is provided by statements made during the House and Senate floor debates by Representative Richard Gephardt and Senator Lieberman, the original cosponsor and sponsor of the House and Senate versions of the bill, respectively, who played a significant role in managing the debate over H.J. Res. 114. In the House, Representative Gephardt stated:

> The resolution and its accompanying report define the threat posed by Iraq as consisting primarily of its weapons of mass destruction programs and its support for international terrorism. They also note that we should continue to press for Iraqi compliance with *all outstanding U.N. resolutions,*

> but suggest that we *only contemplate using force to implement those that are relevant to our nation's security.*
>
> As for the duration of this authorization, this resolution confines it to the continuing threat posed by Iraq; that is, its current and ongoing weapons programs and support for terrorists. We do not want Congress to provide this or subsequent Presidents with open-ended authority to use force against any future threats that Iraq might pose to the United States that are not related to its current weapons of mass destruction programs and support for international terrorism. The President would need to seek a new authorization from Congress to respond to any such future threats. 148 Cong. Rec. H7779 (daily ed. Oct. 10, 2002) (emphasis added).

In the Senate, Senator Lieberman emphasized that the two prongs of the Authorization are linked and that relevant resolutions are those relating to the continuing threat by Iraq:

> It seems to me *these two parts have to be read in totality as modifying each other.* The resolutions that are relevant in the U.N. Security Council are to be enforced particularly in relationship *to the extent to which they threaten the national security of the United States.* In doing this, we are expressing our understanding that the President is unlikely to go to war to enforce a resolution of the United Nations that does not significantly affect the national security of the United States. 148 Cong. Rec. S10269 (daily ed. Oct 10, 2002) (emphasis added).

The legislative history thus conclusively reveals that the second prong of the 2002 Joint Resolution was intended to authorize (1) the enforcement of preexisting Security Council Resolutions and (2) at most, future Security Council resolutions that were aimed at implementing the earlier resolutions and were related to "the continuing threat posed by Iraq." Security Council Resolution 1790—the current U.N. authorization for the Multinational Force—does not fall within the scope of either class.

Neither Resolution 1790 nor preceding resolutions passed to authorize the Multinational Force in Iraq can be construed as resolutions aimed at implementing resolutions that were active at the time H.J. Res. 114 was passed. Security Council Resolution 1790 renews the mandate of Security Council Resolution 1546 (2004). During the period in which the Coalition Provisional Authority exercised sovereign control over Iraq, the Multinational Force was authorized by Security Council Resolution 1511 (2003). Not one of these resolutions makes any reference, even in preambular language, to Security Council Resolution 687 or any other resolution relating to Iraq that was in force when the 2002 Joint Resolution was passed. Nothing in Resolution 1790 suggests that it was adopted to implement or enforce resolutions that were outstanding in October 2002 when Congress's joint resolution was enacted.

If the 2002 Joint Resolution were to be interpreted as authorizing the enforcement of an unlimited set of future resolutions regarding Iraq that the Security Council might pass, three potentially serious constitutional problems would arise.

The first concerns the delegation of legislative power. The doctrinal specifics of constitutional jurisprudence governing the delegation of power to international organizations are amorphous; however, the constitutional principle that restricts the domestic delegation of legislative power—the principle that no delegated powers can be further delegated (*delegate potestas non potest delegari*)—would seemingly apply equally to international delegations. Among the domestic branches of the U.S. Government, the delegation doctrine precludes Congress from delegating power without providing an "intelligible principle" to guide its application. *J.W. Hampton, Jr., & Co.* v. *United States,* 276 U.S. 394, 409 (1928) Internationally, an open-ended grant of power to the U.N. Security Council to determine—within U.S. domestic law—the time, place, manner, and objectives of U.S. use of force in Iraq would squarely raise such concerns. Although not expressed in explicit constitutional terms, the statements by a number of Senators who opposed the Levin amendment reflected the same concern. The Levin amendment would have made Congress's authorization contingent upon a resolution from the U.N. Security Council authorizing the use of force; a number of Senators were concerned that its adoption would give the Security Council a veto over U.S. security policy in Iraq. President Bush himself expressed similar concerns in signing the United States-India Peaceful Atomic Energy Cooperation Act. The law as enacted prohibits the transfer of nuclear material to India in violation of guidelines set by the Nuclear Suppliers Group, a consortium of 40 nuclear fuel producing nations that includes the United States. The President's December 8, 2006, signing statement said that "a serious question would exist

as to whether the provision unconstitutionally delegated legislative power to an international body," and that to "avoid this constitutional question" his administration would interpret the provision "as advisory." To construe the joint resolution as delegating to the U.N. Security Council power to determine whether authority to use force is available in U.S. domestic law would raise the same constitutional question. The Constitution permits only 535 Members of Congress to place the United States in a state of war—not the U.N. Ambassadors of Belgium, Croatia, and Indonesia.

A second constitutional problem is posed by construing the second prong as applying to future Security Council resolutions. That problem concerns the Constitution's Appointments Clause. Article II gives the President the power to appoint "officers of the United States" only with the advice and consent of the Senate, and permits Congress to permit the appointment of "inferior officers" by the President, the courts, or department heads. The Supreme Court has made clear that "any appointee exercising significant authority pursuant to the laws of the United States is an 'Officer of the United States' and must, therefore, be appointed in the manner prescribed" by the Clause. The question arises whether the U.N. representative of a state that is a member of the Security Council would be exercising "significant authority pursuant to the laws of the United States" if that individual were permitted, in casting a vote within the Security Council, to give the resulting resolution force and effect within the domestic law of the United States. It is one thing to incorporate by reference into existing federal law Security Council resolutions that already exist; their terms are set and known to Congress when they are incorporated. It is be quite another, however, to so incorporate any and all Security Council resolutions that may be adopted at any point in the future—whatever their purposes, whatever their terms, and whatever their justification—with no time or subject matter limitations beyond the vague requirement of "relevance."

Construing the second prong as applying to future Security Council resolutions creates a third constitutional problem, concerning presentment. In *Immigration and Naturalization Service* v. *Chadha,* 462 U.S. 919 (1983), the United States Supreme Court made clear that Congress cannot give a measure the force and effect of law unless it is presented to the President for his signature or veto. Yet that would be precisely the effect of a future-looking construction of the second prong: It would give a future Security Council resolution the force of federal law without presentation to the President for his signature or veto.

That these three problems attend a future-looking interpretation of the term "relevant" counsels that that interpretation should be avoided. It is a settled canon of statutory construction that interpretations that raise constitutional doubts are to be avoided. As the Supreme Court made clear in *Crowell* v. *Benson,* 285 U.S. 22, 62 (1932), "When the validity of an act of the Congress is drawn in question, and even if a serious doubt of constitutionality is raised, it is a cardinal principle that this Court will first ascertain whether a construction of the statute is fairly possible by which the question may be avoided." This is the canon on which President Bush relied in his signing statement on the United States-India nuclear law.

When President Bush signed the 2002 authorization, he said that "Iraq will either comply with all U.N. resolutions, rid itself of weapons of mass destruction, and end its support for terrorists, or it will be compelled to do so." He, too, seemed to believe that "relevant" referred to past resolutions, not future ones. Weighing all the evidence, it is reasonable to conclude that the second prong of the 2002 Joint Resolution also is no longer available as a source of authority to use force in Iraq.

The AUMF as authority to use force

The pertinent provision of the AUMF reads as follows:

> [T]he President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons. Pub. L. No. 107–40 § 2(a) (2001).

For two reasons, the AUMF ought not be construed as providing authority for the use of force in Iraq.

First, the AUMF requires some nexus between the organization or entity in question and the 2001 attacks on the Pentagon and World Trade Center. It is not clear that "al-Qaeda in Iraq" is properly considered to be the same organization that engaged in those attacks. The mere fact that both organizations share the same name is not legally sufficient to bring the Iraqi entity within the scope of the AUMF. As I understand it, a serious question exists whether al-Qaeda cells operating within

Iraq are in a "command and control" relationship with the al-Qaeda leaders who were present in Afghanistan at the time of the 2001 terrorist attacks. A thorough examination of this question probably would require a closed session of the committee. Suffice it to note, however, that one would have to scrutinize very closely the comparative leadership structure, personnel, weaponry, strategic objectives, tactical targets, recruiting methods, physical facilities, theaters of operation and other aspects of the two organizations before concluding that they are in fact one and the same.

Second, even if the AUMF were applicable to al-Qaeda in Iraq, force is being used by the United States in Iraq against persons and entities not related to al-Qaeda in Iraq. As I understand it, fewer than 20 or 25 percent of U.S. casualties in Iraq can be attributed to al-Qaeda in Iraq. Military operations directed at insurgents responsible for the remaining 75 or 80 percent of U.S. casualties are not authorized by the AUMF. Perhaps for this reason, as recently as January 2007 the administration did not rely upon the AUMF as a source of authority for U.S. military operations in Iraq. In response to a written question concerning sources of authority that was put to Secretary Rice by Senator Biden following her oral testimony, Secretary Rice cited only the 2002 Joint Resolution and the President's constitutional authority, not the AUMF. Securing America's Interest in Iraq: The Remaining Topics: Hearings Before the Committee on Foreign Relations, United States Senate, 110th Cong., 1st Sess. 161 (2007).

The War Powers Resolution's "clear statement" rule: No implicit authority, from appropriations or elsewhere

At most, it is debatable whether authority to continue to use force in Iraq is provided by the 2002 Joint Resolution. At most, it is debatable whether such authority is provided by the AUMF. (It is not even debatable whether such authority is provided implicitly from appropriations or other sources—it is not.) The War Powers Resolution establishes as a rule of law that, when it comes to the monumental question whether a statute confers authority to use force, debatable authority is not enough. The War Powers Resolution requires that such authority be specific. Section 8(a)(1) provides not only that the statute in question must explicitly refer to the resolution; it provides that it must specifically authorize the use of force. That section provides as follows:

> Sec. 8. (a) Authority to introduce United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances shall not be inferred—
>
> > (1) from any provision of law (whether or not in effect before the date of the enactment of this joint resolution), including any provision contained in any appropriation Act, unless such provision specifically authorizes the introduction of United States Armed Forces into hostilities or into such situations and stating that it is intended to constitute specific statutory authorization within the meaning of this joint resolution . . .

Because serious ambiguities are present in both the 2002 Joint Resolution and the AUMF if they are construed as authorizing the use of force in Iraq, it cannot be said that either statute "specifically" does so.

This section also undercuts Ambassador Satterfield's claim that authority may be inferred from the fact that "Congress has repeatedly provided funding for the Iraq war, both in regular appropriations cycles and in supplemental appropriations." The section explicitly provides that authority to introduce the armed forces into hostilities "shall not be inferred . . . from any provision of law . . ., including any provision contained in any appropriation Act," unless those two conditions are met. No appropriations act meets either condition.

Accordingly, the War Powers Resolution precludes inferring authority to use force in Iraq from the 2002 Joint Resolution, from the AUMF, or from any appropriations legislation.

CONCLUSION

The administration's proposed strategic framework agreement concerns the long-term nature of the U.S. relationship with Iraq; renewed authorization for the use of force concerns the role of our Armed Forces in that relationship. These are two sides of the same coin. Both matters lie at the core of our long-term relationship with Iraq. Both raise issues that the executive alone is not empowered to decide. Both require the involvement of the legislative branch of this government: Whether to make a long-term security commitment to Iraq is a question that is constitutionally committed to the President and the Senate by the Treaty Clause; whether force should be used to carry out that commitment is a question that is constitu-

tionally committed to the Congress by the Declaration of War Clause. Neither issue can be addressed in isolation. Both must be addressed if either is to be resolved. The Constitution specifies how they must be addressed. Setting long-term strategy in a security arrangement is the task of the Senate and President as treaty-makers; authorizing use of force to carry out that strategy is the task of Congress. This is the process that the Constitution mandates.

