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:ELATING TO IRAQ

HEARING

BEFORE THE

COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE

ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

NOVEMBER 15, 2011

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SECURITY ISSUES RELATING TO IRAQ

TUESDAY, NOVEMBER 15, 2011

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 9:38 a.m. in room SH–216, Hart Senate Office Building, Senator Carl Levin (chairman) presiding.

Committee members present: Senators Levin, Lieberman, Reed, Nelson, Udall, Hagan, Manchin, Shaheen, Gillibrand, Blumenthal, McCain, Inhofe, Sessions, Chambliss, Wicker, Brown, Ayotte, Collins, Graham, and Cornyn.

Committee staff members present: Richard D. DeBobes, staff director; and Leah C. Brewer, nominations and hearings clerk.

Majority staff members present: Jessica L. Kingston, research assistant; William G.P. Monahan, counsel; Michael J. Noblet, professional staff member; and William K. Sutey, professional staff member.

Minority staff members present: David M. Morriss, minority staff director; Adam J. Barker, professional staff member; Christian E. Brose, professional staff member; Paul C. Hutton IV, professional staff member; Lucian L. Niemeyer, professional staff member; Michael J. Sistak, research assistant; and Diana G. Tabler, professional staff member.

Staff assistants present: Hannah I. Lloyd, Brian F. Sebold, and Bradley S. Watson.

Committee members' assistants present: Vance Serchuk, assistant to Senator Lieberman; Carolyn Chuhta, assistant to Senator Reed; Ann Premer, assistant to Senator Nelson; Gordon Peterson, assistant to Senator Webb; Casey Howard, assistant to Senator Udall; Roger Pena, assistant to Senator Hagan; Joanne McLaughlin, assistant to Senator Manchin; Patrick Day and Chad Kreikemeier, assistants to Senator Shaheen; Elana Broitman, assistant to Senator Gillibrand; Anthony Lazarski, assistant to Senator Inhofe; Lenwood Landrum, assistant to Senator Sessions; Joseph Lai, assistant to Senator Wicker; Charles Prosch, assistant to Senator Brown; Brad Bowman, assistant to Senator Ayotte; Ryan Kaldahl, assistant to Senator Collins; and Sergio Sarkany, assistant to Senator Graham.

OPENING STATEMENT OF SENATOR CARL LEVIN, CHAIRMAN

Chairman LEVIN. Good morning, everybody.

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Today the committee receives testimony from two panels of witnesses on security issues relating to Iraq, including the withdrawal of U.S. troops and the long-term U.S.-Iraq relationship.

Our first panel consists of Secretary of Defense Leon Panetta and Chairman of the Joint Chiefs of Staff General Martin Dempsey. This panel will be followed by a panel of outside witnesses.

First, a very warm welcome to you, Mr. Secretary, and to you, General Dempsey.

Last month, the President announced that all U.S. military forces would be coming home from Iraq by the end of this December as required under the 2008 U.S.-Iraq Security Agreement which had been agreed to by President George W. Bush and Prime Minister Maliki. The fulfillment of our obligations under that 2008 agreement represents a bipartisan U.S. policy, set by a Republican President and carried through to completion by his Democratic successor. U.S. Forces Iraq under General Lloyd Austin is on track to meet the December legal deadline for the withdrawal of the remaining U.S. military forces and equipment. As of today, there are around 30,000 U.S. military personnel in Iraq, down from a peak of 160,000 during the surge in 2007. At the beginning of Operation New Dawn in September of last year, the United States had 92 bases in Iraq; after the closure of Balad, we are down to 11. Department of Defense (DOD) property in Iraq has declined from 2 million pieces of equipment September a year ago to around 600,000 pieces of equipment now.

We arrive at this point after 8½ years of conflict and great sacrifice by our service men and women, their families, and the American people. Many of our men and women in uniform have served multiple tours in Iraq. They have been separated from their families for months and years at a time, and many will bear the scars of this conflict for the rest of their lives. Over 4,400 U.S. personnel have been killed and nearly 32,000 wounded in Iraq, and the direct costs of Operation Iraqi Freedom total over $800 billion. We owe an immense debt of gratitude to our military men and women and their families.

The administration had sought to reach an agreement with the Iraqi Government for military trainers to remain in Iraq after December 31. However, those negotiations reached an impasse on the issue of legal immunity for our troops, that is, protections from prosecution in Iraqi courts. Once it became clear that the Government of Iraq was not prepared to grant our service men and women the same legal protections that they had had under the 2008 Security Agreement and the same legal protections that the U.S. military has under agreements with other countries in the region, President Obama decided that all U.S. military forces would be withdrawn as provided for under the 2008 agreement. I believe that that was the right decision.

I would have supported a small U.S. residual presence in Iraq of a few thousand troops with a limited mission of training Iraqi security forces and providing additional protection for our diplomatic personnel if, and only if, Iraq had agreed to legal protections for those U.S. troops. I believe our military commanders supported leaving a residual military force if, and only if, legal protections

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were provided and that they did not support keeping U.S. troops in Iraq without immunity from prosecution in Iraqi courts.

Our military withdrawal, as agreed to in the 2008 Security Agreement, sends a clear message to the Iraqi people and the Arab world that the United States keeps its commitments. It puts the lie to propaganda that the United States is an occupation force in Iraq.

It is time to complete the transition of responsibility for Iraq's security now to the Iraq Government. The Iraqis are in a position to handle their own internal security. Violence in Iraq has dropped 90 percent from its peak during the surge. At the same time, the Iraqi security forces have made significant progress. According to U.S. Forces-Iraq, Iraqi security forces exceed 650,000 people. In addition, Iraq can assume the costs of its own security, with oil production in Iraq reaching record highs. Government of Iraq oil revenues during the first 9 months of 2011 were more than 50 percent greater than during the same period the year before and exceeded Iraqi budget projections for 2011 by more than 20 percent.

With the withdrawal of U.S. forces from Iraq, one chapter in U.S.-Iraqi relations closes and another chapter opens. This new chapter in U.S.-Iraqi relations after December is not an abandonment of Iraq. The United States remains committed to the bilateral Strategic Framework Agreement (SFA) which was entered into at the same time as the 2008 Security Agreement. The SFA sets out numerous areas for continued U.S.-Iraqi cooperation, including on defense and security issues. The United States has stood up a robust Office of Security Cooperation (OSC) at the U.S. embassy and sites across Iraq to manage security cooperation efforts in support of the Government of Iraq. By January of next year, this office will be administering nearly 370 military sales to Iraq, totaling nearly $10 billion.

Certainly Iraq faces a number of significant security challenges, which the United States can assist Iraq in confronting. Al Qaeda in Iraq and affiliated terrorist organizations seek to exploit ethnic divisions among Iraq's sectarian groups and minorities. In this regard, recent arrests of Sunni political and intellectual leaders by the Maliki Government have exacerbated Sunni-Shia tensions, potentially creating an opening for al Qaeda to exploit. We would be interested in hearing from our witnesses this morning what steps the administration has taken to try to defuse that situation.

In northern Iraq, the internal boundary remains under dispute between the Kurds and the Government of Iraq. The initiative put in place by U.S. Forces Iraq to reduce or avoid conflict, which is called the Combined Security Mechanism, is transitioning from a three-way mechanism involving U.S., Kurd, and Iraqi security forces to one operating bilaterally between Kurd and Iraqi security forces. I hope our witnesses will address how the United States intends to play an overwatch role along the disputed internal boundary, particularly through the U.S. consulate in Erbil and the OSC site in Kirkuk. We would also be interested in hearing whether there could be a role for a multilateral peacekeeping force to maintain stability along this boundary while the parties address the outstanding political and security issues.

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Our concern about the security of the Christian minorities is very strong. We need to work with the Government of Iraq to ensure it has the will and the capability to protect Iraq's religious minority communities from targeted violence and persecution.

The status of the residents at Camp Ashraf from the Iranian dissident group MEK remains unresolved. As the December 2011 deadline approaches, the administration needs to remain vigilant that the Government of Iraq lives up to its commitments to provide for the safety of Camp Ashraf residents until a resolution of their status can be reached. We need to make it clear to the Government of Iraq that there cannot be a repeat of the deadly confrontation begun last April by Iraqi security forces against Camp Ashraf residents.

Another challenge is Iran's efforts to influence the political and security environment in Iraq. Iran continues to fund, train, and equip extremist groups, groups that have targeted U.S. forces in Iraq for deadly attacks. I hope our witnesses this morning will address the capability of the Iraqi security forces and the willingness of the Maliki Government to respond forcefully to attacks by these Iranian-backed groups after the withdrawal of U.S. military forces.

The departure of U.S. military forces from Iraq in the coming weeks, consistent with our legal obligations, can contribute to advancing the normalization of relations between the United States and Iraq based on mutual respect and shared interests as sovereign nations. That can strengthen stability not only in Iraq but also throughout the region.

Senator McCain.

STATEMENT OF SENATOR JOHN McCAIN

Senator MCCAIN. Thank you, Mr. Chairman, and thank you for convening this important hearing.

Let me thank our distinguished witnesses for joining us today, for their continued service to our Nation, and for their tireless support of our men and women in uniform.

The purpose of this hearing, as the chairman said, is to examine the implications of the President's decision of October 21 to end negotiations with the Government of Iraq over whether to retain a small U.S. military presence there beyond this year. As a result, all U.S. military forces will withdraw from the country by next month.

I continue to believe that this decision represents a failure of leadership, both Iraqi and American, that it was a sad case of political expediency, supplanting military necessity, both in Baghdad and in Washington, and that it will have serious negative consequences for the stability of Iraq and the national security interests of the United States. I sincerely hope that I am wrong, but I fear that General Jack Keane, who was one of the main architects of the surge, is correct once again when he said recently "We won the war in Iraq, and we are now losing the peace."

Let me be clear: Like all Americans, I am eager to bring our troops home. I do not want them to remain in Iraq or anywhere else for a day longer than necessary. But I also agree with our military commanders in Iraq, who were nearly unanimous in their belief that a small presence of U.S. forces should remain a while

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longer to help the Iraqis secure the hard-won gains that we had made together. General Petraeus, General Odierno, General Austin, and other military leaders under their command, all of them believed that we needed to keep some troops in Iraq. This is what they consistently told me and others during our repeated visits to Iraq.

Our commanders held this view for a very specific reason, which they made clear to this committee on numerous occasions. For all the progress the Iraqi security forces have made in recent years, and it has been substantial, they still have some critical gaps in their capabilities that will endure beyond this year. Those capability gaps include enabling functions for their counterterrorism operations, the control of Iraq's airspace and other external security missions, intelligence collections and fusion, and training and sustainment of the force. Indeed, in the latest report of the U.S. Special Inspector General for Iraq Reconstruction, the chief of staff of the Iraqi military is quoted as saying that Iraq will not be able to fully provide for its own external defense until sometime between 2020 and 2024. Specifically he says, "Iraq will not be able to defend its own air space until 2020, at the earliest." Unfortunately, the President chose to disregard the nearly unanimous advice of our military commanders, not for the first time, as well as the clear long-term needs of Iraq's military.