In contemplating that process, it is useful to recall the words of this committee, written 39 years ago in its report on the National Commitments Resolution:

> Foreign policy is not an end in itself. We do not have a foreign policy because it is interesting or fun, or because it satisfies some basic human need; we conduct foreign policy for a purpose external to itself, the purpose of securing democratic values in our own country. These values are largely expressed in processes—in the way in which we pass laws, the way in which we administer justice, and the way in which government deals with individuals. The means of a democracy are its ends; when we set aside democratic procedures in making our foreign policy, we are undermining the purpose of that policy. It is always dangerous to sacrifice means to ostensible ends, but when an instrument such as foreign policy is treated as an end in itself, and when the processes by which it is made—whose preservation is the very objective of foreign policy—are then sacrificed to it, it is the end that is being sacrificed to the means. Such a foreign policy is not only inefficient but positively destructive of the purposes it is meant to serve. S. Rept. No. 91–129 (1969).

STATEMENT OF RUTH WEDGWOOD, EDWARD B. BURLING PROFESSOR OF INTERNATIONAL LAW AND DIPLOMACY, DIRECTOR OF THE INTERNATIONAL LAW AND ORGANIZATIONS PROGRAM, THE PAUL NITZE SCHOOL OF ADVANCED INTERNATIONAL STUDIES, JOHNS HOPKINS UNIVERSITY, WASHINGTON, DC

Ms. WEDGWOOD. It's a pleasure to be here, I've never been before you, Senator Biden. I've seen you on the train, sometimes, coming up to Wilmington.

The CHAIRMAN. Every day.

Ms. WEDGWOOD. You always look very regal and elegant.

But, it's a pleasure to be with Mike Glennon and Mike Matheson, who are my good old friends, and to appear before this committee.

I will, I think, to some degree, stray from my prepared statement, because much of it was covered in the morning session, so I will, where I can give you——

The CHAIRMAN. We'd like to be able to insert your full statement, if we could.

Ms. WEDGWOOD. Thank you very much.

But, for value-added, let me react to some of those statements in the morning, and a couple of supplementary things.

First, I wanted to draw attention to the interesting parallel between the May 2005 United States-Afghan framework called the "Joint Declaration of the United States-Afghanistan Strategic Partnership" and this current framework, the Iraq-United States Declaration of Principles from November 2007. My surmise is that lawyers got to the text of the Afghan 2005 Strategic Partnership declaration a little earlier than they got to the Iraq declaration, if at all. The Afghan framework uses precatory language—it speaks about "consult with respect to taking appropriate measures, in the event that Afghanistan perceives that its territorial integrity, independence, or security is threatened, or at risk." But it also has some more imperative language, "continue to conduct counterterrorism operations in cooperation with Afghan forces."

So one curious fact for me—and I'm a mugwump, I stay in academia so I can be independent in my views—but one curious thing to me, is in the Afghan-United States 2005 arrangement, nobody seems to have kicked up the same amount of dust—in the press, on the Hill, anywhere, frankly.

The CHAIRMAN. If I can interrupt you for a second, there's a simple reason for that. They think that was a necessary war. There's overwhelming consensus that these are the guys who attacked us, and there was overwhelming consensus that we had to go in there, and stay there as long as it took.

Ms. WEDGWOOD. I think sometimes——

The CHAIRMAN. Just practically, politically, that's the difference.

Ms. WEDGWOOD. No; I understand the practical, political judgment. Sometimes, I think, formal arguments get kicked up when people don't like the substance.

The CHAIRMAN. No, valid point. No, I wasn't questioning your point, I was just answering your question, why it didn't kick up as much dust.

Ms. WEDGWOOD. Sure enough. But from a formal point of view, a constitutional point of view, I think you have to reconcile the two documents, and say that whatever one lays down as a template for the Iraq case, you've got to read it back into the Afghan case, and be content to live with it there, to the extent that it may inhibit the discretion of future Presidents to do what they feel the need to do in a very fluid, temporally changing security environment.

I have ICRC Red Cross friends in Geneva who were telling me that, you know, once Karzai is sworn in there's not really a war any more, and of course there clearly is, in Afghanistan.

So, my point is just to try to take a candid view of both documents.

Second point, on the Iraq framework, or Declaration of Principles: The difficulty I see in delaying its completion is posed by Security Council Resolution 1790—I have never seen a U.N. resolution like that before. Essentially, it says, by the pull of a plug, the Prime Minister of Iraq can end the Chapter VII mandate. And the Security Council has committed itself to honoring Prime Minister Maliki's request. And not only this time, but it was done before, the year before, in Resolution 1723—it's kind of like my kid's homework, the last, last delay—in Resolution 1723, it's said to be the final extension, we're now into the final final extension. Both of them at the pleasure of Prime Minister Maliki.

So, from the point of view of worrisome exposure, one could be left without belt or suspenders on a Thursday morning if Prime Minister Maliki changed his mind, and the Security Council felt morally obliged to rescind the Chapter VII resolution, as they said they would.

Third point is a simple historical observation: Presidents often do enunciate security doctrines. I don't make light, at all, of the Senate's power, and Congress's power—I'm not from way across the street. But, Presidents often do make strategic declarations—Potsdam, Yalta—that do have a real effect on what the country, then, can do. And Congress has to fight for its influence.

I don't think there's quite as bright a line as some might like, distinguishing what a President can enunciate, in a nonbinding

fashion, which may create a political reality, but not a legally binding instrument. There are instances where we're quite content to have had that happen in the past.

I think Iraq probably sees this declaration as essential to its reclamation of full independence. Every so often, I embark on a form of post-conflict tourism. A year after the fighting stops, I go there in my high heels to take a look around.

And typically, in a post-conflict situation, the administered territory, whether it's Timor, or Kosovo, or Bosnia—they want their propers back. They want to get independence, they're eager. Sergio Vieira de Mello was pushed very hard in East Timor by local leaders—to make the transition from U.N. administrators to local Timorese. And, in fact, the U.N. transferred authority earlier than they probably meant to, originally.

I don't think that the push for the important, formal reclamation of independence is one that we should take lightly—as a matter of the pride of local folks. After all, we're pushing Iraq to be more responsible for themselves. So, there would be a certain irony in telling them, "You've got to do that, but wait another year, until we get our political house in order after the American Presidential campaign."

So, I see the push seeking to assert sovereign jurisdiction over your own territory and waterways, and how force is used as a natural concomitant of every post-conflict situation in transition.

I worry about what delay would mean as a signal to Iraq's neighbors. The Iranians are very frisky. And they read our tea leaves better than we can, sometimes. And if we seem to be querulous, or tremulous, or just uncertain because we have a Presidential campaign coming up, I worry that people who aren't terribly friendly might take advantage of that.

And finally, in the same kind of point—whatever political party is in power, it just can't be the case, to my mind, that in the first year, and last year, of every Presidential tenure, you can't do business. We all know it takes a new administration a year to get staffed up, even at the Assistant Secretary level. And, if the last year you're a lame duck, that means there's a lot of ungoverned time, which I, again, worry would leave us in drift, and leave our interlocutors to perhaps take advantage from time to time, and leave the people that we're trying to help in a state of uncertainty that's demoralizing.

Finally, let me just address, if I could, Mike Glennon's point on the use of force. And it's a point I've raised in front of Congressman Delahunt in the prior hearings that we had. When you try to be a purist on when a treaty is required or an executive agreement, or whether a Declaration of Principles will suffice, or whether you have to go to Congress for a formal authorization for the continued use of force, you discover there are more counterexamples out there than you could ever bear to live with.

In the Kosovo air war in 1998, and the Bosnian campaign in 1995, Madeleine Albright and Bill Clinton, there was no congressional authorization for the use of force.

In the follow-on force called KFOR, supporting UNMIK, under Resolution 1244 of the Security Council, where there was no sepa-

rate congressional resolution authorizing the participation of U.S. troops in the NATO force there.

Now that we're once more in legally uncertain waters in Kosovo, in what a former SRSG in Kosovo has called a "legally messy" situation, we are going to have our troops in a situation where there's not even a new Security Council resolution.

So, there often are instances of important commitments of armed force—if only in deterrence—where it's not as clean as you'd like it to be, either congressionally, or in regard to the Security Council. And so, on that problem of security tails, when you're already in a place, under a clear authorization for the use of military forces, such as the 2002 congressional authorization for the use of force in Iraq—I would be very cautious in enunciating any doctrine that says that as soon as you've reached benchmark 3, it expires, you've got to go back, and there's a vacuum until you do, retreat and then advance again.

I could—if we were to do legal briefs, I could find plenty of language in the preambular clauses of the AUMF, that talk about the need to prevent acts of international terrorism, all appropriate actions against international terrorists, promote the emergence of a democratic government to replace the prior regime. There's enough preambular language to give a practical reading to the operative language in the 2002 authorization for the use of force, to not give it this Draconian, Calvinistic, absolute cutoff point.

I'd be cautious on this. Because, every political party, indeed, every actor, soon discovers that the doctrines they enunciate in year one, can come back and bite them in the tail in year five. And there's got to be a shoe you can put on all of your feet.

Thank you.

[The prepared statement of Ms. Wedgwood follows:]

PREPARED STATEMENT OF RUTH WEDGWOOD, EDWARD B. BURLING PROFESSOR OF INTERNATIONAL LAW AND DIPLOMACY, DIRECTOR OF THE INTERNATIONAL LAW AND ORGANIZATIONS PROGRAM, THE PAUL H. NITZE SCHOOL OF ADVANCED INTERNATIONAL STUDIES (SAIA), JOHNS HOPKINS UNIVERSITY, WASHINGTON, DC

I appreciate the invitation to comment on the matter of "Negotiating a Long-Term Relationship with Iraq."

The impetus for today's hearing may stem, in part, from the events of November 26, 2007—in particular, from a document entitled "Declaration of Principles" that was announced on that date by President George W. Bush and by Iraqi Prime Minister Nouri Kamel al-Maliki of Iraq.

This "Declaration of Principles" touches on a host of topics, sketching many of the common interests shared by the United States and the Iraqi people. It is quite similar to the declaration of mutual interests announced by the United States and Afghanistan on May 23, 2005.

There has been a concern in some quarters that this "Declaration of Principles" amounts, in form and substance, to a binding agreement between the United States and Iraq, akin to an "executive agreement" that could be binding under international law.

In my view, this is not the case. The Declaration of Principles was not styled as a binding legal agreement. The document discusses a broad range of matters of aspiration and shared interest, including issues that the United States and Iraq could not possibly address without also seeking the cooperation of many other countries.

This includes, for example, enhancing the position of Iraq in regional and international organizations and helping Iraq to obtain debt forgiveness, as well as Iraq's future accession to the World Trade Organization. These goals depend upon the actions of many other countries beyond the two states that joined in the declaration, and could not be made the subject of a self-executing agreement.

Rather, the Declaration of Principles reflects Iraq's timely sense of its sovereign independence, as well as the ambitions that are shared by any free and democratic country.

THE SECURITY COUNCIL MANDATE AND THE STATUS OF AMERICAN FORCES

The Declaration of Principles records Iraq's wish to gain full recognition of its sovereignty—most notably, its return to the fully independent status enjoyed by the Iraqi nation before Saddam Hussein chose to invade neighboring Kuwait and embroil the world community in a difficult conflict. In the language of the Declaration of Principles, Iraq looks forward to exercising "full sovereignty . . . over its territories, waters and airspace, and its control over its forces and the administration of its affairs."

The November 2007 Declaration of Principles thus looks toward a future period when the United States and other allied forces may be hosted in Iraq for a number of purposes—but may no longer have the legal umbrella of a United Nations security mandate, including provisions concerning the immunity of Multi-National Force.