Advocates of withdrawal are quick to point out that the current security agreement, which requires all U.S. troops to be out of Iraq by the end of this year, was concluded by the Bush administration. That is true. It is also beside the point. The authors of that agreement always intended for it to be renegotiated at a later date to allow some U.S. forces to remain in Iraq. As former Secretary of State Condoleezza Rice, whose State Department negotiated the security agreement, put it recently, "There was an expectation that we would negotiate something that looked like a residual force for our training with the Iraqis." She said "Everybody believed it would be better if there was some kind of residual force." So you can believe testimony and statements we have heard or you can believe what the then-Secretary of State believed would be the case as it regards to a residual force in Iraq.

Clearly Iraq is a sovereign country, and we cannot force the Iraqis to do things they do not want to do. But this also misses the main point. All of the leaders of Iraq's major political blocs wanted some U.S. troops to remain in the country. I met, along with Senator Graham and Senator Lieberman, with all of these leaders this year and that is what they told us. The problem had more to do with the administration's unwillingness or inability, or both, on more than one occasion to provide the Iraqis with a clear position on what our government wanted. The administration seemed more concerned with conforming to Iraq's political realities than shaping those realities, focused more on deferring to Iraq's interests than securing the critical interest we had at stake at this process.

So what will be the implications of the full withdrawal of U.S. troops from Iraq? My concern is that all of those disturbing and destabilizing trends in Iraq are now at much greater risk of becoming even more threatening, and the events of the past month alone offer many reasons to think that this may already be happening.

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One such threat to Iraq's stability is rising sectarianism. At the end of last month, Prime Minister Maliki's government arrested more than 600 Iraqis, mostly Sunnis, who were characterized as Baathist coup-plotters but who may have also included ordinary political opponents of the government. This action has only exacerbated tensions with Iraq's Sunnis who already see the political process as unresponsive and unfairly exclusive. At the same time, longstanding tensions between Iraqi Arabs and Kurds are arising over the control of the country's hydrocarbons. Last week, the president of the Kurdistan Regional Government, Massoud Barzani, warned that the withdrawal of U.S. troops could lead to "an open-ended civil war."

In short, while Iraq's nascent democracy seems to be at growing risk from a new centralization of authority, the sectarian rivalries who had almost pulled the country apart before the surge are now showing troubling signs of reemerging.

A related threat comes from a resilient al Qaeda in Iraq and, on the other side, Shia militias that take orders from Iran. A November 5th article in the New York Times reports growing concern among senior American and Iraqi leaders that al Qaeda in Iraq is "poised for a deadly resurgence." Similarly, one of the most dangerous Iraqi Shia militant groups recently participated in a gathering of regional terrorist groups in Beirut, which included Hezbollah and Hamas, suggesting that Iranian-backed forces in Iraq may seek to establish a state within a state that can serve as a base for engaging in destabilizing activities beyond Iraq. At the same time, not one day after the President's withdrawal announcement, Muqtada al-Sadr stated that Iraqis should view U.S. embassy officials in Iraq as "occupiers," and that they should be targets of his "resistance" movement.

This points to a final threat, the rise of Iranian influence in Iraq. While there are certainly limits to this influence, the fact remains that Iran's number one priority this year was to get all U.S. troops out of Iraq. They will now accomplish that goal, and in his public comments, Iran's Supreme Leader has barely been able to contain his enthusiasm. He has referred to the withdrawal of U.S. troops from Iraq as constituting the "golden pages" of Iraq's history. Other Iranian leaders have described our impending withdrawal as a great victory for Iran. Iraqis, on the other hand, appear to be making the necessary accommodations to an emboldened Iran. The week after the President's announcement, Kurdistan President Barzani went to Iran. Next week, the chief commander of the Iraqi army plans to visit Iran. It is hard to see the withdrawal of U.S. forces from Iraq as anything but a win for Iran.

When Ambassador Ryan Crocker departed Baghdad in 2009, he warned, "the events for which the Iraq War will be remembered by us and by the world have not yet happened." Unfortunately, the events of the past 2 years, culminating in the administration's failure to secure a presence of U.S. forces in Iraq, have greatly and unnecessarily increased the odds that the war in Iraq may be remembered not as the emerging success that it appeared when the administration took office, but as something tragically short of that. Considering all that our troops have sacrificed in Iraq and considering our enduring national security interests in Iraq's sta-

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bility, we have a solemn responsibility to stay committed to Iraq's success. But as we do, we cannot avoid the fact that Iraq's progress is now at greater risk than at any time since the dark days before the surge, and that it did not have to be this way.

I thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much, Senator McCain.

Secretary Panetta?

STATEMENT OF HON. LEON E. PANETTA, SECRETARY OF DEFENSE

Secretary PANETTA. Thank you, Mr. Chairman, Senator McCain, distinguished members of the committee. Thank you, as always, for your continuing support for our men and women in uniform and for their families. We deeply appreciate the support that we get from all of you that helps those that put their lives on the line.

I appreciate the opportunity to describe our strategy in Iraq and to do so alongside General Dempsey who has overseen so many critical efforts of the Iraq campaign from its outset in 2003. I think General Dempsey has been deployed multiple times to that area, served in key positions both here in Washington and at U.S. Central Command (CENTCOM) in Tampa and has a pretty good feel for the situation in Iraq.

It is helpful, as always, to recall the objective here with regards to Iraq. In February 2009, President Obama—and before President Obama, President Bush—I heard him say this directly to the Iraq Study Group—laid out a very clear and achievable goal that was shared by the American and Iraqi people, and that was simply an Iraq that is sovereign, stable, and self-reliant; in the words of President Bush, an Iraq that could govern, sustain, and secure itself.

Today, thanks to innumerable sacrifices from all involved, Iraq is governing itself. It is a sovereign nation. It is an emerging source of stability in a vital part of the world, and as an emerging democracy, it is capable of being able to address its own security needs.

For our part, the United States is ready to mark the beginning of a new phase in our relationship with Iraq, one that is normal, similar to others in the region, and based on mutual interests and mutual respect.

As the President announced last month, we are fully implementing the 2008 U.S.-Iraq Security Agreement, and under the outstanding leadership of General Lloyd Austin—and I cannot compliment him enough—there are no limits to what I can say about his leadership. It has been absolutely outstanding at a very difficult period. We are completing the drawdown of our forces by the end of this year. This fulfills the pledge made by President Bush, as well as President Obama, which called for an end to combat mission last August and a removal of all U.S. combat forces by December 31, 2011.

We are continuing to pursue a long-term training relationship with the Iraqis through the OSC which will include a limited number of U.S. military personnel operating under our embassy and receiving normal diplomatic protections. Through the U.S.-Iraq SFA, we also have a platform for future cooperation in counterterrorism,

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in naval and air defense, and in joint exercises. We will work with the Iraqis to pursue those efforts.

Let me briefly walk through some of the major challenges that have already been pointed out that will confront Iraq and mention why I believe that Iraq is at a stage when it is able to deal with them. Certainly with our continuing long-term relationship, I think they can deal with these issues.

First is the challenge of extremism. I expect that we will see extremists, including al Qaeda in Iraq and Iranian-backed militant groups that will continue to plan and continue to carry out periodic high-profile attacks. While these groups remain capable of conducting these types of attacks, they do not enjoy widespread support among the Iraqi population, and more importantly, the Iraqis have developed some of the most capable counterterrorism forces in the region. They have been active against Iranian-backed militants in recent months, and we will be in a position to continue to assist them in building these capabilities through our OSC. The fact is that despite our reduction in forces from well over 150,000 to now approximately 24,000, levels of violence in Iraq remain low.

A second challenge for Iraq is the conflict between political blocs, Sunnis, Shias, Kurds, and others, as in any democracy. Iraq deals with a range of competing agendas. But the solutions to these challenges lie in the political not the military realm. Our diplomats, including Ambassador Jeffrey and his team, continue to work with and assist the Iraqis in bridging these remaining divides, in particular, the formation of the government and the appointment of defense and interior ministers, which still has not happened and should, and the cooperation along the Arab-Kurd divide in the north. Resolving all of these issues will take time, but Iraq's political leadership remains committed to doing so within the political process that has been established.

A third key challenge is closing the gaps in Iraq's external defense. The Iraqis will need assistance in this area, including logistics and air defense, and that will be an important focus of the OSC. The recent decision by the Iraqis to purchase U.S. F–16s, part of a $7.5 billion Foreign Military Sales (FMS) program, demonstrates Iraq's commitment to build up its external defense capabilities and maintain a lasting military-to-military training relationship with the United States.

Finally, one last challenge is the Iranian regime's attempt to influence the future of Iraq and advance its own regional ambitions. Tehran has sought to weaken Iraq by trying to undermine its political processes and, as I have mentioned, by facilitating violence against innocent Iraqi civilians and against American troops. These destabilizing actions, along with Tehran's growing ballistic missile capability and efforts to advance its nuclear program, constitute a significant threat to Iraq, the broader region, and U.S. interests. Yet, the strong, sovereign, and self-reliant Iraq we see emerging today has absolutely no desire to be dominated by Iran or by anyone else.

With our partners in the region, the United States is committed to countering Iran's efforts to extend its destabilizing influence. We have made very clear that we are committed to preventing Iran from acquiring nuclear weapons, and while we have strengthened

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our regional security relationship in recent years, Iran's destabilizing activities have only further isolated that regime. So as we mark this new phase in our enduring partnership with Iraq, the Iranian regime is more likely than ever to be marginalized in the region and in its ability to influence the Iraqi political process.

Our long-term security partnership with Iraq is part of a broader commitment by the United States to peace and security throughout the region. Our message to our allies, our friends, and our potential adversaries is very clear. We have more than 40,000 American troops that remain in the Gulf region. We are not going anywhere, and we will continue to reassure our partners, deter aggressors, and counter those seeking to create instability.

Iraq has come through this difficult period in its history and emerged stronger with a government that is largely representative of and increasingly responsive to the needs of its people. This outcome was never certain, especially during the war's darkest days. It is a testament to the strength and resilience of our troops that we helped the Iraqi people reverse a desperate situation and provided them the time and space to foster the institutions of a representative government.

As was pointed out, more than a million Americans have served in Iraq. More than 32,000 have been wounded, and as we know, nearly 4,500 servicemembers have made the ultimate sacrifice for this mission. Americans will never forget the service and sacrifice of this next greatest generation and will always owe them a heavy debt. In the coming weeks, as our forces leave Iraq, they can be proud of what they have accomplished, and they and all veterans of the Iraq campaign have earned the Nation's most profound gratitude.

Are there concerns about the future? Of course there are. Concerns about what Sadr will do, concerns about Iran, concerns about al Qaeda, concerns about Shia extremism, concerns about the Arab-Kurd tensions, along with disputes in other sectarian areas. There are many of us, many of us that could have designed perhaps a different result. There is no question that a lot of pressure was brought on the Iraqis, pressures by the Senators who visited there, pressures by the President of the United States, by the Vice President of the United States, by Secretary Clinton, by Secretary Gates, and by myself. But the bottom line is that this is not about us. This is not about us. It is about what the Iraqis want to do and the decisions that they want to make. So we have now an independent and sovereign country that can govern and secure itself and, hopefully, make the decisions that are in the interests of its people.

The United States will maintain a long-term relationship with Iraq. We are committed to that. We will establish a normal relationship as we have with other nations in the region. In talking with our commanders—I asked this question yesterday to General Odierno who has been there for a good period of time—they basically said the time has come. The time has come for Iraq to take control of its destiny. With our help, they hopefully can be a stable and secure nation in that region of the world.

Thank you.

[The prepared statement of Secretary Panetta follows:]

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PREPARED STATEMENT BY HON. LEON E. PANETTA

Thank you, Mr. Chairman, Senator McCain, distinguished members of the committee. Thank you for your support for our men and women in uniform and their families.

I appreciate the opportunity to describe our strategy in Iraq and to do so alongside Chairman Dempsey, who has—across multiple deployments and positions here in Washington and at U.S. Central Command (CENTCOM) in Tampa—overseen so many critical efforts of the Iraq campaign from its outset in 2003.

As we all know, this hearing comes at an important turning point in the history of Iraq and in the evolving nature of the U.S.-Iraq relationship.

It is helpful to recall our objective in Iraq. In February 2009, President Obama laid out a clear and achievable goal shared by the American and Iraqi people: an Iraq that is "sovereign, stable, and self-reliant."

Today, thanks to innumerable sacrifices from all involved, Iraq is governing itself—as a sovereign nation, as an emerging source of stability in a vital part of the world, and as an emerging democracy capable of addressing its own security needs. For our part, the United States is ready to mark the beginning of a new phase in our relationship with Iraq—one that is normal, similar to others in the region, and based on mutual interests and mutual respect.

We have built a strong and enduring relationship with Iraq, which President Obama and President Maliki will affirm next month when they meet in Washington. This broad strategic partnership forms the basis for cooperation across a wide range of areas, including economic, cultural, educational, and security ties.

On the security front, as President Obama announced last month, we are fully implementing the 2008 U.S.-Iraq Security Agreement. Under the outstanding leadership of General Austin, we are completing the drawdown of our forces by the end of this year. This fulfills the pledge made by President Bush and now by President Obama in his February 2009 strategy for Iraq, which called for an end to our combat mission last August, and a removal of all U.S. forces by December 31, 2011.

Going forward, we will pursue a long-term training relationship through the Office of Security Cooperation-Iraq (OSC–I), which will include a limited number of U.S. military personnel operating under our Embassy and receiving normal diplomatic protections. Through the U.S.-Iraq Strategic Framework Agreement, we will also have a platform for future cooperation in counterterrorism, naval and air defense, and joint exercises.

I believe Iraq is ready to handle security without a significant U.S. military footprint. Since this administration came into office, we have removed more than 100,000 U.S. forces from Iraq and the Iraqis long ago assumed primary responsibility for internal security. At the same time, violence levels have remained steady at their lowest levels since 2003. In January 2009, there were over 140,000 U.S. forces in Iraq conducting a combat mission. In the summer of 2009, we removed our troops from Iraq's cities. By the summer of 2010, we ended combat operations and drew down to fewer than 50,000 forces; those remaining forces will leave Iraq as planned by the end of the year. Again, as the Iraqis have assumed security control, the level of violence has decreased significantly and stayed at historic lows. The number of weekly security incidents across Iraq has decreased from 1,500 in 2007 to fewer than 100 in recent weeks.

To be sure, Iraq faces a host of remaining challenges, but I believe Iraq is equipped to deal with them.

First, the challenge of extremism. We will likely continue to see attacks in Iraq during and after we complete our drawdown. I expect that we'll see extremists, including al Qaeda in Iraq and Iran-backed militant groups, continue to plan and carry out periodic high-profile attacks. But while these groups remain capable of conducting attacks, they do not enjoy widespread support among the Iraqi population. The Iraqis have some of the most capable counterterrorism forces in the region, and we will be in a position to continue to assist them in building these capabilities through the OSC–I. Meanwhile, in recent months, Iraqi forces have also been active in going after Iranian-backed militants, recognizing them as a threat not just to U.S. forces but also to the Iraqi people and government. Iraqi leaders have also pressed Tehran to stop supporting these groups.

A second challenge for Iraq is conflict between political blocs. As in any democracy, Iraq deals with a range of competing agendas, and has the added burden of overcoming years of ethnic and sectarian mistrust. But the solutions to these challenges lie in the political, not military realm. Our diplomats, including Ambassador Jeffrey and his team, continue to assist the Iraqis in bridging the remaining divides, in particular the formation of the government, appointment of Defense and Interior ministers, and cooperation along the Arab-Kurd divide in the North. The leadership

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in Baghdad and the Kurdistan Regional Government remain committed to the political process. Resolving all these issues will take time, compromise, and strong political leadership.

A third key challenge lies in the area of Iraq's external defense. The Iraqis will need assistance to address gaps in this area, including logistics and air defense, and that will be an important focus of the OSC–I. The size and functions of the OSC–I will be similar to security cooperation offices we have in other partner countries in the region, such as Saudi Arabia, Egypt, and Turkey. CENTCOM is also developing a plan for joint exercises to address challenges in the naval, air, and combined arms areas—much like our robust security cooperation with other partners in the region. The recent decision by the Iraqis to purchase U.S. F–16s, part of a $7.5 billion Foreign Military Sales program, demonstrates Iraq's commitment to build up their external defense capabilities and maintain a lasting military-to-military training relationship with the United States.

One last challenge is the continuing effort of Iran to attempt to influence the future of Iraq. To advance its own regional ambitions, the Iranian regime has sought to weaken Iraq by trying to undermine Iraq's political processes and, as I have mentioned, by facilitating violence against innocent Iraqi civilians, as well as our presence. These destabilizing actions, along with Iran's growing ballistic missile capability and efforts to advance its nuclear program, constitute a significant threat to Iraq, the broader region, and U.S. interests. Yet the strong, sovereign, self-reliant Iraq we see emerging today has no desire to be dominated by Iran or by anyone else. Iraqi nationalism is real and powerful, and the Iraqis have consistently shown their willingness to resist the Iranians and their surrogates when Tehran has overreached.

With our partners in the region, the United States is committed to countering Iran's efforts to extend its destabilizing influence in Iraq and across the region. We've made very clear that we are committed to preventing Iran from acquiring nuclear weapons. While we have only strengthened our regional security relationships in recent years, Iran's destabilizing activities have only further isolated the regime. So as we mark a new phase in our enduring partnership with Iraq, Iran is more likely than ever to be marginalized in the region and in its ability to influence the Iraqi political process.

Our long-term security partnership with Iraq is part of a broader commitment by the United States to peace and security throughout the region. Our allies, friends, and potential adversaries should know that we will remain fully engaged in the Middle East, maintaining a robust military footprint and advancing cooperative security efforts with our partners. With more than 40,000 troops remaining in the Gulf region, the U.S. military will continue to reassure partners, deter aggressors and counter those seeking to create instability.

Iraq has come through this difficult period in its history and emerged stronger, with a government that is largely representative of—and increasingly responsive to—the needs of its people. This outcome was never certain, especially during the war's darkest days. It is a testament to the strength and resilience of our troops that we helped the Iraqi people reverse a desperate situation and provided them the time and space to foster the institutions of representative government.

Our troops and their families have borne a very heavy burden during more than 8 years of war and have paid a great price. More than 1 million Americans have served in Iraq, more than 32,000 have been wounded, and as we know, nearly 4,500 servicemembers have made the ultimate sacrifice for this mission. Americans will never forget the service and sacrifice of this next greatest generation and will always owe them a heavy debt. In the coming weeks, as our forces leave Iraq, they can be proud of what they have accomplished, and they and all veterans of the Iraq campaign have earned the Nation's most profound gratitude.

Chairman LEVIN. Thank you very much, Secretary Panetta.

General Dempsey.

STATEMENT OF GEN MARTIN E. DEMPSEY, USA, CHAIRMAN OF THE JOINT CHIEFS OF STAFF

General DEMPSEY. Thank you, Chairman Levin, Senator McCain, and other members of the committee.

In June 2003, I arrived in Baghdad to take command of our Army's 1st Armor Division, and I was given the responsibility for the city of Baghdad. Nine months later in April 2004, our effort to establish security, to develop Iraqi security forces, enable restora-

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tion of fundamental services for the Iraqi people, and encourage Iraqis to take control of their own destiny was at risk. Although about a third of my division was already redeployed to Germany, our tour of duty was extended in order to suppress an uprising of Shia militia in the southern provinces of Iraq. Over the course of the next few days, I visited nearly every unit in the division to explain to them why it was important that we remain in Iraq for another 4 months. To their great and everlasting credit to a man and woman, they recognized the importance of our mission, they embraced the challenge, and they did what their nation asked them to do.

As I look back, I think I will remember most the toughness, the resolve, and the resilience of America's sons and daughters and their families in those early days. Sometimes, often, actually always their character shines through in the toughest of times.

I remember in particular one female staff sergeant listening intently as I explained why we were being extended. She actually interrupted me to say, hey, listen, General, do not worry. We trust you. But, she said, when we get to the point where Iraqis can and should do what they need to do for themselves, I also trust that you will bring us home.

Today we are gathered to talk about the future of Iraq. In preparing for this session, I have thought a lot about the context of that discussion, that discussion with that young staff sergeant. I thought about what we set out to accomplish, what we have accomplished, and what we should seek to accomplish.

Today we are going to talk about establishing a normal security relationship with Iraq. Now, let me put that in context.

In 1991, I left my family to drive Iraq out of Kuwait. In 2003, I left my family to drive Saddam Hussein out of Baghdad. In 2011, we are talking about establishing a normal security relationship with Iraq. If you are a colonel or a master sergeant in the armed forces of the United States or more senior than that, this has been a 20-year journey. We have shed blood and invested America's treasure in Iraq. Our futures are inextricably linked. It is not a question of whether we will continue to invest in Iraq. It is a question of how. There is no question we must continue to support the development of the Iraqi security forces, and there is no question we must continue to support our diplomatic effort so that we can continue to demonstrate our commitment to Iraq's nascent democracy.

In anticipation of the question about whether I am concerned about the future of Iraq, the answer is yes. Nevertheless, America's armed forces are proud to have been part of this effort to provide Iraq the opportunities it now has and we are eager to be part of the effort to determine how we can continue to partner with them on issues of common interests for the future.

I look forward to your questions.

[The prepared statement of General Dempsey follows:]

PREPARED STATEMENT BY GEN MARTIN E. DEMPSEY, USA

Chairman Levin, Senator McCain, and members of the committee, thank you for this opportunity to discuss the beginning of a new chapter in the United States' relationship with Iraq.

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In just a few weeks, the U.S. military will complete its withdrawal from Iraq after nearly 9 years of war. This departure does not mark the end of our military-to-military relationship with Iraq, but rather the transition toward a normal one. It will make our diplomats the face of the United States in Iraq. It will clearly signal the full assumption of security responsibilities by the forces, the leaders, and the people of Iraq. It creates an opportunity that is theirs to seize.