It is the issue of an appropriate legal framework for U.S. forces working in Iraq that accounts, in part, for the timing of the Declaration of Principles—and for some of the urgency felt in future plans to negotiate a formal bilateral Status of Forces agreement.

The Multi-National Force has operated in Iraq under a series of U.N. Security Council mandates since 2004. Resolution 1546, approved by the Council on June 8, 2004, was extended in November 2005 and November 2006 in Resolutions 1637 and 1723. These resolutions invoke the authority of Chapter VII of the U.N. Charter, which permits the use of military force by the United Nations and cooperating states in the Multi-National Force.

Resolution 1723 was due to expire on December 31, 2007. Hence, in November 2007, the Declaration of Principles prominently focused on Iraq's intention to "*request to extend the mandate* of the Multi-National Force–Iraq (MNF–I) under Chapter VII of the United Nations Charter *for a final time*." (Emphasis added).

The Iraqi representative to the United Nations also noted that this extension would be "for the last time."

Upon Iraq's request to the United Nations, on December 18, 2007, the Security Council passed Resolution 1790 for a final extension of the Multi-National Force mandate until December 31, 2008.

But this was subject to the important proviso, recorded in the operative language of Resolution 1790. Namely, in operative paragraph 2, the Council noted that it "*Decides further* that the mandate for the Multi-National Force shall be reviewed at the request of the Government of Iraq *no later than 15 June 2008,* and *declares that it will terminate this mandate earlier if requested by the Government of Iraq*." (Emphasis added).

Thus, it could be the case that at any moment, the Government of Iraq could request a termination of the mandate of Resolution 1790, and the United States would be faced anew with the immediate question of the legal protections available to its forces in Iraq.

This is a topic typically treated through bilateral status of forces agreements, and the future intention of the United States to negotiate such an agreement is thus not surprising.

STATUS OF FORCES AGREEMENTS

The role of "status of forces agreements" (or "SOFAs") is a matter of general importance to all American servicemembers and their families, as well as to political leaders interested in the posture and protection of American Armed Forces around the globe.

Recent headlines concerning events on the Japanese island of Okinawa highlight the importance of providing safeguards both to American forces stationed abroad and to the civilian populations with whom they come in contact. So, too, the decision by the United States to recognize Kosovo as a newly independent nation, separate from Serbia, may pose the question of how to assure appropriate status and legal protections to American servicemembers who will be stationed in Kosovo as part of NATO peacekeeping forces.

A status of forces agreement is, in fact, a manifestation of the full sovereignty of the state on whose territory it applies. In particular, this kind of agreement serves to structure the relationship between a sovereign host (often called a "receiving" state) and one or more so-called "sending" states whose forces are permitted to visit or be stationed on foreign territory.

Status of forces agreements ("SOFAs") are widely used in modern international relations. Status of forces agreements govern the working relationship between states in the NATO alliance, as well as member states of the Partnership for Peace. Status of forces agreements govern and protect United Nations forces dispatched on peacekeeping and peace enforcement missions around the globe.

Status of forces agreements also serve to structure bilateral relationships between states, where the two parties conclude there is a common interest in permitting the location of a military force, or a monitoring station, or a prepositioning of supplies, or indeed, any other anticipated military function or presence. Even a joint military exercise may be governed by a status of forces agreement, where there is any presence on foreign territory.

In a United Nations peacekeeping operation, the status of forces will typically be based on a model U.N. status of forces agreement. However, in a Chapter VII peace enforcement operation, the status of forces will not necessarily depend upon the consent of the state where they are deployed, since Chapter VII resolutions have coercive power.

For its part, the United States has attempted to assure that in United Nations mandates for peacekeeping and peace enforcement, there is an assurance that U.S. forces will not be subject to any assertion of international jurisdiction by a treaty court to which it has not assented.

Status of forces agreements can serve several purposes. In many respects, SOFAs are the military equivalent of diplomatic or consular immunity agreements. Status of forces agreements may describe the method of entry and departure of international troops. They may describe the division of legal authority in regard to any alleged misconduct.

Typically, primary criminal and civil jurisdiction over any act of misconduct committed in the course of the performance of "official acts" is reserved to the so-called sending state, while jurisdiction over private acts of misconduct can be assumed by the receiving state. There may, however, be instances in which the sending state is primarily or exclusively responsible for both spheres.

A SOFA agreement often has procedures for handling any commercial claims that arise from the presence or activities of international troops. The provision of buildings and grounds, the applicability or inapplicability of local taxes, customs issues, foreign exchange regulations, and the hiring of local workers, are also typical features. Alongside its substantive provisions, a SOFA will typically provide a standing structure for consultation and settlement of any disputes between the state parties. The relationship between the receiving and sending states may also be structured by a basing agreement concerning any approved installations, improvements, training activities, permissions for overflight, communications, and services.

For the further work of the committee, I should note the detailed examination of the history and structure of SOFA agreements available in a collaborative study organized by a German international law scholar, Dieter Fleck, entitled "The Handbook of the Law of Visiting Forces" (Cambridge University Press 2001). The issues that arise in overseas deployments are also addressed by John Woodliffe, a British scholar, in "The Peacetime Use of Foreign Military Installations Under Modern International Law" (Martinus Nijhoff 1992). And finally, Professor Kent Caldor, my colleague at Johns Hopkins University, has recently finished an important work entitled "Embattled Garrisons: Comparative Base Politics and American Globalism" (Princeton University Press 2007).

CONCLUSION

The negotiation of a status of forces agreement does not suggest that the United States is seeking any permanent bases in Iraq. Indeed, we have status of forces agreements even for transient activities. The United States has expressly eschewed any desire for permanent bases in Iraq. Both the President and Secretary of Defense Robert Gates have publicly embraced that position.

While status of forces agreements are typically concluded as an executive agreement between two governments, this does not trench upon the longstanding interest of both political branches of government in foreign policy issues concerning the use of force. The Congress still retains its authority over the budget of the Armed Forces, and its oversight capabilities. The constitutional and statutory provisions concerning the use of force, as a matter of American domestic law, also remain intact. Thus, the issue of the negotiation of a future SOFA arrangement with Iraq may be a far more technical matter than some voices have suggested. Insofar as the future relationship with Iraq may involve mutual cooperation in training local forces and assisting in the fight against the type of terrorism that can ravage civilian lives and harm America's security, this is a common interest that we share with a great

many countries in the world. Its nature, scope, and duration would not ordinarily be determined in a status of forces agreement.

The CHAIRMAN. I want to thank you for your very practical way of approaching this. I assure you, I'm not a Calvinist. I have great respect for Calvinists, but I am not one.

And, but—all kidding aside—the points you make, I think, are very valid.

If I can—I'm going to raise a couple of assertions, make a couple of statements, I would invite you all to comment on what I say, and what one another have said, OK? Since one of the real disadvantages for you is, I'm the only one here.

And this is—I look forward to this, don't turn the clock on, Bertie, turn the clock off.

But, maybe you can help me, at least, and the committee record.

I suffer from—for the last 18 years, teaching a course in separation of powers at Widener University Law School, and that old joke—at least when I was in law school, which I wish I had paid more attention when I was—if you want to learn a subject, teach it. And you all are much more proficient and knowledgeable in teaching, and the subject matter than I am. But let me just walk through a couple of things for you, if I can, maybe help us get our arms around this.

Professor Donoghue, a number of the points you raised are, I think, technically correct—in the Calvinistic sense—pardon me?

Oh, I'm sorry, I did say Donoghue, I apologize. She was here before, I apologize. I introduced you as that too, I'm sorry, you were very kind. You can call me Bidden if you like. [Laughter.]

I truly apologize, and I even wrote it down here, Donoghue, I apologize.

But, look—there are practical explanations for each of the legal points that you've raised, constitutional points. For example, I can't think of any other time in the 20th century where, other than the Vietnam war, where—when the passing of power from one President to the next—has been almost solely based upon the issue of whether or not the pursuit of that war, and the way it was being pursued, is appropriate. That's what this election is about. It's the economy, stupid, economy—but guess what? The end of the day, it's about the war.

So, we're about to have a referendum in the United States of America on whether or not, essentially continue—based on my friend John McCain's assertions—whether we continue the policy of this administration, relative to the use of force in Iraq for the rationale offered by this President and offered by John, which relates to the threat of Iran, internal destabilization resulting in regional instability, the hegemony of Iran, the growth of terrorism in the region, et cetera. These are all propositions that underlie the continuation of the use of this force that are literally being debated by the public.

The point I raised with a couple of my colleagues on the way over to the last vote—just imagine the circumstance, to make a point, if this administration said, "We want a Status of Forces Agreement," this is essentially a continuation, a letter—if you will, as you suggested, a letter, just of an understanding between us—of continuing the Status of Forces Agreement that essentially con-

tains in CPA 17. And assume they said, "No; we're not going to do that. And we're not going to give a Status of Forces Agreement unless you have these other commitments," whether you argue they're constitutionally binding, legally binding, or not binding, "unless you do that, we're not going to give you the right to stay."

I ask you all just to imagine what the American people would say if the Iraqi Government said, "We don't want you here any longer unless you do more of what we want beyond shedding your blood and draining your Treasury." My guess is, just being a plain old politician, that Americans would say, "No problem, Jack, we're coming home."

Because I don't know that Americans—average Americans, Republicans, Democrats, and Independents—view Iraq in the context of the region, view Iraq in the context of these larger, arguably rational, I mean, arguably real conditions of what might happen in the region and in the world if we were to leave. They view it as Iraq.

And so, I would suggest that, in answer to your question about this Calvinistic notion of one President not being able to bind another President, when, in fact, we're already engaged in something, and if we had to every 4 years know that, you know, we may fundamentally change things. I think that you're right, that's a dangerous precedent to formalize, I think, formalize constitutionally, or any other way. But, practically—practically, it occasionally occurs, and it's occurred in my lifetime—this is my 35 years in the Senate—twice.

It didn't occur in Bosnia, there was no fundamental disagreement in the American public about American forces staying in Bosnia. There was no fundamental intellectual and/or political rift about the bombing campaign in Kosovo. Well, I was here, I mean let me put it this way, there's not a single solitary person that ran for reelection in the Republican ticket saying, "Get out of Bosnia. Do not use force in Kosovo." I can't think of one campaign.

My skittish Democratic friends—since I was the author of that idea here—to use that force, to prove I am a Catholic, not a Calvinist. All kidding aside, you know, what happened here. Technically, or legally, or constitutionally, I may have been wrong, but the effect here in the political environment, no one stood up on the floor of the Senate, they just voted, "No." It did not engender a debate that's so consequential that it's dividing the country.

And so, I can't think of anything other than Vietnam, which I ran in Vietnam, 1972, I ran on a platform saying, "I disagree with Nixon and end this war, almost under any circumstances." My argument in that war was, the underlying rational for the war had no, no historical basis. And the underlying rational was, if we didn't stay there and protect the South, the dominoes were going to fall, you're going to have Camrhan Bay, a Russian port, the Russians and the Chinese were going to be in league and they're going to take over, and the next thing under San Francisco Bridge.

I went so far in the debate, in the last debate—it was pointed out to me 4 years ago by a press person who was still around covering me then—I allegedly said—I don't remember it—in a debate, that I make the following commitment, "I am so certain the administration's rational for the war in Vietnam is unfounded, that if a

Russian fleet ever docks in Camrhan Bay and if I'm lucky enough to have been elected, I will offer my resignation from the Senate, on the floor of the United States Senate the moment that happens." That's how certain I was, the rational was flawed, regardless of the constitutional justification or the constitutional powers the President had.

Well, that's kind of where we are now. In the minds of an awful lot of Democrats, some Republicans, and a lot of Americans. So, I just lay that basis, that premise down as to the reason why this is different, is it's different. This is a pipe, this is a picture of a pipe. It's different than any other circumstance I can think of in the 35 years I've been a Senator and, I would argue, in the 20th century, including Korea.