The United States and Iraq agreed on this transition 3 years ago when it was clear that the surge of American and Iraqi forces had driven violence to all-time lows. In so doing, we helped create the security conditions that have allowed Iraqi institutions to continue to mature. At that time, we agreed that the transfer of security responsibilities would begin with the U.S.-Iraq Security Agreement taking effect on January 1, 2009 and the withdrawal of U.S. combat forces from Iraqi cities by June 30, 2009, and that the full withdrawal of our forces from the country would be completed by December 31, 2011. When the Security Agreement and the Strategic Framework Agreement were signed, President Bush noted that the dates were "based on an assessment of positive conditions on the ground and a realistic projection of when U.S. forces [could] reduce their presence and return home without sacrificing the security gains made since the surge."

Today, the Iraqi Security Forces (ISF) are responsible for the security needs of their country. There are now more than 600,000 Iraqis serving in the army, police, and other security components. Their growth and professionalization have been considerable. They have the capacity to independently secure the population, protect critical infrastructure, and conduct counterinsurgency and counterterrorist operations. In addition, they are continuing to develop the foundational capabilities to defend the country against external aggression.

Iraq's security forces must stand up to several very real threats. Foremost are those that seek to undermine national unity. Ethno-sectarian divisions—though not manifested in murderous death squads run out of corrupt ministries as in the past—are still a reality in Iraq's politics and security dynamics. Arab-Kurd tensions inhibit full cooperation between the ISF and Kurdish security elements. Isolated, residual elements of al Qaeda in Iraq conduct intermittent attacks and seek to incite sectarian violence. But, the more serious threat comes from malign Iranian influence that undermines political progress. We believe and expect Iraqi leaders and forces will confront these threats with steady resolve.

More work must be done for the Iraqis to better confront internal and external aggression. In particular, they need to develop air defense, intelligence, and logistics capabilities. Within the context of a normalized military-to-military relationship, we will continue to work on strengthening Iraq's defenses and security institutions. We have established the Office of Security Cooperation in Iraq, a relatively small training and advisory contingent operating under the authority of the U.S. Ambassador. It will resemble the robust capacity building efforts we have with other partners such as Egypt and Saudi Arabia. Our security assistance officers will advise the ISF in closing their capability gaps, assist in the expansion of their training programs, and facilitate their procurement of new equipment. In the future, we hope this office will help integrate the Iraqi forces into broader regional security cooperation activities.

This military-to-military cooperation is just one component of our strategic partnership with Iraq as outlined in the 2008 Strategic Framework Agreement. Our embassies and consulates will continue to build ties in many areas, including education, economic development, agriculture, health care, and energy. This will help Iraq continue to develop its potential and ensure we take advantage of our shared achievements and sacrifices. It is an essential, but still dangerous mission. We cannot lose sight of the risks our civilian and military personnel will continue to face. We cannot fail to fund it at sustainable levels.

This transition will also advance our broader regional security goals. As we withdraw our forces from Iraq, we will reposture to preserve military options in the region. We will retain a credible and capable forward presence to safeguard our interests, promote regional security, and signal our resolve. Our forces, together with those of our many partners, will be fully capable of deterring aggression, countering terrorism and proliferation, and responding to any crisis that should arise.

This transition in Iraq would not have been possible had the brave men and women of our military not done all the many things we asked of them over the past decade. We asked our military to depose a brutal dictator who had started wars with his neighbors and murdered countless numbers of his own people. We asked them to restore control to a nation whose governing institutions and facilities had suffered decades of oppression and neglect. We asked them to build, train, mentor, and fight beside a new army and a new police force. We asked them to provide the space for a new, open, democratic, and accountable government to emerge. We asked

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them to be diplomats and city managers. We asked them to combat rejectionists, and then insurgents, and then international terrorists, and then sectarian death squads. When the situation appeared desperate, we asked them to double down, to surge in the face of seemingly insurmountable odds, and to maintain hope at a time when most Americans—most of the world—had abandoned all hope. We asked them to leave their families, sometimes for up to 15 months at a time, and we asked them to do it again and again and again.

Our successes in Iraq and the conditions that allow us to withdraw our forces with a sense of pride and accomplishment are the result of the sweat, blood, determination, and unrelenting hope of the over one million of our men and women in uniform who have served in Iraq. They have done everything we have asked of them and more. They have done what many believed was not possible. For that, our Nation owes them a tremendous debt, and I thank Congress for your continued support of them.

Chairman LEVIN. Thank you very much, General Dempsey.

Let us try an 8-minute round for the first round.

Let me ask you both this question about the 2008 U.S.-Iraq Security Agreement which was agreed to between President Bush and Prime Minister Maliki which requires the withdrawal of U.S. forces by the end of December of this year.

There has been an effort made to negotiate continuation of a limited number of U.S. forces beyond December of this year, particularly trainers. Let me ask you first, General. Did we make a strong effort to negotiate a continuing presence of trainers providing there was an immunity agreement with Iraq so that our people would not be subject to Iraqi courts?

General DEMPSEY. Senator, I was the Chief of Staff of the Army during that period of time, and I can tell you that in conversations among the Joint Chiefs, we were all asked to engage our counterparts, encourage them to accept some small permanent footprint. Our recommendation actually was a small permanent footprint and a rotational training agreement for field training exercise and such, built fundamentally around what we call the "program of record," which is the FMS case. So I can speak for the Joint Chiefs having been encouraged by, first, Secretary Gates and then Secretary Panetta to engage our counterparts.

Chairman LEVIN. Did you make the effort to support a continuing limited presence of U.S. forces?

General DEMPSEY. I did.

Chairman LEVIN. Are you willing to have those forces remain without an agreement relative to immunity for those troops?

General DEMPSEY. No, sir, I am not, and it was the recommendation and advice and strong belief of the Joint Chiefs that we would not leave service men and women there without protections.

Chairman LEVIN. Why is that?

General DEMPSEY. Because of the many institutions in Iraq that are still evolving and immature. The Iraqi judicial system is certainly among those. We did not believe it was appropriate or prudent to leave service men and women without judicial protections in a country that still had the challenges we know it has and a very immature judicial system.

Chairman LEVIN. Is it your understanding that that was the sticking point, that Iraq was not willing to provide that assurance?

General DEMPSEY. Sir, it is hard for me to understand exactly what Prime Minister Maliki's fundamental bottom line was, though I have spoken to him within the past 6 months. What I will say

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is it was part of it. I think the other part of it was that he believed it to be in his political interest to cause us to live up to the agreement we made to withdraw from Iraq in the 2008 agreement. That was called the Security Agreement. Now, it is important to remember that underneath that was the Security Framework Agreement which establishes six lines of operation, and it was his strong preference in my conversations with him to base our enduring relationship on that and not simply on the matter of military presence.

Chairman LEVIN. So from what you know, there was an unwillingness on the part of the Iraqi leadership to negotiate the continuing presence of our troops for two reasons: one, they would not give us the assurance of legal protection or immunity; and two, that politically it was not in their interest to make such an agreement.

General DEMPSEY. That is my understanding, yes, sir.

Chairman LEVIN. Given that, is it your understanding that our military commanders are also unwilling to have our troops there without that legal protection?

General DEMPSEY. It was the topic of many secure video teleconferences and engagements person to person. I can state that they also believed we needed the protections, both General Austin and General Mattis, in order to leave our troops there.

Chairman LEVIN. So the decision of the President to basically comply with a 2008 U.S.-Iraq Security Agreement that was agreed to between Presidents Bush and Maliki, that that decision to comply with that agreement unless we could negotiate a satisfactory continuation of a residual force with protection, with immunity—do you agree with the President's decision to proceed in that way?

General DEMPSEY. I do, Senator.

Chairman LEVIN. Secretary Panetta, some have expressed the concern that U.S. troop withdrawal from Iraq is going to give Iran a propaganda victory, with Iran claiming to have driven U.S. forces out of Iraq. Do you believe that Iraqi leaders and other Arab nations in the region will buy into Iran's propaganda that they drove us out of Iraq?

Secretary PANETTA. I really do not. I think that the one thing I have seen time and time again is that Prime Minister Maliki in Iraq and other countries in that region basically reject what Iran is trying to do, view Iran as having a destabilizing influence in that part of the world, do not support Iran and what they do. My view is that the region largely rejects Iran and its intentions. I think Iraq is at the top of that list.

Chairman LEVIN. Let me ask you about protection of religious minorities. Since our invasion of Iraq in 2003, I have worked and many Members of Congress have worked with our military and civilian leadership both here and in Iraq to ensure that the small religious minority communities in Iraq are protected from targeted violence and persecution. Give us your assessments—first, Secretary, and then perhaps, General—of the Iraqi Government's willingness and capability to protect the religious minority communities in Iraq, particularly the Christians.

Secretary PANETTA. I believe that Ambassador Jeffrey and the State Department continue to work very closely with the Iraqis to ensure that religious minorities are protected there. It is a prob-

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lem. It is a concern. I think it is going to demand continuing vigilance by all of us, continuing pressure by all of us on the Iraqi Government that they do everything possible to recognize both human and religious rights. There is a lot of history here, and there are a lot of challenges here. But I am absolutely convinced, when you talk to the political leadership in Iraq, that they do not want to have these kinds of divisions, they do not want to have this kind of discrimination take place within their country. But it is going to require constant vigilance to make sure it does not happen.

Chairman LEVIN. General, do you have a comment on that?

General DEMPSEY. No. Just a comment, Senator, on the fact that in the pre-surge period, which many of us remember, it was very common for state-sponsored militias out of the security ministries to be conducting these kinds of attacks against those religious groups that did not agree with their particular faith. We have not seen anything like that since the surge, meaning the security ministries have become responsible agents of government. So not discounting the continued pressure on small religious communities, at least there is no evidence that it will be state-sponsored, and that is a significant change.

Chairman LEVIN. Thank you. Thank you very much.

Senator McCain.

Senator MCCAIN. Thank you, Mr. Chairman.

You brought up, regrettably, General Dempsey, 2003 and 2004, the fact is that you did not support the surge and said that it would fail. Secretary Panetta was a part of the Iraq Study Group that recommended withdrawals from Iraq and opposed the surge. So we are all responsible for the judgments that we make, and obviously, that affects the credibility of the judgments that we make now on Iraq. I regret that you had to bring that up, General Dempsey. The fact is that there are some of us who were over there in those years you talked about, in fact, some maybe even had other members of their family over there, and saw that it was failing and that we needed to have the surge and the surge succeeded.

The fact is that we could have been given sovereign immunity, as we have in other countries, to keep our troops there and give them the immunity that they needed. We have other agreements with other countries that guarantee sovereign immunity. The fact is that every military leader recommended that we have residual forces at minimum of 10,000 and usually around 20,000. That was the recommendations made before this committee by General Odierno, recommendations made by General Petraeus, recommendations made by even lower ranking military who had spent, as you mentioned, a great deal of time there and did not want to see that service and sacrifice all wasted away because of our inability and lack of desire to reach an agreement with the Iraqis.

As I said in my opening statement, the Iraqis are largely responsible as well, but the fact is when Senator Lieberman, Senator Graham, and I were there, the Iraqis were ready to deal. What was the administration's response? They did not have a number and missions last May as to our residual force in Iraq. So as things happen in that country, things fell apart.