So, having said that, let's go to the more difficult pieces of this. I think the Professor raises a good point, Mike, Michael. How—from a legal standpoint, distinguish Afghanistan and Iraq?

Mr. GLENNON. It is an interesting point, I'm not persuaded that it's a convincing point.

Are there examples of executive agreements that should have been sent up to the Senate as treaties, over the course of 200 years, that the Senate didn't object to? Answer; of course.

Second, are there instances in which the President has used force, in which he should have gotten advanced authorization from Congress as required by the War Powers Clause? Answer; of course. That's not really the question, Senator.

The question is, given the, in effect, atrophy of congressional power that has occurred as a consequence of these precedents, is it constitutionally impermissible for Congress to reclaim its power?

The CHAIRMAN. There is no question about that, Mike. I understand that. You can not—you can not change the essential fabric of the Constitution by any precedent, you can't do it. I understand that and I understand, you know, the famous Harvard professor, the name escapes me right now, years ago who said, this is in the area of foreign policy, the Constitution issues an invitation for the executive and legislation——

Mr. GLENNON. Corwin.

The CHAIRMAN [continuing]. You know, who was it?

Mr. GLENNON. Corwin.

The CHAIRMAN. Corwin. And Corwin made that—and so really that's the area we fall in here. But my point is, from a constitutional standpoint—not whether or not it binds us in Iraq—is it correct that there are not fundamentally different—there are not fundamentally different justifications for—from a constitutional standpoint—for the Afghan agreement and the Iraqi contemplated agreement? That's the question.

Mr. GLENNON. Well, Senator I have to say I haven't looked closely at the Iraqi agreement, but I would apply the same multifactor test that you yourself alluded to earlier. And the question is, viewing the entire bilateral relationship in context, taking into account every element in the surrounding context, what is the implicit commitment, if any, that is contained in the words and conduct of the United States, viewed in conjunction with the words and conduct of the other side? So, the argument from precedent is not terribly useful in this context.

The CHAIRMAN. No; I'm just making—I think it's important for someone like me, who is making a constitutional, a legislative, as well as a political argument, to be honest with my colleagues. And so, the only thing I'm trying to figure out is, I'm prepared to—if it's true—acknowledge that it may not be, from a constitutional perspective, any more within the power of the administration to do what it did in its agreement in Afghanistan, and acknowledge that, but say that from a political perspective in the context, the American public are much more prepared to support that. And the next President will be bound by it, as a practical matter, because these are the guys that killed our guys. These are the guys that killed, these are the guys that launched the attack. They're still living in the mountains between Afghanistan and Pakistan, they're still hanging around. And so, whether or not there is a more compelling legal rational for the next President to honor that, as a practical matter, the next President is going to honor that. There is no disagreement among us.

As a matter of fact, all three candidates are saying we have to devote more resources. You have both Senator Clinton and Senator Obama saying we should be surging forces into Afghanistan. Now that may still create a constitutional dilemma for us if we're going to be, you know, if we're going to go by the numbers. I'm not disagreeing with that. I'm just trying to figure out what it is.

Professor.

Mr. MATHESON. Of course you have two separate questions here, and it's useful to keep them apart analytically.

The first question is whether the executive branch has the authority to commit United States forces into hostilities, and that's a question which differs between Iraq and Afghanistan, in the sense that I think the joint resolution for Afghanistan is pretty straightforward. We're still fighting, as you say, against those entities that caused 9/11, whereas it's a more gray area with respect to Iraq, since it's a debate about whether the threat posed by Iraq really only relates to that posed by Saddam Hussein.

The CHAIRMAN. Quite frankly, that's the answer I was looking for.

Mr. MATHESON. But the other side of the question is whether there's some constitutional inhibition on the President to get authority to use force from a foreign government. And here I think I would—with apologies to my good friend and colleague—take issue with the idea of implied or implicit security commitments, as a legal matter, in the sense that I think a security commitment is an obligation to come to the defense of another country. That's probably the most significant obligation a state could have. And I think we should always expect that would take express form, rather than implied form, and I don't think we should agree that that kind of obligation could be created implicitly simply by the fact that hostilities are occurring, or that we have authority to use force. So, I think I would draw a different line there.

As a practical matter, of course, this kind of situation can have very significant impacts. But I would make that distinction, legally, so that comparing Iran and Afghanistan, I think in both cases the President could constitutionally get authority to use force as a matter of international law, but then as a domestic constitutional

issue, you have to inquire as to whether the congressional authorization still stands.

The CHAIRMAN. Thank you.

You wanted to respond, Professor, or make a statement, I thought. Were you seeking to——

Ms. WEDGWOOD. Oh, just a couple of things. First, on the argument that two wrongs don't make a right, which was Michael Glennon's point.

I still give some credit to the *Dames and Moore* decision that Chief Justice Rehnquist handed down on the Algiers Accords, when we were transferring cases from domestic federal courts to the United States-Iran Claims Tribunal. The Chief Justice said that "the institutional practice, over time, does matter." It shows each institution's understanding of the practical contours of the Constitution. So, maybe not one instance, but if you do have a series, say, of precatory statements by Presidents, wanting to reassure their allies or their beneficiaries about what the state of play is, that look a lot like this, the practice adds up to something that could be, I think, carving out an area, as I think you, yourself, perhaps suggested.

The only other point I want to suggest is that, after today's hearing, after all the conversation in the Washington Post over the last couple of weeks, if there's one thing the Iraqis know, it's that not everybody thinks this is binding. So that any worry that we've misled them, that having a framework agreement would amount to some kind of double-play upon them, they have to be aware that there indeed is a campaign on, and that somebody coming in the White House might take quite a different view.

But even that person, whoever it is, Barack Obama, Hillary Clinton, or John McCain—no one is prescribing immediate, instantaneous withdrawal. So we're going to have some military folks there for quite awhile, even if we are in the process of leaving, and in that interim period, it's equally crucial to have the Status of Forces Agreement to protect them during an exit.

Mr. GLENNON. Two quick comments, Mr. Chairman.

First, Professor Matheson raises a very important point. The question really is, What's the effect, under international law, of an agreement, implicit or explicit, that is entered into in violation of your domestic law—indeed in violation of rule of fundamental importance of your domestic law? There is authority in Article 46 of the Vienna Convention on the Law of Treaties to the effect that that is not binding in international law, if the violation is manifest. And I would suggest to you that this constitutes precisely that kind of manifest violation that the Vienna Convention had in mind.

So, I agree with Mike, that we would not be and should not be bound by an ultra vires agreement of this sort, but it's because of the applicable international law principle.

Second, there's no question, as Ruth points out, that custom and practice, as you know as a professor of separation of powers, have an impact in setting practical and operational rules of law in allocating authority, as between the two political branches of the Federal Government.

The question however, is this: Can explicit Supreme Court holdings be overturned by contrary custom and practice? The applicable

case is not *Dames and Moore.* There are three cases that were decided by the Marshall court, in which it found that when Congress authorizes the use of force with limits attached, the President is constitutionally required to respect those limits, his Commander in Chief power does not permit him to exceed congressionally imposed limits. I don't think that John Marshall was being Draconian or Calvinistic in the way he decided those three cases.

Finally, you've really touched on something important in focusing on the transition. The truth is that this new framework agreement is only going to be in effect for less than 3 weeks, governing the current administration. If the intent is not to tie the hands of the next administration or remove some options from the table, or cause the new administration to buy into, as you said, the vision of this administration, what's the purpose in extending it beyond that 3-week period? Why not let the new administration negotiate it for themselves?

The CHAIRMAN. Well, the argument they're going to make is that that they will not negotiate, they will no longer, from January 1 to January 20, will our troops be protected. They will not have the—this the administration's argument—they will not have the protection of the Status of Forces Agreement, and they'll all be in jeopardy of being able to be tried in Iraqi court or whatever. That would be their argument, I expect.

You were going to say something, Professor.

Mr. MATHESON. I just wanted to address that practical situation, because I think there are some false dichotomies here.

It isn't necessarily the case that you have to have the Security Council extend the Chapter VII mandate. Apparently the Iraqis have some kind of political difficulty with that. I'm not sure why they do, because there are lots of countries where there are Chapter VII operations going on, and in fact, every country, including the United States, has obligations under at least two Chapter VII resolutions right now on terrorism and weapons of mass destruction.

But assuming, for the moment, that they have this political hangup about the Security Council renewing the mandate, that doesn't preclude some kind of extension of the status quo by simple agreement.

The CHAIRMAN. Exactly. No; that's exactly—look, this is their attempt, the Iraqis, to hold us up. And, you know, it's real simple, I mean, there is no—their sovereignty need not be in any way compromised, they would need only do what you just said. And say we will not extend Chapter VII, use the same language, call it, we've entered into a new agreement with the United States of America, and it's consistent with what, the following, boom, and then lay it out in a letter agreement.

Mr. MATHESON. And if they refuse that kind of a very reasonable accommodation, then my answer as the U.S. Representative would be, all right, in that case we're going to have to go back to the Security Council and impose this on you under Chapter VII, you don't give us any feasible option. And I'm sure that that's not the way they would want to go.

The CHAIRMAN. No, look, I agree, this is—I must tell you, and I've kept you a long time. I have made no—I've not made any

secret of my view of the administration's intentions, for the last year and a half.

I know it sounds cynical, Professor Wedgwood, for me to say this, but I said well over a year and a half ago, I think the intent of this administration, because they don't have a solution—they're very smart people—they don't know what to do in Iraq, is to just make sure the dog doesn't die on their doorstep. Just keep this thing from imploding and hand it off to the next President, Democrat or Republican. I don't think it's a partisan thing, I think it's a historical perspective thing.

And, because you can't, I mean, I knew, and I've known Secretary Rumsfeld and Vice President Cheney—I know he's gone, Rumsfeld—for 30 years. These are really smart guys, these guys aren't stupid, these guys know how bad things are going, were going.

And if you notice, there's been no political suggestion as to how to reconcile the party's offer by the administration—none. They haven't offered any political, they argue political progress is being made, bottom-up, by agreements between tribes and among tribes and our military on the ground. They're positive things, but it's not like there is an overarching political prescription that this administration is pushing nationally, i.e., Iraq or internationally.

And so I'm absolutely convinced that this—and I'm revealing my prejudice so I don't fly under false colors—I believe, in my discussions with the President—he never used the same language—but I believe that—I believe that the quote used by Senator Webb, quoting a relatively conservative commentator saying that Bush has said in the Oval Office, "Don't worry, the next President's going to not have any choice." That's what I think this is about. This is about continuing a policy he doesn't know how to settle into the next administration.

And so, we all know this is going to take on an almost—it's not going to be, no court's going to take this issue. This political question doctrine will be invoked by—particularly this court, and I suspect probably any court. So we're down to that invitation Corwin talked about, to struggle for the control of the conduct of foreign policy. And in this case, I hope the administration listens to my Republican colleagues. Not to me, my Republican colleagues. There's very little stomach—very little stomach—to make an agreement with a government whose longevity is questionable at best, whose support is, I would argue, very shaky in its own country.

For example, you heard the Secretary—the Ambassador say, that this brings in all the parties, we're negotiating with them all, except the bad ones, basically. Why is Maliki still Prime Minister? Because 32 Sadrites said, "You're Prime Minister." How do you negotiate an agreement they aren't in on? I don't know, and still keep you political, actually have that party, you know, have this being a consensus, you know, I don't know. There's not even a Cabinet.

Professor, you wanted to respond?

Ms. WEDGWOOD. Now I'm straying well out of my legal competence, but just into citizenry.

The CHAIRMAN. Yeah, sure.

Ms. WEDGWOOD. But I guess the point I'd make is—or offer for consideration is that I don't think this agreement would look terribly different no matter whom you negotiated it with. It doesn't pledge troth to Maliki as a person, it pledges—it's an agreement with the Government of Iraq.