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Now, can you tell the committee, General Dempsey, if there was any military commander who recommended that we completely withdraw from Iraq?

General DEMPSEY. No, Senator. None of us recommended that we completely withdraw from Iraq.

Senator MCCAIN. When did we come up with the numbers of troops that we wanted to remain in Iraq? Do you know when that final decision was made as to the exact numbers that we wanted?

General DEMPSEY. To my understanding, the process started in about August 2010, and there was a series of cascading possibilities or options that started at about 16,000 and ended up with about 10,000 and then migrated to 3,000 and we ended up with the program of record.

Senator MCCAIN. Do you know when that final decision on numbers was reached?

General DEMPSEY. The final decision on focusing on the OSC was based on a conversation between our President and President Maliki. Prior to that, I do not know.

Senator MCCAIN. The reason why I think you do not know is because there never was an exact number and missions articulated by our Government which would have been a concrete proposal for the Iraqi Government. So to say that the Iraqi Government did not want us when they did not know the numbers and missions that we wanted to have there, of course, makes it more understandable why we did not reach an agreement with them as it, as you mentioned, cascaded down from 20,000 down to the ridiculously small number of 3,000.

So, Secretary Panetta, we are now going to have a residual presence in Iraq of some 16,000 American embassy personnel. Is that not correct?

Secretary PANETTA. I believe with contractors, that is correct.

Senator MCCAIN. How are we planning on ensuring the security of those 16,000 Americans?

Secretary PANETTA. A lot of that 16,000 are security people.

Senator MCCAIN. So we will now be using civilian contractors to protect and maintain the security of the State Department personnel, the largest embassy personnel in the world. Is that correct?

Secretary PANETTA. That is correct.

Senator MCCAIN. The comparative costs of a contract personnel versus a military individual is dramatically different. The costs of a contract personnel is dramatically higher than that of the costs of an ordinary servicemember. Correct?

Secretary PANETTA. I believe you are correct. I will give you an accurate answer later.

[The information referred to follows:]

Secretary Panetta did not respond in time for printing. When received, answer will be retained in committee files.

Senator MCCAIN. So in these times of fiscal austerity, we withdraw all our military troops and hire a whole bunch of contractors, who either rightly or wrongly do not have a very good reputation as opposed to the uniformed military, in order to secure the safety of some X thousands. You have certain thousands who are there for security and some thousands who are there—the 16,000 number is divided up that way.

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Secretary PANETTA. Senator McCain, if I could just add for the record.

Senator MCCAIN. Sure.

Secretary PANETTA. Actually as Director of the CIA, I had talked with Prime Minister Maliki regarding this issue, and then when I became Secretary of Defense, I had a number of conversations with him as well in which I made very clear, along with General Austin and Ambassador Jeffrey, that it was extremely important that we needed to have a Status of Forces Agreement (SOFA), that we needed to have immunities for our troops, that we needed to have that protection. He believed that there was possibly a way to do this that did not involve having to go to the parliament, to their council for approval. It was very clear, among all the attorneys here, that we absolutely had to have their approval through their parliament if we were going to have a SOFA that provided the kind of immunities we needed. I cannot tell you how many times we made that clear. I believe the Prime Minister understood that, and it was at the point where he basically said I cannot deliver it, I cannot get it through the parliament that we were then left with the decisions that were made.

Senator MCCAIN. Again, then we should be having to withdraw our troops from those countries where we have a presence that we do not have it go through the parliament, that it is done through sovereign immunity. The fact is that the President was presented with options, either a declaration of sovereign immunity made by the government as the case with other countries, which the Iraqis may have been willing to do, and the other option of demanding it go through the parliament. So I guess now we should withdraw those troops from countries that we do not have a parliamentary approval from.

So, look, the fact is if we had given the Iraqis the number and the mission that we wanted long ago, if we had done what Condoleezza Rice, the Secretary of State, has said, "everybody believed it would be better if there was some kind of residual force. There was an expectation we would negotiate something that looked like a residual force." We met with Barzani and Maliki and Allawi, and they were ready to move forward. The fact is that they were not given the number and mission that the residual U.S. troops would be there for.

As General Dempsey just mentioned, it cascaded down. It cascaded down over months, Mr. Secretary, from 20,000 to 15,000 to 13,000 to 10,000 to 5,000, and each time there was a different number given for Iraqi consideration. That was what they told us.

Now, maybe they were not telling us the truth, Mr. Secretary. But we have a relationship with them that goes back many, many years, and they have always told us the truth. The truth is that this administration was committed to the complete withdrawal of U.S. troops from Iraq and they made it happen.

Secretary PANETTA. Senator McCain, that is just simply not true. I guess you can believe that, and I respect your beliefs.

Senator MCCAIN. I respect your opinion.

Secretary PANETTA. But that is not true.

Senator MCCAIN. The outcome has been exactly as predicted.

Secretary PANETTA. But that is not how it happened.

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Senator MCCAIN. It is how it happened.

Secretary PANETTA. This is about negotiating with a sovereign country, an independent country. This was about their needs. This is not about us telling them what we are going to do for them or what they are going to have to do for us.

Senator MCCAIN. This is about our needs as well, Mr. Secretary.

Secretary PANETTA. This is about their country making a decision as to what is necessary here. In addition to that, once they made the decision that they were not going to provide any immunities for any level of force that we would have there—and this is a lot different than other countries, frankly, Senator. This is a country where you could very well be engaging in combat operations. If you are going to engage in those kind of operations, you are going to engage in counterterrorism operations, you absolutely have to have immunities, and those immunities have to be granted by a SOFA. I was not about to have our troops go there in place without those immunities.

Senator MCCAIN. They were ready to make that agreement. They were ready to be able to get it through the parliament, and for months we did not give them the numbers and mission that were necessary in order for us to remain there. Again, your version of history and mine are very different, but the way it has turned out is the way, unfortunately, many of us predicted that it would. In the view of every military expert that I know, we are now at greater risk than we were if we had had a residual force there.

By the way, I understand the American people's approval of withdrawing from Iraq. I would imagine they probably would approve if we would withdraw from Korea and that is because we have not made the case as to what is at stake here and what the consequences of our failure are.

I thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator McCain.

Senator Lieberman.

Senator LIEBERMAN. Thanks, Mr. Chairman. Thanks, Mr. Secretary and General, for being here.

So I add my voice as one who also felt during the time that the SOFA existed between the United States and Iraq, based on conversations that I had with leaders in both countries, that the expectation was that a residual force would remain at the expiration of the SOFA at the end of this year, 2011. The reason was clear. It was clear it would have to be negotiated as two sovereign nations. The reason was that from our point of view certainly, that we had invested so much blood and treasure in the success, extraordinary, unexpected success, we have achieved in Iraq, that it would not make sense to just pick up and leave unless we felt that the country, that the Iraqis were totally prepared to protect their own security and the progress that they have made, which incidentally, in my opinion, has not only been great for them and transformational within their history but also throughout the Middle East.

Personally, I think that the sight of the Iraqis pulling that statue of Saddam Hussein down, showing people throughout the Arab world that those tyrants were not forever, is one of the pre-

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conditions, one of the factors that enabled the Arab Spring or Arab Awakening that is going on now to occur.

I also believe that President Obama and Prime Minister Maliki must have wanted to have a residual force remain in Iraq after January 1st of next year or else they would not have had people on both sides negotiating to achieve that end. So to me, the failure to reach agreement or the inability to reach agreement, causing the total withdrawal of our troops at the end of this year, was not a success but a failure. I worry about the consequences.

General Dempsey, as Senator McCain said, we have talked to our military commanders over there over the years, and everybody said that we should keep some troops. The numbers went from probably a low of 5,000 to a high of 25,000 at different times.

I was really interested in your answer to Senator McCain, and I appreciate it because I know it is the truth, that no military commander, including yourself, recommended zero troops, American troops, there after January 1. I presume that is because you thought there was an unnecessarily high risk for us and Iraq if we had no troops remaining after January 1 of next year. Is that a fair assumption?

General DEMPSEY. Yes, Senator. The cascading that I mentioned to Senator McCain was a result of negotiating the missions. The force structure is completely dependent upon the missions you ask us to do. Tell me what you want me to do. I can build you a force structure to do it.

Senator LIEBERMAN. Right.

General DEMPSEY. The negotiations that occurred were on which missions the Iraqi Government wanted us to continue to execute, and that is why the numbers went from—the highest number I touched was 16,000—but it could very well have been 25,000—down to about 5,000. But at the end of the day, the Iraqi Prime Minister deemed that he wanted to rely on the security agreement and base a future relationship on the SFA.

Senator LIEBERMAN. Understood.

In your own thinking, since you obviously did not recommend zero American troops there after January 1st, what do you think now are the greater risks that we face as a result of the fact that we will have no continuing military presence in Iraq?

General DEMPSEY. Some of the things that the larger military footprint addressed will now have to be addressed diplomatically, and that is some of the things that have come up today about the protection of the small religious communities and so forth, the Arab-Kurd tensions, if you will.

But I also want to mention this OSC will help us ensure that the FMS program, the program of record, as we call it, that continues to build the institution of the Iraqi security forces will continue to be addressed. So this is not a divorce. It may feel that way because of the way the Iraqi Government came to the decision. But the fact is we will be embedded with them as trainers not only tactically but also at the institutional level. I think that is an important way to mitigate the risk you are talking about.

Senator LIEBERMAN. Let me, Secretary Panetta, pick up from that point. I have heard from friends in Iraq, Iraqis, that Prime Minister Maliki said at one point he needed to stop the negotia-

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tions. Leave aside for the moment the reasons. But he was prepared to begin negotiations again between two sovereign nations, United States and Iraq, about some American troops being in Iraq after January 1st. So that is what I have heard from there.

But I wanted to ask you from the administration point of view—and I know that Prime Minister Maliki is coming here in a few weeks to Washington—is the administration planning to pursue further discussions with the Iraqi Government about deploying at least some U.S. forces in Iraq after the end of this year?

Secretary PANETTA. Senator, as I pointed out in my testimony, what we seek with Iraq is a normal relationship now, and that does involve continuing negotiations with them as to what their needs are. I believe there will be continuing negotiations. We are in negotiations now with regards to the size of the security office that will be there. So there are not zero troops that are going to be there. We will have hundreds that will be present by virtue of that office, assuming we can work out an agreement there.

But I think that once we have completed the implementation of the security agreement, there will begin a series of negotiations about what exactly are additional areas where we can be of assistance, what level of trainers do they need, what can we do with regard to counterterrorism operations, what will we do on exercises, joint exercises, that work together. We have these kinds of relationships with other countries in the region, and that is what we are going to continue to pursue with Iraq.

Senator LIEBERMAN. In fact, just using a term that both of you have used, that would be a "normal" relationship. A normal relationship would not exclude the presence of some American military in Iraq. Correct?

Secretary PANETTA. That is correct.

Senator LIEBERMAN. Do you, Mr. Secretary, personally believe that it is in the interest of the United States to have some military presence in Iraq as part of an agreement with the Iraqis?

Secretary PANETTA. I believe there are areas where we can provide important assistance to the Iraqis, but again, I would stress to you, Senator Lieberman—and I know you have been there—that in order for this to happen, we have to be able to have them basically say these are our needs, this is what we want, these are the missions that we want to accomplish, and then we can assist them in saying we can provide this in order to accomplish those missions. It has to be a two-way street.

Senator LIEBERMAN. Let me ask you one final, quick question. We have been concerned—and I have talked to you and General Dempsey about this—about the fact that Iran over the course of the war has been training and equipping extremist groups that have come back into Iraq and killed a lot of Americans and even more Iraqis. What is your belief now about whether the Iranians, the IRGC particularly, are continuing to train Iraqi Shia extremist militias to come back into Iraq and cause havoc?

Secretary PANETTA. We went through a difficult period where we knew that the Iranians were providing military weapons to Shia extremist groups, and those weapons were being used to kill Americans. We indicated our concerns about that. That was part of the

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discussion that I had with the Prime Minister when I was there, was my concern about that.

As a result of that, they took actions. Operations were conducted against the Shia militant groups. In addition to that, Maliki made very clear to the Iranians that this had to stop. We did go through a period where it did stop, but we continue to have concerns that the Iranians will try to provide that kind of assistance as well. We have made very clear to Iraq that they have to take whatever steps are necessary to ensure that does not happen.

Senator LIEBERMAN. Okay. I appreciate the answer. Thank you. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Lieberman.

Senator Brown.

Senator BROWN. Thank you, Mr. Chairman.

Mr. Secretary, I just wanted to follow up with a question that Senator Lieberman asked. He asked do you think it is important to have a military presence in Iraq, and you did not answer. You said we need to provide important assistance to the Iraqis. But do you or do you not think that we should have a military presence in Iraq?

Secretary PANETTA. I think that providing a military presence that assists them with training, that assists them with counterterrorism operations continuing to work against terrorist groups there is important, but I have to stress to you, Senator, that it can only happen if the Iraqis agree that it should happen.

Senator BROWN. No. I understand that.

Secretary PANETTA. I know, but I get the impression here that somehow everybody is deciding what we want for Iraq and that that is what should happen. But it does not work that way. This is an independent country.

Senator BROWN. I understand that. I want to get a chance to ask my questions. I am not sure what your perception is about what the others have said, but I have some very specific questions.

To follow up with Senator McCain a little bit and his concerns about contractor cost versus soldier cost, it is a tremendously large dollar amount. It is the same in Afghanistan. It is the same in Iraq. We are going to have potentially 16,000 contractors over there. How does the SOFA or their ability to perform their duties over there affect the contractors? I know that they are going to be performing security and have some very serious legal challenges as well. How is it any different?

General DEMPSEY. Yes, I can take that one, Senator, because when I was running the Security Transition Command, training and equipping the Iraqi security forces, I had a rather small military staff of about 1,000, and I had probably three or four times that in contractors. The contractors are often third-country nationals. These are not all DOD contractors. Security contractors could be from a third country, and as part of the contract, there will be a negotiated position on protections and immunities. But oftentimes they are not protected and if, therefore, something happens, they can be imprisoned and tried in the host nation. That is a common practice around the world.

We ought to take, for the record, I think though, the issue of cost because there is a distinction on the kind of contractors that are

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used. A truck driver driving a cargo truck of foodstuffs from Kuwait to Baghdad will get paid at a certain rate, a security contractor at a different rate. These are not all contractors making $250,000 a year. So I think we ought to peel that back a bit for you to see the real costs.

Senator BROWN. I think it is important to let the American public know because I know when I was in Afghanistan talking to the soldiers who were deeply concerned about those drivers just throughout the post and from post to post getting upwards of $100,000 and you have a soldier that can do it at $20,000–$30,000. When we are trying to squeeze out every last dollar, I think it is important. I would rather be, quite frankly, providing the tools and resources to our military personnel versus contractors. So I would hope that you would look at that.

[The information referred to follows:]

The assertion that not all Department of Defense contractors in Iraq are making $250,000 per year is correct. The costs for contractor support depends greatly on the type of labor categories used to perform the work; types of contractors range from local national (LN) laborers, to third country nationals (TCN) providing installation support, to highly specialized U.S. citizens with security clearances. In general, TCN and LN labor costs are substantially lower than U.S. citizens. The anticipated contractor split supporting Department of State after 2011 in Iraq is projected at: U.S. - 47 percent, TCN - 43 percent, LN - 10 percent. The following sampling of labor categories from various State Department support contracts provides further validation that not all contractors in Iraq are highly paid:

- Static Guard: $10,000/year.
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- Welder: $131,000/year.
- Air Defense Mechanic: $159,000/year.
- Senior Mechanic: $185,000/year.

Senator BROWN. Mr. Secretary, you have committed to not allowing Iran to get nuclear weapons. Do you think we are accomplishing that?

Secretary PANETTA. I think that the United States, working with our allies and implementing the sanctions that have gone against Iran have, combined with other efforts, impeded their effort to move forward in that area. That is correct.

Senator BROWN. We have so many sanctions. Yet, I think the biggest problem we have is actually enforcing them. I cannot remember the last time we actually fined a company for performing work and doing business in Iran.

How involved is Russia in actually helping them gain nuclear capabilities?

Secretary PANETTA. I really think you probably ought to ask our intelligence officials about the specifics of Russian engagement there. But there is no question that they have provided some help.

Senator BROWN. I just bring it up because you brought up that we are not allowing them to gain nuclear capability. Yet, we seem to really not be putting any teeth behind the sanctions and really I think we can do it better I guess is my point. Maybe we can talk offline about that.

But I also have heard in speaking to, obviously, members of the committee and others that the Prime Minister has kicked out officials in the intelligence services and the army and replaced them with his own loyalists. Police sources report that roughly 200 peo-

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ple have been arrested since October 24 on charges of affiliation with the Baath party under Saddam and planning to conduct terrorism within Iraq. Are you concerned with these types of arrests and whether it will either require us to have a larger footprint or how it is going to be affected by a footprint being reduced?

Secretary PANETTA. I am concerned by the actions that the Prime Minister took with regard to arresting the Baathists. They are being held at this point without charges and that raises concerns about due process.

At the same time, I have to say that the Sunnis—and it is a reflection of what has happened in Iraq—that the Sunni population there recognizes that even in light of that, that their actions ought to take place through the institutions of government, and they are bringing their pressure through the parliament and through the government to try to change that behavior. I think that is what democracies should do.

Senator BROWN. What level, do you think—in terms of a percentage basis, would you give Iraq's counterterrorism forces today? Either one?

General DEMPSEY. I will take that, Senator.

They number about 4,500.

Senator BROWN. How does that rank in terms of percentage capability of being fully ready to perform the mission?

General DEMPSEY. Yes. I would describe their readiness rate to be about 80 percent, and the gap is in their ability—they are extraordinarily good—extraordinarily good—at closing onto a particular target when the target is identified for them generally, in their case, through human intelligence (HUMINT). What they lack is the ability to fuse intelligence, signals intelligence, HUMINT, and identify a network. You visited—by the way, nobody else in the world does it like us. So I am comparing us to them. But the point is when you visit our soldiers, sailors, airmen, and marines in operations centers in Iraq, they will have a wiring diagram of the network in their particular area. That has come after years of adaptation and learning that we have not yet managed to pass over to our Iraqi counterparts. But in this OSC, we have a cadre of trainers to continue to build that capability and close that gap.

Senator BROWN. How functional is their air force? Is it capable of defending its airspace? Does that matter at this point? Or where do you think we are with that?

General DEMPSEY. I will tell you where they are and then I will take a stab at whether it matters or not. But they have F–16s on order as part of the $7 billion FMS program. The first 18 or so of what will eventually be 24 will be delivered in the 2015 timeframe. So there is a gap between now and 2015 on their ability to protect their air sovereignty.

Does it matter? It is not apparent to us that it matters—that there is no air threat to Iraqi sovereign airspace right now. But after the first of the year, as Prime Minister Maliki sees what the security agreement—how that has evolved, what it looks like as we begin our withdrawal, I suspect there will be some negotiation back with us on issues related to air sovereignty. They also have long-range radars on order that come in this next calendar year to help paint themselves an air picture. So there is a gap at least out

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through 2015, probably beyond because you have to train the pilots. When General Babaker, the Chief of Defense, speaks about not being ready until 2020, it is that kind of capability that he is talking about, not the day-to-day capability on the ground.

Senator BROWN. Thank you. Thank you, both.

Chairman LEVIN. Thank you, Senator Brown.

Senator Reed.

Senator REED. Thank you, Mr. Chairman.

General Dempsey, was it the uniform recommendation of all the joint chiefs and yourself to the President that without appropriate immunities for American forces, that you could not maintain American forces in Iraq?

General DEMPSEY. It was, Senator.

Senator REED. From your perspective, the Government of Iraq was not prepared to give appropriate immunities to American forces?

General DEMPSEY. Yes. That was the feedback we received back, that based on the legal advice of not only DOD lawyers but lawyers across the interagency, that the protections we required could only be achieved through an agreement that passed through the council of representatives inside of Iraq.

When that was not forthcoming, then our advice was we could not leave—and by the way, just to Senator McCain's point. We do have soldiers all over the world deployed in joint combined exercise teams, but these are small groups of soldiers doing training missions, not what we believe would be a large footprint of men and women potentially at checkpoints conducting combat operations that could be very prominent, very visible, and, therefore, very vulnerable to a very immature judicial system.

Senator REED. Meaning that they could be policed up, thrown into a system without any adequate due process, and be subject to essentially the whims of whatever Iraqi justice is at the moment?

General DEMPSEY. That was the concern, but the larger concern was that there would be some kind of incident that would put us at odds with the Iraqi security forces trying to arrest one of our soldiers.

Senator REED. We actually could have force-on-force conflict.

General DEMPSEY. In the worst case.

Senator REED. The necessity for the core, their assembly, their general assembly—this was a result of the SOFA, I presume, that any amendments to the treaty had to be approved by their parliamentary procedures, including the parliament?

General DEMPSEY. That was both their interpretation and our own.

Senator REED. So this notion of who can bestow immunity rests on the SOFA which the Bush administration negotiated and signed.

General DEMPSEY. I do not know how far back it goes. This is longstanding legal interpretation that I am sure goes back well beyond the Bush administration.

Senator REED. You are both more familiar with the SOFA than I, but my understanding is that there was very explicit language calling for the withdrawal of all American military personnel but

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that there was no language or no explicit language calling for further negotiations as to the continuation of forces. Is that correct?

General DEMPSEY. Are you referring to the 2008 Security Agreement?

Senator REED. I am.

General DEMPSEY. That is my understanding.

Senator REED. But then there are suggestions today that everyone understood that this was just a placeholder, that this major policy decision calling for all forces to withdraw from Iraq, which was approved by their parliament, was simply a placeholder because everyone knew that going down the road, we would renegotiate both sides in good faith and come up with another combination. Do you think that is realistic?

General DEMPSEY. I will not comment on its realism, but I will say that I expected that there would be some negotiation prior to the end of 2011, and by the way, there was. That negotiation terminated when the Iraqi Prime Minister determined that he did not need the missions we were willing and capable to perform and would not provide the protections.