The CHAIRMAN. And by the way, I think it would be materially different if, in fact, Sadr controlled the Parliament. Materially different. There would be no agreement. There would be a commitment to require a timetable to get out. And watch what happens between the Sunnis and the Sadrites in Parliament on this. I'll make a prediction to you, I'll make a prediction. They're going to say, "Hey, go."

So I don't know, I mean, look that's—now we're into, you know, into an area which is the reality of where we find ourselves, but it just seems to me that we're begging for trouble and confusion, and what we're doing—the irony of all ironies is—by going the separate route of bilateral negotiations here for whatever reasons required, demanded by the, I mean by, excuse me, by the Iraqis or not. Nobody's going to talk about a Multi-National Force anymore, this President is going to have an awful hard time saying this is a multilateral action.

So it's kind of, in a sense, exposing the reality of what's going on in Iraq. In that sense it's a good exercise for the American people to see. It's a sham that we have a multilateral organizational structure condoned by the International Community. It's about to be withdrawn. And, you know, I just think it's—I just think it's a gigantic—beyond the legal consequences—a gigantic mistake. Because—I'll end where I began and let you close, Professor—but the one thing, and I know neither, none of you are as old as I am, but the one thing that I think my generation walked away from our experience in Vietnam with—that is our experience dealing with that war and that generation of Vietnam—whether you were for the war or against the war, thought we should have left earlier, thought we should have stayed longer, whatever position you take—is no foreign policy can be sustained without the informed consent of the American people. And the idea that anybody thinks, if we put up to a referendum in America, an agreement whereby we would agree to protect this government, a Maliki government that exists today, against threats from—internal threats, not al-Qaeda alone—any threats, because there are insurgents, bad guys, et cetera, from the perspective of Maliki. They're going to send there, they're going to continue to spend $3 billion a month, a week for that? Whoa. I don't think there's any consensus for that, none, none at all. But that's—that's what elections are about, we'll find that out.

Professor, you wanted to make a comment.

Mr. MATHESON. I just wanted say that I suppose it's only fair that we remind ourselves that we've been focusing today on the question of whether this administration or the next one should negotiate this, but even if it is postponed into the next administration, it will still leave a lot of very difficult issues about how to do these agreements. Do we give immunity to civilian contractors? If so, how do we enforce that responsibly?

The CHAIRMAN. Yep, exactly.

Mr. MATHESON. What will we demand in terms of a right to conduct combat operations? will it be open-ended? what are the implications of that? What do we do about certain other U.N. resolutions, which are currently in effect: The one that prohibits WMD for Iraq, the one that ensures continuing draws on Iraqi oil revenues for compensation? What do we do about those resolutions?

The CHAIRMAN. I agree. We kick the can down the road on all of those, but at least it would be in the context of full-blown debate, after the American people have spoken about whether the degree and extent of the involvement in Iraq is one they're willing to continue to support. I think.

Mike.

Mr. GLENNON. Senator, I think that's really the key point. I, you know, Ambassador Satterfield underscored the procedure that they're following, is one that is intended to generate a consensus within Iraq. It would be good if the administration were as concerned about generating a consensus behind a strategy within the United States, and the way to do that is to submit this to the Senate for its advice and consent. And if he can get a two-thirds—if the President can get a two-thirds vote in support of that, then you've got a consensus.

The CHAIRMAN. Last word for you, Professor.

Ms. WEDGWOOD. Two last quick thoughts. One is just to note that—the Defense Science Board did a study a little while ago, showing the time horizon for all manner of humanitarian missions, Bosnia, Kosovo—they're all taking longer than we thought. When you stack them up you get huge demands on force structure. So there really is a serious conversation to be had about what we can and can't do.

But then as the law professor in me impishly rises to the surface, I did want to note, that as far as I can tell, the only mention in the United States-Iraq Declaration of Principles that has to do with internal matters, is in the first part of the declaration, in a section entitled "Political, Diplomatic, and Cultural Spheres." It speaks of "supporting the Republic of Iraq in defending its democratic system against internal and external threats." I wouldn't take that to mean that you have to keep any particular politician, including Prime Minister Maliki in power.

The CHAIRMAN. I hope that's true.

I thank you all very much. I apologize, I'm late for a 1 o'clock. Thank you so much.

[Whereupon, at 1:10 p.m., the hearing was adjourned.]

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

JOINT RESPONSES OF AMBASSADOR DAVID SATTERFIELD AND ASSISTANT SECRETARY MARY BETH LONG TO QUESTIONS SUBMITTED FOR THE RECORD BY SENATOR JOSEPH R. BIDEN, JR.

NEW SOFA OR EXTENSION OF MNF MANDATE

Question. You stated that the reason we need to negotiate a Status of Forces Agreement is that Iraq does not want to extend the mandate of the Multi-National Force under the Security Council resolutions. Has Secretary Rice raised the possibility of extending the mandate of the Multi-National Force under the U.N. Security Council resolutions with the Government of Iraq?

Answer. U.S. officials have engaged Iraqi officials on the importance of concluding the Status of Forces Agreement and any other necessary arrangement in a timely manner. The United States is working on normalizing its relationship with Iraq through a Status of Forces Agreement and other bilateral arrangements.

IRAQI REACTION TO SOFA

Question. Are these agreements likely to be controversial in Iraq? What happens if either of them is rejected by the Iraqi Council of Representatives?

Answer. These agreements will likely encounter vigorous political debate in Iraq given the number of views espoused by the various political parties.

The United States will support the Iraqi leadership in ensuring that any agreement is approved by the Council of Representatives and earns the support of the major Iraqi political representatives.

ABSENCE OF U.N. MANDATE AND U.S. LEGITIMACY

Question. Won't the absence of a U.N. mandate mean that our presence would have even less international legitimacy than it does today? Why shouldn't we wait until the mission is narrowed and a smaller presence envisaged before seeking to end the U.N. mandate?

Answer. The current U.N. mandate would be replaced by an arrangement that further recognizes Iraq's rights as a democratic, free, and sovereign country, and affirms the legitimacy of the coalition in Iraq. The United States will work with Iraq and other international partners to ensure the continued participation of a large number of partners in a broad coalition of nations.

CPA ORDER NO. 17, SECTION 20 LANGUAGE CLARIFICATION

Question. The language in Section 20 of CPA Order No. 17 is ambiguous—it says that the Order "shall remain in force for the duration of the mandate authorizing the MNF under U.N. Security Council Resolutions 1511 and 1546 and any subsequent relevant resolutions and shall not terminate until the departure of the final element of the MNF from Iraq. . . ." Have you discussed with the Government of Iraq its view of when the privileges and immunities provided to the "Multinational Force" and "MNF Personnel" pursuant to CPA Order No. 17 will terminate? Assuming that the MNF mandate expires on December 31, 2008, as anticipated in U.N. Security Council Resolution 1790 and we have no SOFA in force—is it your view that CPA Order No. 17 would no longer apply to U.S. personnel, property, funds, or assets currently in Iraq and covered by the Order as of December 31, 2008? What is the view of Iraq on this point? What is the administration's plan, should the scenario outlined become a reality at the end of this year (i.e., if we have no SOFA in force when the MNF mandate expires on December 31, 2008, and there is no other mechanism in place that would otherwise extend the status quo)?

Answer. CPA Order No. 17 (Revised), as part of Iraqi domestic law, is an important source of privileges and immunities for the Multi-National Force in Iraq (MNF–I) and its personnel in Iraq. As Iraqi law, it could be amended or rescinded legislatively by Iraq, as Section 20 of the Order states, either before or after the termination of the U.N. Security Council mandate for the MNF–I. The United States and Iraq have begun negotiations concerning the status of U.S. forces in Iraq upon the expiration of the U.N. Security Council mandate for the MNF–I. Our expectation is that we will be able to reach agreement with Iraq to have appropriate protections and authorities in place for U.S. forces prior to any date upon which privileges and immunities under CPA Order No. 17 (Revised) may terminate. Ensuring the protections and authorities for U.S. forces assisting Iraq continue uninterrupted as we transition from the U.N. Security Council mandate is one of our central goals. Accordingly, we remain in consultation with Iraq on issues related to the scope and effectiveness of CPA Order No. 17, as part of our ongoing negotiations.

We remain confident that we will be able to agree with Iraq on appropriate protections and authorities for U.S. forces and their supporting personnel in Iraq, and remain committed to our goal of achieving this agreement in a timely manner.

SOFA AND STRATEGIC FRAMEWORK DRAFT TEXT REQUEST

Question. Earlier this week, the Guardian newspaper in the United Kingdom reported on a draft text, dated March 7, of one of the agreements—although it is unclear whether it was the Status of Forces Agreement or the Strategic Framework agreement. Will you be willing to share draft texts with the committee, on a classified basis if necessary?

Answer. Our Secretaries of State and Defense are committed to keeping the negotiation process as transparent as possible, and will keep the Congress fully apprised as we proceed.

SOFA PROVISIONS REQUEST

Question. Please provide a list of the types of provisions that will be in the SOFA that you expect to conclude with Iraq.

Answer. Like most other SOFAs, this SOFA contains provisions that are designed to address the vast majority of day-to-day issues that arise over the course of a deployment of U.S. forces. These include provisions addressing criminal and civil jurisdiction over U.S. forces and civilian personnel, use of agreed facilities and areas, movement of vehicles, tax and customs exemptions, contracting procedures, utilities and communications, status of personnel, and entry and exit from the host nation.

The United States also envisions temporary attachments to the SOFA that are designed to address the particular circumstances and requirements of our forces in Iraq. Our objectives include the authorizations necessary for U.S. forces to conduct military and detention operations in Iraq, and provisions related to contractors.

Question. What existing SOFA would you say is most like the SOFA you hope to negotiate with Iraq?

Answer. The SOFA being negotiated with Iraq will reflect, in general, many of the current SOFAs in place with allies in the region. In light of the unique security circumstances facing U.S. forces in Iraq, the SOFA would likely contain temporary attachments allowing U.S. forces, at the request of the Government of Iraq, to conduct military and detention operations, and provisions concerning contractors.

TRANSFER OF DETAINEES

Question. Will the SOFA cover any aspect of the possible transfer of detainees currently in the control of the Multi-National Force to the control of the Iraqi Government?

Answer. We expect that the SOFA will provide a basis for U.S forces to detain individuals who pose a threat to the people of Iraq and coalition forces present in Iraq. This authority is necessary as long as the United States is engaged in combat operations; we will not deprive our troops of the authority to detain hostile elements. The SOFA may also serve as a starting point for more detailed discussions related to the Government of Iraq transition to primary responsibility for detention operations, which may include the transfer of some detainees to the Government of Iraq.

EXPIRATION OF MNF–I MANDATE

Question. The Declaration of Principles by President George Bush and Prime Minister al-Maliki indicates that upon expiration of the MNF–I mandate, "Iraq's status under Chapter VII and its designation as a threat to international peace and security will end, and Iraq will return to the legal and international standing it enjoyed prior to the issuance of U.N. Security Council Resolution No. 661 (August, 1990). . . ." Please elaborate on what this means, specifically:

- Do you expect, as this statement indicates, that all U.N. Security Council resolutions regarding Iraq adopted after August 1990 will no longer be applicable to Iraq? If not, which resolutions will continue to apply upon expiration of U.N. Security Council Resolution 1790?
- Is it the administration's position that with the expiration of the MNF–I mandate at the end of this year, Iraq will no longer pose a threat to international peace and security?
- What will be the status of the U.N. Compensation Commission as of December 31, 2008? Will Iraq continue to be obligated to contribute to the Compensation Fund after December 31, 2008? What will happen to the money that is in the Fund as of December 31, 2008? Is the administration exploring the possibility of a new U.N. Security Council resolution that would address the U.N. Compensation Commission?
- What will be the status of the Development Fund for Iraq as of December 31, 2008? Will the monitoring of the Development Fund by the International Advisory and Monitoring Board come to an end? What will happen to the money that is in the Fund as of December 31, 2008? Is the administration exploring the possibility of a new U.N. Security Council resolution that would address any of these issues?

Answer. U.N. Security Council Resolution 1790 continues the mandate of the Multi-National Force Iraq (MNF–I) to "take all necessary measures to contribute to the maintenance of security and stability in Iraq" through December 31, 2008 (unless earlier terminated). Both the United States and Iraq are committed to moving beyond a U.N. Security Council Chapter VII mandate. This will serve as the basis on which to begin the process of normalizing the United States-Iraq bilateral relationship. Such a step is consistent with Iraq's sovereignty and will help Iraq regain its rightful status in the international community—something both we and the Iraqis seek.

UNSCR 1790 anticipates that the mandate for the MNF–I and the arrangements and protections related to Development Fund for Iraq will terminate on December 31, 2008, unless earlier terminated. The Security Council would have to act affirmatively to terminate other Chapter VII actions applicable specifically to the situation in Iraq, including provisions in resolutions 661 (1990), 687 (1991), 707(1991), 1284 (1999), 1483 (2003), 1518 (2003), 1546 (2004), and 1762 (2007). The mandate for the U.N. Assistance Mission to Iraq (UNAMI) is also established in a U.N. Security Council resolution.

The status of the U.N. Compensation Commission ("UNCC"), which was established by UNSCR 687 (1991), is unaffected by the expiration of the Development Fund for Iraq provided for in UNSCR 1790 (2007) and will continue to exist after December 31, 2008. Under the terms of UNSCR 687 (1991) and UNSCR (1483) (2003), Iraq will also continue to be obligated to pay 5 percent of the proceeds of its exports of petroleum, petroleum products, and natural gas, until the UNCC Governing Council, in consultation with Iraq, decides otherwise. Money held by the Compensation Fund as of December 31, 2008, as well as future contributions from Iraq's proceeds of petroleum exports, will remain in the Fund for disbursement by the UNCC to pay the remaining outstanding awards, which currently amount to approximately $28 billion. Because Iraq's obligation to pay UNCC awards remains in force under UNSCR 687 (1991) and UNSCR 1483 (2003) and is not affected by UNSCR 1790 (2007), a new U.N. Security resolution to address this obligation is unnecessary at this time.

UNSCR 1790 continues until December 31, 2008, the provisions originally outlined in UNSCR 1483, which recognized the establishment of the Development Fund for Iraq (DFI) and mandated that 95 percent of the proceeds from the export sale of Iraqi oil and natural gas products be deposited in the DFI for the benefit of the Iraqi people, and required all states to extend protections to these Iraqi assets. The United States implements its obligations to provide immunities to the DFI by Executive orders declaring a national emergency that the President must renew annually each May, pursuant to the International Emergency Economic Powers Act (50 U.S.C 1701–1701) ("IEEPA") and the United Nations Participation Act. .

Monitoring of DFI by the International Advisory and Monitoring Board (IAMB) will come to an end with the expiration of the U.N. Security Council resolution that is currently in place. However, since 2007, the IAMB has been working closely with the Iraqi oversight body—the Committee of Financial Experts (COFE)—to provide independent oversight of Iraq's oil export revenues. COFE, which was established by the Council of Ministers in October 2006 to exercise oversight over petroleum revenues, is intended to ensure the continued oversight of external audits and succeed the IAMB starting January 2009. COFE is chaired by the President of the Iraqi Board of Supreme Audit and includes two independent experts chosen by, and reporting to, the Council of Ministers with required public disclosure of their reports. The IAMB and COFE will fully coordinate their efforts through 2008, with the IAMB placing increasing reliance upon the work of COFE while discharging its responsibilities under UNSC Resolution 1790, to ensure a smooth hand-over in 2009.

As part of the International Compact with Iraq, the Government of Iraq has committed to establishing a new single oil proceeds account as a successor to the DFI by the end of 2008, and we hope to see the government maintain the auditing and transparency of this account.

JURISDICTIONAL ISSUES IN THE SOFA

Question. Most SOFAs provide a blend of jurisdiction. For example, a SOFA frequently establishes which party to the SOFA is able to assert criminal and/or civil jurisdiction over certain personnel and assets. Do you anticipate that Iraq will be able to assert criminal and/or civil jurisdiction over U.S. personnel?

Answer. Jurisdiction over U.S. forces and personnel is one of the issues under discussion in the ongoing SOFA negotiations with Iraq. Our view is that the United

States should retain criminal and civil jurisdiction for our troops and government employees.

CONTRACTOR IMMUNITY

Question. Do you expect the scope of contractor immunity to be similar to that found in CPA Order No. 17? If it is not as broad as the immunity found in Order No. 17, in what respect might it be narrowed? If it is narrower, do you expect that the wide array of U.S. contractors will be willing to operate in Iraq?

Answer. Contractor support is critical to the U.S. mission in Iraq. The status of contractors is an issue of concern to both the United States and Iraq.

We seek an outcome that will ensure our ability to maintain an effective contractor presence in Iraq.

DECLARATION OF PRINCIPLES JULY 31, 2008, DEADLINE

Question. Do you expect to meet the deadline of July 31, 2008, that is contained in the Declaration of Principles? What is the administration's plan if this deadline is not met?

Answer. We believe the July 31, 2008 deadline is achievable, and we are working with Iraqi officials to conclude the agreement under negotiation by the date specified.

EXPECTED DURATION OF THE SOFA

Question. What is the expected duration of the SOFA? Indefinite? A fixed term of years?

Answer. The SOFA with Iraq is intended to be an enduring agreement that sets the basic legal parameters for a U.S. military presence in Iraq in a variety of circumstances. The agreement will not establish permanent bases or commit the United States to maintaining a particular level of forces in Iraq. The agreement reflects the authorities and protections common to U.S. Status of Forces Agreements with our friends and allies, although it also takes into account the current circumstances in Iraq.

EXPLAINING THE NECESSITY OF A STRATEGIC FRAMEWORK AGREEMENT

Question. Why is it necessary to have a Strategic Framework agreement?

Answer. The Strategic Framework will help set the structure for a more normalized bilateral relationship between the United States and Iraq as two sovereign states. This document would acknowledge the shared political, economic, cultural, and security components of our bilateral relationship.

SECURITY ARRANGEMENT

Question. In which document are you going to include the security arrangement that has been discussed—in the SOFA or in the Strategic Framework agreement? What is it likely to say? Has Iraq requested an assurance?

Answer. The Declaration of Principles signed by President Bush and Prime Minister Maliki set forth a political commitment to negotiate bilaterally on a broad variety of topics, including security issues. The Declaration affirmed that the United States recognizes Iraq's interest in taking into account concerns about internal and external threats to its security in bilateral negotiations.

IMPLICATIONS OF THE STRATEGIC FRAMEWORK AGREEMENT

Question. The Declaration of Principles states that one of the principles is supporting Iraq "in its efforts to combat all terrorist groups" including al-Qaeda, Saddamists and "all other outlaw groups regardless of affiliation." In the last 2 weeks, the Government of Iraq attacked groups it deemed to be "criminals" and "outlaws" in Basra. The United States assisted in this operation. These were Shia militias—not al-Qaeda, and not Saddamists. Why should the committee not believe that the Strategic Framework agreement is going to commit us, in writing, to participate in a civil war?

Answer. Nothing to be negotiated will mandate that we continue combat missions.

Nothing will commit the U.S. to join Iraq in a war against another country or provide other such security commitments.

KURDISTAN ISSUES

Question. In recent months, the United States gave Turkey a green light to engage in military operations against the PKK in Iraq. What if this occurs again, and Kurdish Regional Government forces retaliate in Turkey, under the Iraqi banner? How will the security assurance you are considering for Iraq be balanced against our obligations to Turkey under the North Atlantic Treaty?

Answer. The United States recognizes Turkey's sovereign right to defend itself against terrorist threats, and values its strategic relationship with Turkey.

Neither the Strategic Framework nor the Status of Forces Agreement will include a binding security commitment obligating the United States to act in common defense against any external threat to Iraq.

The United States recognizes Turkey's struggle against the PKK as a legitimate pursuit against a terrorist enemy of the United States, Turkey, and Iraq. We will continue to support the ongoing efforts between the Government of Iraq and Turkey to counter the PKK threat inside Iraq by encouraging Turkey, Iraq, and the Kurdistan Regional Government to cooperate in countering the PKK.

SECURITY ARRANGEMENT IMPLICATIONS FOR FUTURE ADMINISTRATIONS

Question. Would the Government of Iraq have a reasonable expectation that the next President will honor the security arrangement, if you include it in the non-binding Strategic Framework agreement? Or do you think it only commits this President?

Answer. Neither the SOFA nor the Strategic Framework will bind this or any future U.S. President to a security commitment with Iraq, and the Government of Iraq is aware of this point.

Our primary goal in negotiating these agreements is to set a policy structure with Iraq that normalizes our bilateral relationship so that the next administration will have all the options available under the Constitution when it takes office in January 2009. It will also ensure that U.S. forces are granted the protections and authorities they need after the expiration of the mandate of the Multi-National Force on December 31, 2008.

CURRENT NATIONAL SECURITY THREAT FROM IRAQ

Question. The Authorization for the Use of Force in 2002 (Public Law 107–243) authorizes the President to use force in Iraq to "defend the national security of the United States against the continuing threat posed by Iraq" and to "enforce all relevant United Nations Security Council resolutions regarding Iraq." Iraq today is an ally, not an adversary. What is the threat to U.S. national security today that is posed by the Government of Iraq? If the Security Council mandate for the MNF–I expires, what Security Council resolutions will U.S. forces be enforcing? Does the executive branch believe that the Authorization for the Use of Military Force enacted on September 14, 2001 (Public Law 107–40) is relevant to Iraq? If so, why? Which persons or organizations that were involved in the attacks against the United States are present in Iraq? Please provide any relevant legal analysis.

Answer. At the time of the resolution, Congress recognized that the threat posed to the national security of the United States by Iraq was not limited to the Saddam regime itself. In particular, Congress recognized the threat posed by terrorist groups known to be in or supported by Iraq and the critical U.S. interest in the stability of the Persian Gulf region. The Congressional Report on the 2002 Authorization for the Use of Military Force in Iraq found, "Iraq also aids terrorists who have attacked the United States and its allies, including terrorists who use weapons of mass destruction." 107 H. Rpt. 721 at 6 (2002). The report further noted that "[i]t is in the national security interest of the United States to restore international peace and security to the Persian Gulf region. . . . [S]afeguarding the free flow of energy supplies has been recognized as a vital national security concern of the United States for scores of years." 107 H. Rpt. 721 at 7. The situation in Iraq, including the threat posed by terrorist and insurgent elements present in Iraq and the consequent threat to regional stability, continues to present a threat to U.S. national security, even after the fall of the Saddam Hussein regime.

There are Iraq-related provisions in a number of Chapter VII resolutions that will continue in force after December 31, 2008, unless the Security Council takes specific action to terminate them. Whether or not U.S. forces are understood to be enforcing these or other Security Council resolutions through their continuing activities in Iraq, U.S. forces will have the authority to continue their mission after the expiration of UNSCR 1790 under both the President's authority as Commander in Chief under the Constitution and relevant legislation, including Public Law 107–243.

In addition to the authority U.S. forces have under the Constitution and Public Law 107–243, as described, Public Law 107–40 is relevant to Iraq, as it authorizes the President to use all necessary and appropriate force against nations, organizations, or persons that planned, authorized, committed, or aided the terrorist attacks of September 11, 2001, "in order to prevent any future acts of international terrorism against the United States" by those same entities, and our forces continue to fight al-Qaeda and affiliated terrorist organizations in Iraq.