Senator REED. It goes back essentially to the point that the Secretary has made, that that was a determination of a sovereign leader about what he felt was in the best interest of Iraq and that without his cooperation and, indeed, without the approval of his parliament, we have no standing essentially other than to follow what was agreed to in 2008 by the Bush administration. Is that correct?

General DEMPSEY. To my understanding, yes, Senator.

Senator REED. But as you suggested, going forward we still have a relationship in terms of FMS, in terms of not only our diplomatic presence, but there is always the possibility, because that is not precluded by the 2008 SOFA, of amendments which in the future could allow for some participation of American military personnel with Iraqi personnel. That is true also.

General DEMPSEY. It is, Senator. There is the opportunity for them as part of routine theater security cooperation. General Jim Mattis will travel there in January. There is a committee called the High Coordination Committee for each of the six lines of operation in the SFA, some of which are economic, educational, commerce, but there is a security line of effort. There is a High Coordinating Council that meets. General Mattis will go and convene one of those meetings in January to discuss future security cooperation.

Senator REED. Mr. Secretary, I presume for the record that we are prepared to entertain any of these serious discussions at any time with Prime Minister Maliki and his cabinet.

Secretary PANETTA. Absolutely.

Senator REED. It seems to me the key point at this juncture is the point at which Prime Minister Maliki and his government begins to reevaluate their position and their perception of the need for additional American military support, and without that, then the 2008 agreement which they negotiated, they agreed to, and they seem to accept stands as the law.

General DEMPSEY. That is correct.

Senator REED. Thank you. I have no further questions.

Chairman LEVIN. Thank you, Senator Reed.

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Senator Ayotte.

Senator AYOTTE. Thank you, Mr. Chairman. I want to thank Secretary Panetta and General Dempsey for being here today on this very important topic.

I think all of us want to make sure that everything we have fought for and those who have sacrificed in Iraq, that what we have done there does not become undermined. My husband is an Iraq War veteran. This is very, very important, and I think all of us share that. We would like to bring our troops home, but there are serious questions remaining on whether the Iraqis will be able to maintain their own security. I think that is what we are trying to get at.

I wanted to ask you, Secretary Panetta, in an October 21 conference call, when the withdrawal was initially announced by the administration, that my staff participated in, Dennis McDonough, the Deputy National Security Advisor, and Tony Blinken, the National Security Advisor to the Vice President, were both asked whether if now the Iraqis changed their position and we receive the immunity that our troops need, whether we would change our position on maintaining troops in Iraq. The answer we got on that call was no.

So my question to you is, is that accurate? If today the Iraqis changed their position and gave us the immunity that we were asking for, would we keep troops there?

Secretary PANETTA. Obviously both Prime Minister Maliki and the President are moving forward with the implementation of the security agreement. But as I have said here, we are prepared to continue to negotiate with the Iraqis. We are prepared to try to meet whatever needs they have, and if those needs require a SOFA in order to ensure that our troops are protected, then obviously we would be prepared to work with that as well.

Senator AYOTTE. So just to be clear, when Dennis McDonough and Tony Blinken said even if we had immunity now, we would withdraw altogether anyway, were they right or were they wrong in terms of that being the administration's position?

Secretary PANETTA. I think they were reflecting the decision at that point that was clear from the Iraqis and from the Prime Minister that they wanted to proceed with the implementation of the security agreement. I think that the decision was, even with the Iraqis, let us proceed, implement that, and then perhaps beyond that, we will negotiate a further presence.

Senator AYOTTE. But it would certainly be a lot easier to, rather than take all the troops out and bring them back, that if we could work this out. You would agree with me there?

Secretary PANETTA. Yes. No, look, we have been working this for a long time. I think it came down to the fact that it was very clear from the Prime Minister and even the other leadership—as Senator McCain said, other members of the leadership there were interested in trying to pursue this, but when it was clear that they could not get immunity passed by the parliament, that that brought that issue to an end.

Senator AYOTTE. The reason that I raise it is I was concerned, when it was reported back to me, that the answer from the administration was that even if immunity was granted tomorrow, that we

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would still withdraw altogether. That made me concerned, and that is why I raised it.

I wanted to ask you about the recent findings of—the Wartime Commission on Contracting found that from waste, fraud, corruption, and money going into the hands of our enemies, we have lost between $31 billion and $60 billion of taxpayers' dollars that were obviously wasted, and the worst part is some of it went to our enemies.

Before the Senate Armed Services Readiness and Management Support Subcommittee recently, we had a hearing on the Wartime Contracting Commission report, and Deputy Secretary Frank Kendall testified before that subcommittee. I actually asked him about what was happening in Iraq with respect to—you have stated today—roughly 16,000 contractors that will be left there, many of them performing security functions with our troops withdrawing by the end of the year. When I asked him about that, how will the State Department handle that, he told me that there is a lot of risk in this transition and that the State Department has never done anything this big. Would you agree with me on that, Mr. Secretary?

Secretary PANETTA. That is right.

Senator AYOTTE. Also that day before the subcommittee, we had the actual commissioners that did the analysis in Iraq and Afghanistan of the fraud, waste, and abuse and money that went to our enemies. Mr. Zakheim who testified before our subcommittee that day—I also asked him about what is happening in Iraq and what the implications would be for the State Department putting 16,000 contractors there, many of them asked to handle security. What he said to me really made me very concerned. He said: "I do have tremendous concerns. I have more concerns, unfortunately, than I have answers. Clearly if the State Department, until now, has had trouble managing its contracts—and it is no question that they have had some—I do not know how they are going to manage all this."

He went on to say, now, clearly if you have a whole bunch of contractors there with guns who will be doing all sorts of things, to me, to my simple mind, this is something that involves security that is inherently governmental. It is a high-risk project so that you are going to have a bunch of contractors either being shot at or shooting Iraqis, and this is a disaster waiting to happen is how he described it to me.

Can you assure this committee that—I guess I would ask you first. Essentially my concern is that we are putting a civilian army there of contractors at an unprecedented level when we have already had some significant issues with contracting. We are going to ask these contractors to protect our diplomatic personnel that are there, our civilian personnel who will still be serving in Iraq. Will they be secure? Will these contractors be able to perform the function that they are needed to perform? Can you assure this committee that the State Department will be able to perform this unprecedented task?

Secretary PANETTA. There is no question that there are risks involved here. What we are facing is an issue of continuing an important State Department role that relates to economic issues, that relates to development issues, that relates to education issues, that

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relates to the other pieces that we have been assisting the Iraqis with. The State Department is taking the lead in trying to build those relationships. So they have a presence. They have bases throughout Iraq or locations where State Department officials will be.

In the absence of not having the military presence, then obviously in order for them to do their job, they have to have security. They have to have support. They have to have food. They have to have transportation. That is, obviously, brought about through a contracting approach.

Are there going to be risks associated with the contractors? Yes, I think that is the case. Do we have any other alternatives? No.

General DEMPSEY. Senator, could I comment on that question? Do we have time?

Senator AYOTTE. If it is okay with the chairman.

Chairman LEVIN. In response to the question, sure.

Senator AYOTTE. Thank you.

General DEMPSEY. This is not entirely new. Even from the very beginning when it was the Coalition Provisional Authority and then it became the U.S. Mission in Iraq, the State Department has always contracted for personal security. So it is not as though they have no experience in doing it. But this is orders of magnitude, and I think that is what people are reacting to.

But in order to help mitigate that, we have had a joint committee, the Department of State-DOD Joint Staff, in place since August 2010 to talk about transitioning activities in Iraq, 437 activities. We have transitioned 437 of them. We would be happy to brief you on that. We are going to retain the contract management. DOD will maintain, through directing contracting management authority, oversight or control of the contracts because we have the expertise. The contracting office representatives will be Department of State personnel on the ground. So we have recognized it, and we are working to mitigate it.

Senator AYOTTE. Thank you, General Dempsey. Thank you, Secretary Panetta.

I would just add this, though, back in August 2010, we were all talking about having some military support there, and when I hear from the Wartime Commission on Contracting commissioner that this is a disaster, I have real concerns about this in terms of protecting our personnel and also a waste of taxpayers' dollars.

Chairman LEVIN. Thank you, Senator Ayotte.

Senator Nelson.

Senator NELSON. Thank you, Mr. Chairman.

Thank you, Secretary Panetta and General Dempsey, for your service and for being here today.

I am going to try to bring things a little closer to home for the moment. The 935th aviation detachment from the Nebraska Army National Guard is scheduled to deploy in Iraq in May, but given our pending departure from Iraq in December this year, I understand that this deployment might be able to be moved, shifted to a new location, or canceled altogether. I am sure maybe the decision has not been made, but if it has, it would be interesting to know what it is.

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Concerning the end of the military missions in Iraq, how is DOD handling scheduled Guard deployments? I understand from the Guard that soldiers already sourced for deployment will have already started to make arrangements with their families, employers, and communities to deploy, everything from hiring temporary employees to cover the deployment of the soldier to moving families. So how will this work now to use units that are sourced for mobilization even when the requirements in Iraq seem to be changing right before our eyes?

General DEMPSEY. Yes, Senator, I will answer that and with my experience as the Chief of Staff of the Army because this was something we watch very carefully to make sure that before we hit a mobilization date, we understand where these organizations can be used so that we reduce the risk of having to demobilize them.

So the specific unit you are talking about, if it is inside of a year, it has already been mobilized. Therefore, it is training. Therefore, we will find a place to use it. What we have done in the past is we find a place to use that portion of it that wants to stay. Now, the first step is to see if there are volunteers to go back home, and we find that often a percentage of the unit will be happy to do that. The rest of the unit will typically be remissioned someplace. First choice would be in the area of responsibility, but there are other opportunities to do that as well. That is the procedure. You try to make a decision before you mobilize them, but if you have mobilized them and now the mission changes, we either remission them or allow those that choose to to go home.

Senator NELSON. So it is probably unlikely that they would be mobilized to go to Iraq.

General DEMPSEY. What kind of unit are they, sir? Aviation?

Senator NELSON. Aviation.

General DEMPSEY. Aviation is in high demand. It is among our most high-demand organizations. So it is likely that they would be used, unlikely that it would be in Iraq.

Senator NELSON. I would like to talk to you both today about providing certainty for military members and their families. I know that there have been a lot of discussion in connection with cost-cutting and cutting spending in Washington, DC, particularly as it relates to DOD dealing with military pay and compensation and benefits. I think that, obviously, earned military retirement benefits need to be maintained and, as promised, delivered. What are your thoughts and recommendations to change military retirement for members who are currently serving?

Secretary PANETTA. We have, obviously, discussed this as we have gone through the budget exercise, and I think our view is that this ought to be given to a commission. The President made that recommendation. We would support that to have a commission review the retirement area. But we also made clear that with regards to those that have served, that they ought to be grandfathered. We have made a commitment to those that have deployed. They put their lives on the line. We think we ought to stand by the benefits that were promised to them.

Senator NELSON. Keeping our promises is important. General Dempsey, you might have a view on that as well. I would be surprised if it was not the same.

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General DEMPSEY. It is exactly the same.

Senator NELSON. I understand.