DEFINING A SECURITY ARRANGEMENT

Question. Is a "security arrangement" simply a political statement that would not legally bind the United States to any particular course of action?

Answer. As discussed in the 1992 Report to Congress on U.S. Security Commitments and Arrangements, required under Public Law 101–510, section 1457 (1990), a security arrangement is understood to be a pledge by the United States to take some action in the event of a threat to another country's security. Security arrangements may appear in legally binding agreements, such as treaties or executive agreements, or in political documents, such as policy declarations by the President, Secretary of State, or Secretary of Defense. They are distinct from security commitments, which are understood to be an obligation, binding under international law, of the United States to act in the common defense in the event of an armed attack on another country.

RESPONSES OF AMBASSADOR DAVID SATTERFIELD TO QUESTIONS SUBMITTED FOR THE RECORD BY SENATOR RICHARD LUGAR

Question. Recognizing that we need some sort of predictable international legal grounding for our mission in Iraq, a mission that will clearly not be over before the end of 2008 or 2009 for that matter, what options are there to establish this framework? I had conversations a month or so ago with our Ambassador to the United Nations, Zal Khalilzad, and he described to me the environment in New York during the negotiations for the current resolution.

- Can you get another UNSCR if you need it, say a 6-month extension?
- Would that be preferable, purely from a legal viewpoint?
- Why have you chosen the current path, given the alternatives, and the obvious opposition you are seeing from certain circles on the Hill?
- Under what circumstances or reassurances might Iraq be willing to extend the U.N. Security Council resolution for a limited duration?
- How would other coalition allies view a renewed security council resolution vice being rolled under a U.S.-negotiated SOFA?

Answer. Through a number of conversations on this topic, the Iraqis have made it clear to me, to Ambassador Crocker, and to Secretary Rice that they are opposed to seeking any further renewals of the Chapter VII MNF–I mandate, currently extended in UNSCR 1790. President Bush has said that he supports Iraq's goal of normalizing its international standing and bilateral relationships and believes that an alternative to another Chapter VII resolution needs to be found for 2009 and beyond. Accordingly, the United States and Iraq have begun negotiation of new bilateral accords that would continue to permit U.S. and coalition forces to operate in support of Iraq's security and stability.

That said, the Council has the authority to renew the mandate in UNSCR 1790 for a period of time shorter than 1 year. A written request from the Iraqi Government is one of the key elements that the U.N. Security Council has taken into account when considering previous resolutions to extend the mandate of the MNF. Given its clear public opposition to renewal of the Chapter VII MNF–I mandate, we do not currently anticipate that Iraq will pursue a renewal of this mandate. If Iraq continues to oppose such a resolution, it is unlikely that Security Council members would agree to extend the mandate of MNF–I for 6 months. However, the option for Iraq to request such an extension will remain open.

The United States has consulted with coalition partners about our plans to negotiate bilateral accords with the Iraqi Government that would permit the continued presence of a coalition force in Iraq. In general, coalition partners have emphasized the importance of ensuring that their troops stationed in Iraq have appropriate rights, responsibilities, and authorities to allow them to perform their necessary functions. We remain in consultations with them, and with Iraq, on this issue.

Question. Ambassador Satterfield, in your statement, you have echoed prior administration statements by noting that, "This strategic framework will broadly address the topics outlined in the Declaration of Principles signed by President

Bush and Prime Minister Maliki on November 26, 2007." And you state clearly, as Ambassador Crocker did Tuesday—what the agreement will not contain. But it is still unclear to me what this document will contain.

- Can you provide further clarity for us as to the contents of the Strategic Framework agreement?
- How closely will it follow the Declaration of Principles?
- What sort of legal or historical precedent is there for a Strategic Framework agreement of this kind?
- How do the Iraqis view this? Do their laws stipulate the same distinctions we are making between security commitment and security arrangement?
- Will they be conveying either document to their Parliament for ratification?

Answer. As you noted, the Strategic Framework will broadly address the topics outlined in the Declaration of Principles signed by President Bush and Prime Minister al-Maliki on November 26, 2007, to reflect shared U.S. and Iraqi political, economic, cultural, and security interests. As with other negotiations, we do not generally publicly discuss our negotiating positions, or those of our negotiating partners. We will ensure, however, that Members of Congress are kept fully informed as the negotiations proceed; briefings have already begun and will continue. While we do not generally comment on specific text or negotiating positions during the course of ongoing negotiations, we have confirmed that we will not enter into a binding commitment to defend Iraq or any other security commitments that would warrant Senate consent.

The United States makes declarations and enters into understandings outlining its strategic political, economic, and security interests with its friends and allies in a variety of contexts. To give two recent examples, the United States and Afghanistan issued a Joint Declaration of United States-Afghan Strategic Partnership in 2005, and the United States signed a Declaration of Strategic Partnership and Cooperation Framework with Uzbekistan in 2002. The United States also has concluded binding agreements that contain security arrangements, which do not amount to commitments to act in the common defense in the event of an armed attack on another country.

The Iraqis have indicated to us that they intend to submit the documents to the Iraqi Council of Representatives. Iraq's domestic legal requirements are established by Iraqi laws and customs and may be different from the United States domestic legal requirements.

Question. What are the Iraqis requesting in this agreement?

- Are we leveraging their requests with demands for political movement on provincial elections, or the hydrocarbon law, or even better budget execution?
- Are we negotiating troop withdrawal terms?
- Will they be conveying either document to their Parliament for ratification?

Answer. Again, as with other negotiations, we do not generally publicly discuss our negotiating positions, or those of our negotiating partners. We will ensure, however, that Members of Congress are kept fully informed as the negotiations proceed; briefings have already begun and will continue. With regard to the need for Iraqi progress in such areas as budget execution, provincial elections, and a national hydrocarbon law, we continue to engage on these issues energetically, in all appropriate venues. Also, as we have stated, the Strategic Framework and Status of Forces Agreement will not establish permanent bases in Iraq or specify the number of U.S. forces that may be present in Iraq. Every policy option will remain on the table for the next administration.

The Iraqis have indicated to us that they intend to submit the documents to the Iraqi Council of Representatives. Iraq's domestic legal requirements are established by Iraqi laws and customs and may be different from the United States domestic legal requirements.

Question. Can you describe the difference between a U.N. Security Council Resolution Chapter VII mandate and a Chapter VI mandate?

Answer. In general, the key distinction is in the ability of the Security Council to make decisions under Chapter VII that U.N. Member States have an international legal obligation to accept and carry out. When the Council decides, under Chapter VII, to take action for the purpose of maintaining or restoring international peace and security, it can do so with or without agreement from the Member State(s) affected by it.

Question. How do the Iraqis view this politically (internally)?

Answer. In a letter to the Security Council dated December 7, 2007, which was annexed to Resolution 1790, Prime Minister al-Maliki declared, "the Government of

Iraq considers this to be its final request to the Security Council for the extension of the mandate of MNF–I and expects, in future, that the Security Council will be able to deal with the situation in Iraq without the need for action under Chapter VII of the Charter of the United Nations." The GOI has been very firm in its opposition to extending the Chapter VII MNF–I mandate.

Question. Is there discord among factions?

Answer. The Iraqi Government appears to be united in its opposition to a renewal of the Chapter VII MNF–I resolution.

Question. How is a Chapter VII mandate viewed in the international arena?

Answer. It is widely accepted that Chapter VII authorizes the Security Council to decide in appropriate cases to provide a mandate with or without agreement from the Member States affected. That said, there is a widespread view that such authority should be used judiciously.

Question. How many ongoing Chapter VII missions are there, and what are their duration?

Answer. There are numerous peacekeeping and other missions currently authorized under Chapter VII, with mandates typically having durations from 6 to 12 months.

Question. On our second panel, Professor Matheson suggested an exchange of letters might do the trick when it comes to laying out a set of understandings regarding our strategic relationship. Might this be a viable option?

Answer. Through the negotiation of a status of forces agreement, we are seeking to normalize our security relationship with the Government of Iraq and ensure that U.S. troops are sufficiently protected. Currently, Coalition Provisional Authority Order 17 (CPA 17) protects U.S. forces, as part of MNF, for the duration of the MNF mandate and "until the departure of the final element of MNF from Iraq." Professor Matheson testified that while this language may provide some room for the continuation of immunities after the expiration of UNSCR 1790, the more prudent course of action would be to clarify our protections in a definitive way. Professor Matheson suggested that the protections afforded under CPA 17 could be temporarily extended through an exchange of diplomatic notes as a solution "in the event a permanent SOFA is not agreed by [the expiration of the UNSCR]." The negotiation of a more durable SOFA is, in our view, the most appropriate way to achieve that goal.

RESPONSES OF ASSISTANT SECRETARY MARY BETH LONG TO QUESTIONS SUBMITTED FOR THE RECORD BY SENATOR RICHARD LUGAR

COMMITMENTS TO IRAQ AND IN SOFA

Question. Ms. Long, as the Armed Services' voice here, perhaps you can comment on this point. I mentioned in my opening statement some rather dire situations which could arise in Iraq. Since we are talking about how such a document would set the stage for a strategic partnership between the U.S. and Iraq, it would be helpful if you could try to explain to us what commitments the document would contain with respect to U.S. military forces in 2009 and beyond, recognizing that Iraq presents an extraordinarily complex environment for U.S. troops, and these agreements will affect the military establishment more than anyone else. For example, are we trying to assure the Iraqis that we would help them defend their territorial integrity if they were attacked? What scenario do you envision? What is the Iraqi Government's expectation?

Answer. We do not envision that either the Status of Forces Agreement (SOFA) or Strategic Framework (SF) will commit U.S. forces to any particular action in 2009 or beyond. To respond to your example, we do not envision making a security guarantee to the Iraqis to help defend their territorial integrity if they should be attacked.

In the course of the negotiations, we have made clear to the Iraqis that we cannot provide a security commitment. We believe that the Iraqi Government understands this point, although they have made public statements that would indicate that they are seeking such a commitment.

We have explained to the Iraqi Government that a close relationship with the United States, which would be bolstered by the conclusion of a SOFA, and of a mutually beneficial SF, will be the best deterrent of external aggression that the Iraqis can have. We have also stressed that such a relationship would not constitute a binding obligation to defend the territory of Iraq from external attack.

Question. Ms. Long, Ambassador Satterfield mentioned in his opening statement that this SOFA would be unique compared to most SOFAs, for example, by gaining consent from the Government of Iraq for military and detainee operations. If possible, in open session, please describe the combat and detainee principles. Will these special provisions have a shorter or renewable duration? Would you envision General Petraeus having to consult with Iraqi authorities before acting? When would and when would he not have to seek concurrence? Please be specific.

Answer. Two of the three "attachments" we envision to the SOFA would provide the authority for U.S. military operations and detainee operations. The general principle of these two attachments is to provide the authorities needed for U.S. forces to operate as required in Iraq and to provide the authorities needed to allow us to detain individuals as a result of military operations.

The idea of the "attachments" is that they would be terminated when no longer necessary, without affecting the basic SOFA, which we envision as a longer term agreement.

Our general principle is that our authority to conduct these operations would result from Iraqi consent. While the precise wording of that consent is a matter under negotiation, our concept is that our authority would be general in nature, but that the implementation would be governed by Implementing Arrangements (IAs) that would call for close coordination of U.S. forces and Iraqi forces' activities. As the Iraqis become better able to provide for their own security, they will increasingly take the lead in these operations.

We would, of course, retain the necessary freedom for our commander to take whatever actions he regards as necessary for the safety of the forces under his command and for countering any threats to U.S. national security.

JOINT RESPONSES OF AMBASSADOR SATTERFIELD AND ASSISTANT SECRETARY MARY BETH LONG TO QUESTIONS SUBMITTED FOR THE RECORD BY SENATOR ROBERT P. CASEY, JR.

TRANSLATIONS

Question. The Declaration of Principles signed last November asserts that the United States will provide "security assurances and commitments to the Republic of Iraq to deter foreign aggression against Iraq that violates its sovereignty and integrity of its territories, waters, or airspace." Despite that plain language, Secretary of State Rice and Secretary of Defense Gates have asserted that the United States does not intend to provide legally binding security assurances or commitments to the Iraqi Government.

It remains unclear why such disconnect exists between the Statement of Principles and subsequent statements by senior administration officials. On March 13, the Politico newspaper reported that administration officials blame this misunderstanding on a sloppy language translation. According to an unidentified administration official, the original Arabic phrase in the Joint Declaration was "translated in kind of an interesting way" and that a better translation may have been only "We will consult in the event of a threat to Iraq's security."

- Was the original language in the Declaration of Principles signed last November inaccurately translated? Was the original document negotiated between the two governments in Arabic and then translated to English?
- Why did three whole months pass before this inaccurate translation was first disclosed by an administration official, especially on such a weighty matter as committing American blood and treasure to protect another nation? Why did the administration not immediately point out, upon release of the Declaration of Principles on November 26, 2007, that the United States only wished to consult on, not guarantee, Iraq's security?
- Please explain what a promise to consult with the Iraqi Government in the event of a threat to its security entails. How is such a promise affected by the continued presence of large numbers of U.S. military forces on Iraqi soil?

Answer. The language in the Declaration of Principles signed last November was an accurate translation of both the English and Arabic texts. The Declaration of Principles does not, however, include a binding security commitment.

In regard to what "a promise to consult" with Iraq means, the United States has entered into a number of security arrangements around the world that take the form of a pledge to consult a foreign government in the event of a threat to the security of the foreign country. Consultations may involve discussion of appropriate courses of action and possible responses, including potential U.S. assistance. A

promise to consult, however, does not commit the United States to any action beyond consultation. Such a promise is not affected by whether there are U.S. military forces in the foreign country.

BINDING NATURE OF STRATEGIC FRAMEWORK

Question. Please clarify whether the Strategic Framework agreement will be considered legally binding upon the United States, even if, per the testimony of Ambassador Satterfield today, "it would not rise to the level of a legal commitment that would trigger advise-and-consent procedures."

Does the administration consider the Strategic Framework agreement only a political document expressing nonbinding goals and aspirations for the future United States-Iraqi relationship?

Answer. As we have stated, the Strategic Framework would reflect the shared political, economic, cultural, and security interests of the United States and Iraq, and would be signed at the highest levels, similar to strategic declarations signed with Afghanistan, Russia, and other states, none of which triggered advice-and-consent procedures. As with any text, we watch it closely as it develops and constantly evaluate where it may fall along the continuum of a nonbinding political commitment or an executive agreement, neither of which, however, would trigger advise-and-consent procedures, similar to the strategic declarations noted above, and will not tie the hands of the next administration.

TIMING OF NEGOTIATIONS ON STRATEGIC FRAMEWORK

Question. While recognizing that the President will remain Commander in Chief for the next 9 months, it is also clear that the future of the U.S. relationship with Iraq is one of the key issues in the upcoming Presidential election. Please explain why the administration views it essential to negotiate a Strategic Framework agreement prior to the end of 2008.

Why not allow the next President to negotiate a Strategic Framework agreement with Iraq? Won't an agreement agreed to by the successor to President Bush carry more force and credibility with both the Iraqi people and the broader Middle East region?

Answer. The administration and the Government of Iraq consider both the Strategic Framework and the SOFA important and complementary. The SOFA negotiations must be completed by the end of 2008 when the U.N. Security Council mandate for MNF–I expires. We cannot leave SOFA discussions to the next administration; to do so could leave our military forces and civilians without the protections and authorities that they need. The Iraqis have made clear that they want to consider the Strategic Framework and SOFA together. We cannot, therefore, delay the negotiation of the Strategic Framework.

Question. Did the Iraqi Government request the negotiation of a Strategic Framework agreement in exchange for the promise to conclude a Status of Forces Agreement authorizing the continued presence of U.S. troops on Iraqi soil past December 31, 2008?

Answer. The Strategic Framework and the SOFA are complementary and mutually reinforcing. One is not an "exchange" for the other. The Strategic Framework encompasses cooperation in the political, cultural, economic, and security spheres. The SOFA will provide the protections and authorities necessary when U.S. forces are present in Iraq.

THE ROLE OF CONGRESS

Question. Putting aside the question of whether or not the administration is legally required to submit a Strategic Framework agreement for congressional approval, has the administration considered that formal congressional approval of a Strategic Framework agreement would send the strongest possible signal to Iraq and the region regarding the integrity of the U.S. commitment to the Iraqi people?

Answer. The Strategic Framework agreement itself—to be signed by the President—is a strong enough signal to Iraq and the region regarding the integrity of the U.S. commitment to the Iraqi people. Further, we will ensure that Members of Congress are kept fully informed as the negotiations proceed; briefings have already begun and will continue.

PERMANENT BASES IN IRAQ

*Question.*On Tuesday, Ambassador Ryan Crocker testified before this committee, as part of his opening statement, that the Strategic Framework agreement and the

Status of Forces Agreement "will not establish permanent bases in Iraq, and we anticipate that it will expressly forswear them." Administration officials continue to reiterate that both the United States and the Iraqi Governments are opposed to the establishment of permanent U.S. military facilities on Iraqi soil.

Please provide an update on the progress of negotiations with the Iraqi Government regarding a provision explicitly forswearing permanent U.S. military facilities on Iraqi soil.

Answer. SOFA and SF negotiations, which address this provision, are currently underway. It would be premature to announce progress while the negotiations are ongoing.

Question. At the hearing today, Assistant Secretary of Defense Mary Beth Long, in response to a question from Senator Webb, testified that "As far as the [Department of Defense] is concerned, we don't have a worldwide or even a departmentwide definition of permanent bases. I believe those are, by and large, determined on a case-by-case basis."

Will the Strategic Framework agreement or the Status of Forces Agreement define the specific nature of a "permanent" military facility? If so, what definition will the U.S. side propose in the upcoming negotiations?

Answer. The Status of Forces Agreement provides for authorities, rights, and obligations of U.S. forces when present in the territory of Iraq. Neither the SOFA nor the Strategic Framework would obligate the United States to maintain any military presence in Iraq or to a specific duration of use for any facility in Iraq, when U.S. forces are present. While we do not generally comment on specific text or negotiating positions during the course of ongoing negotiations, we have confirmed that we do not seek permanent bases in Iraq.

Question. If no definition is provided, what value does such a provision forswearing "permanent" U.S. military facilities in Iraq carry? Will either the SOFA or the Strategic Framework agreement include any other specific constraints on the duration of future U.S. military facilities in Iraq?

Answer. As we have stated, the SOFA and the Strategic Framework will ensure that all policy options remain open for this and future administrations. While we do not generally comment on specific text or negotiating positions during the course of ongoing negotiations, nothing in these documents will bind the United States to maintain a military presence in Iraq or to a specific duration of presence for any military facilities in Iraq.

STATUS OF FORCES AGREEMENT

Question. In his opening statement to the committee that was entered into the record, Ambassador Satterfield asserted that the Status of Forces Agreement to be negotiated between the United States and Iraq "is similar to the many Status of Forces Agreements (SOFAs) we have across the world, which address such matters as jurisdiction over U.S. forces; the movement of vehicles, vessels, and aircraft; nontaxation of U.S. activities and the ability of U.S. forces to use host-government facilities."

Nevertheless, as he partially acknowledged in the next sentence, this SOFA will go beyond those we have negotiated with over 100 other nations in three significant respects:

- Authority for U.S. forces to conduct military operations on Iraqi soil;
- Authority for U.S. forces to detain Iraqis for indefinite periods;
- Sweeping immunity for all U.S. contractor personnel, both those attached to the U.S. military and U.S. civilian agencies.

Please evaluate the degree to which the United States-Iraq Status of Forces Agreement will include provisions not included in a typical SOFA.

Answer. The United States typically seeks to negotiate Status of Forces Agreements (SOFAs) wherever we have U.S. troops stationed abroad. While SOFAs, like other international agreements, must be tailored to the specific circumstances and environment of each country, these agreements typically include provisions addressing criminal and civil jurisdiction over U.S. forces and civilian personnel; entry and exit from the host nation; tax and customs exemptions; licenses, contracting, motor vehicles, utilities and communications; the environment; and claims between the parties, among other issues. We have proposed in negotiations that our SOFA with Iraq would address, if agreed by the Government of Iraq, in addition to such standard SOFA topics, provisions relating to the ongoing conflict in Iraq, including the authorizations necessary for U.S. forces to continue to conduct military operations

and related detentions, and limited U.S. jurisdiction over contractors for offenses related to the performance of their contracts.

Question. To the degree to which this Status of Forces Agreement is unique and goes beyond a typical SOFA, what weight should that determination have with respect to whether or not the Congress should have a formal role in approving the final agreement?

Answer. The Department's procedures for determining whether an agreement may properly be concluded as an executive agreement or a treaty require consideration of a variety of factors, including the extent to which the agreement involves commitments or risks affecting the nation as a whole; past practice as to similar agreements; the preference of Congress as to a particular type of agreement; the need for prompt conclusion of the agreement; and the general domestic and international practice as to similar agreements. The Department's analysis of the proposed SOFA in light of the factors set forth in Department regulations, including relevant constitutional considerations, determined that conclusion of the proposed SOFA as an executive agreement would be appropriate.

RESPONSES OF AMBASSADOR DAVID SATTERFIELD TO QUESTIONS SUBMITTED FOR THE RECORD BY SENATOR GEORGE VOINOVICH

Question. Does the State Department have a Memorandum of Understanding with the Iraqi Government about the security assistance provided to the Iraqi Security Forces through U.S. assistance? If so, does that MOU include any expectations from the United States about the management of the ISF or the inclusion of various ethnic groups in the ISF by the Iraqi Government?

Answer. National Security Presidential Directive 36 assigns direction of U.S. efforts to organize, train, and equip the Iraqi Security Forces (ISF) to U.S. Central Command (CENTCOM) under the authority, direction, and control of the Secretary of Defense. Public Law 109–13, "Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005," provides for the Iraq Security Forces Fund (ISFF). The Multi-National Security Transition Command–Iraq (MNSTC–I) obligates ISFF to provide equipment, supplies, services and training for the Iraq Security Forces.

The ISF is a professional force that the Government of Iraq intends to be representative of the diverse ethnic and religious fabric of Iraq. In order to achieve this, the security ministries strive to recruit personnel from across the spectrum of Iraqi society. As the train-and-equip program for Iraq operates under the authority of CENTCOM and is implemented by MNSTC–I, details of ISF train-and-equip program are better provided by the Department of Defense.

Question. Is the State Department doing anything to make sure that various bids, including those from small businesses, are considered when soliciting contracts for the Iraq reconstruction effort? Specifically, what is the justification for sole-source contracting for large solicitations for the Iraqi Security Forces, such as the current solicitation for a "Universal Fire Truck" (Solicitation: W56HZV07RG202)? Were any small businesses considered to help in supplying the deliverables?

Answer. The State Department considers bids from all levels of potential business prospects when reviewing contractual proposals for the Iraq reconstruction effort. Primarily due to the challenging and unpredictable security environment, small businesses are less likely to submit a competitive bid on reconstruction projects within Iraq. However, every effort is made to ensure a comparative analysis is conducted when considering all bid proposals.

The Multi-National Security Transition Command–Iraq coordinates the acquisition of equipment and supplies for the Iraqi Security Forces (ISF) based on Iraqi security ministry requirements. Military equipment acquisition requests in support of ISF, such as Universal Fire Trucks, are fulfilled by the Tank-Automotive and Armaments Command under the purview of the U.S. Army's Material Command. Details of military equipment solicitations are better provided by the Department of Defense.

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