General Dempsey, you might recall that some time ago, a few years ago, I visited Iraq and met with you, I think, when you were in charge of the training and acquisition mission. You outlined at that time how the Iraqi Government engaged with our military by contract for acquisition of military equipment because we were able to do it more efficiently and cost-effectively than they were because they did not have the acquisition structure in place in order to be able to do it.

Do you remember why we engaged them at that time in that bilateral agreement to acquire, through the use of their money, the equipment that they needed?

General DEMPSEY. Even then, Senator, it was clear to me that at some point we would have something that we would describe as a normal relationship with Iraq. One of the ways we solidify that relationship not just in Iraq, but around the world, is through our FMS program. So in those early days, we were able to convince the Ministry of Defense to invest. At that time, I think it was about $600,000, and today they have invested about $7.5 billion. It is a point of managing the relationship but also helping them grow their own capability to be responsible stewards of their own resources.

Senator NELSON. We have had a lot of discussion about the pros and cons of hiring outside contractors, and discussion will be ongoing. The proof will be how it works out as to whether or not it is as advisable as it seems to be upfront.

Now, in connection with that, in the cost differentials that may be there, is it possible to enter into an agreement with the Iraqi Government for cost-sharing on continuing to provide security, training of their troops, and every other mission that we might accept to help them secure, stabilize, and self-govern?

General DEMPSEY. Yes, sure it is, Senator. When we do multilateral and bilateral exercises around the world, there is always a negotiation on the cost, and who will bear it.

But I also have to mention, in terms of the contractor-supplied security, in any nation in which we are present diplomatically, the first responsibility for security is the host nation and then it is the close-in security that we are talking about that tends to reside with the contracted support.

Senator NELSON. I think it is debatable perhaps about the costs given the fact that the contractors will be paid by contract. The military requires more than just the soldier providing the security, all the backup, the back room, the supply, the support that the military gets. That is a factor that is not necessarily included in the contractor's agreement. Is that accurate, Mr. Secretary?

Secretary PANETTA. That is correct.

Senator NELSON. So it may not be as out of whack. I am not an advocate for contracting, but it may not be as disproportionate as it sounds up front with high numbers for contractors when you add in the cost of the back support for the military providing the security.

Secretary PANETTA. I believe that is correct.

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Senator NELSON. General Dempsey, do you have any thoughts on that differential and what it may consist of?

General DEMPSEY. I do, and the answer is we can actually peel that back and provide it to this committee or others.

Senator NELSON. I think that would be advisable.

General DEMPSEY. Yes. We call it "fully encumbered costs," and when you fully encumber it, it is not as dramatic as it might seem otherwise.

Senator NELSON. Thank you, gentlemen.

Thank you, Mr. Chairman.

[The information referred to follows:]

The fully encumbered cost of a soldier is $138,519/year. This number does not include contingency costs to deploy/sustain/redeploy forces to Iraq. Including all incremental costs that are not in the base budget (Reserve Component pay, transportation, sustainment, force protection, equipment reset), leads to an additional cost which has historically been between $500,000 and $800,000 per deployed soldier.

By comparison, the costs for contractor support depends greatly on the type of labor categories used to perform the work; types of contractors range from local national (LN) laborers, to third country nationals (TCN) providing installation support, to highly specialized U.S. citizens with security clearances. In general, TCN and LN labor costs are substantially lower than U.S. citizens. The anticipated contractor split supporting Department of State after 2011in Iraq is projected at: United States - 47 percent, TCN - 43 percent, LN - 10 percent. The following sampling of labor categories from various State Department support contracts provides further validation that not all contractors in Iraq are highly paid:

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- Senior Mechanic: $185,000/year.

Chairman LEVIN. Thank you, Senator Nelson.

Senator Collins.

Senator COLLINS. Thank you, Mr. Chairman.

Secretary Panetta, General Dempsey, before I turn to my question on Iraq, I want to share with you an experience that I had yesterday. I visited a wounded marine from Maine at Bethesda. He was severely wounded by an improvised explosive device (IED) in Afghanistan. He lost part of one leg. The other leg has a lot of shrapnel in it. Both of his arms were wounded, and he has a traumatic brain injury as well. He has recently been moved into a little apartment that has newly been built. They are wonderful accommodations for our troops and their family members, and his spirits are amazingly good and upbeat.

But I asked him if he had any concerns, and I want to share with you his concern. He said that while he praised the care that he was getting, that there was a severe shortage of physical therapists and other trained clinical personnel to help him in what is going to be a very long recovery. He is expected to be there for another 9 months. So he is looking at a long haul.

This really troubled me because here we had this young man who is probably 19 or 20 years old. He was wounded just 6 weeks after arriving in Afghanistan. He faces a very long recovery period. His spirits are high. His morale is good, but he is worried that he is not going to get the care that he needs because there has been a freeze, he said, put on the number of physical therapists that can be hired. He described a session to me where the physical therapist

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helps him for a while, then has to turn to other patients to help them, and he feels that is impeding his recovery.

So I mention this to you. I promised him that I would bring it to the highest levels. I am delighted that you are here today so that I could keep that promise. I ask you to look into that because none of us wants to be scrimping in any way on the care that we owe these wounded warriors who have given so much to our country.

Secretary PANETTA. Senator Collins, I appreciate your bringing that to my attention. I have been out to Bethesda a number of times, but I have not heard that there was a problem with physical therapists because, frankly, most of the soldiers, most of the troops that I visited with, all need tremendous physical therapy. It is the only way they are going to make it. They have great spirits, as you saw. They have great spirits, great hope for the future. But we have to have the physical therapists there to try to assist. So you can give him my assurance that I will look into this and make sure that that is not the case.

Senator COLLINS. Thank you so much. I am sure he will be delighted that we had this exchange, and I will get back to him.

Turning now to Iraq, we have been training the Iraq security forces for nearly 8 years now, and yet concern still exists about gaps in the numbers, the training, the capabilities, particularly as far as their ability to successfully defend the borders against the infiltration of weapons and militants from Iran.

Now, some people contend that until we withdraw most of our forces, the Iraqis are never going to step up to the plate fully to defend their country. I personally think that is a legitimate argument. But others say that if we withdraw our troops, that we will lose the security gains that have been so hard-fought.

So, General, given the outstanding concerns about Iraq's ability to defend itself against direct threats and against the infiltration of weapons from Iran, are you concerned that we are jeopardizing the security gains and that we will see a deterioration of security and a step-up in violence as we withdraw our troops?

General DEMPSEY. That was always a concern of mine. But I will say that over the last 3 years in my contacts with those who are—and I am dated. I have not lived in Iraq for about 4 years, but in my trips back and forth there and in conversations with those who are partnered with them, that is to say, our forces, they all have considerable confidence that the Iraqi security forces that we have built at great cost and effort over the last, as you said, 8 years will be able to maintain security inside of that country. What they lack is the institutions and that is where our effort ought to be at this point.

Senator COLLINS. What about the Kurdish region in Iraq? There are concerns that Kirkuk stands out as an unresolved area where there is still a lot of tension with the central government in Baghdad. I understand that only a small DOD contingent will remain there, and it is my understanding that the State Department is going back and forth on whether or not it should have a full consulate presence in Kirkuk or maintain a less formal diplomatic presence post. If there is no U.S. military presence to act as a buffer between the Kurdish forces and the Iraqi security forces, are you

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worried that this region of Iraq will become a destabilizing flashpoint?

General DEMPSEY. I worry about a lot of things, Senator, and I will include this among the list of things I worry about. We put in place several years ago joint checkpoints where there was a member of the Kurdish Peshmerga. There was a member of the Iraqi security forces and a U.S. service man or woman and a coordinating center. Part of our OSC footprint will include our participation in the coordination center. We will not be on the checkpoints anymore. That is true. So we will have to rely upon the continuing negotiations between the Kurdish political leaders and the Government of Iraq. But this is not, again, a place where we are completely removing ourselves, but your point is accurate. We will not be on the checkpoints. We have been there as a buffer. The risk goes up, but our presence in the coordination center provides a stabilizing influence to get them to find negotiated answers not violent answers.

Senator COLLINS. Thank you.

Finally, Secretary Panetta, we have military relationships with countries all over the world, and we have SOFAs with those countries. Are there other countries where we have a military presence that goes beyond protecting our embassies where we do not have the legal protections that a SOFA provides, or will Iraq be the only one?

Secretary PANETTA. There are obviously different—in different areas, there are going to be different approaches here. There are some areas where we have SOFAs. There are some areas where we basically put them under diplomatic protection of one kind or another if they work out of the embassy. So it does vary depending on the area that we are talking about in terms of protections.

I guess what I want to assure you is that in each area we do try to seek protections for the troops that are there because of the concern that they be treated correctly if any kind of incident takes place.

Senator COLLINS. That is absolutely critical.

What I am concerned about is while diplomatic immunity is pretty easily extended to troops that are guarding an embassy, for example, it sounds like our mission of our remaining troops in Iraq would be broader than that. So I am worried about whether the legal protections will be there for them.

Secretary PANETTA. That is a concern that we all have. If there is to be in the future a larger presence there, we have to ensure that they are given the proper legal protections. Depending on the size, that would determine whether or not a SOFA would be required.

Senator COLLINS. Thank you.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Collins.

Senator Hagan.

Senator HAGAN. Thank you, Mr. Chairman.

Secretary Panetta and General Dempsey, thank you for your service. We all certainly do appreciate what you all are doing.

In light of Senator Collins' question concerning the wounded warrior that she met yesterday, about 2 weeks ago, my office hosted

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a wounded warriors' luncheon for a number of soldiers from North Carolina, and they brought with them their family member that was helping them recuperate. We have done this before, and it was certainly a welcomed luncheon for me to get to attend and also I think all of these soldiers that were here at the Capitol appreciated the outreach from the office and they also got a Capitol tour.

But what was really intriguing too was one young man had lost his leg to an IED about 2 months before. He had been recuperating for about 2 months. He said he was most anxious to get back to the battle and that his job was to detect IEDs. I, too, just really highlight the morale, what these young men and women go through each and every day. So we do need to have as many physical therapists as possible to be sure that they do get the treatment that they have certainly paid for and deserve.

I want to talk about our Special Operations Forces (SOF). Our SOFs have engaged with their Iraqi counterparts in counterterrorism and training and advising activities. What will things look like in Iraq from a SOF standpoint going forward, and what type of engagement would our SOF have in Iraq?

General DEMPSEY. Yes, Senator. The size of the Iraqi special operating forces is about 4,500. They are organized into a counterterrorism section commanded by an Iraqi lieutenant general by the name of Kanani. We are partnered with him at the headquarters level and will remain so. We are in discussions with Iraq about training trainers that would stay inside the wire of the places where this counterterror force is located, not go with them on missions, but rather continue to train them to go on missions.

As I mentioned earlier, the gap is actually in their ability to identify the network and target it. We call it the "find, fix, finish, exploit, and assess cycle." They are very capable of fixing and finishing, not so capable as yet in finding, exploiting, and assessing, so that you continue to keep pressure on a network.

But I will tell you they are extraordinarily competent individual soldiers. What we have to do is keep raising the bar with them on their ability to do the things at echelons above tactics.

Senator HAGAN. With the drawdown taking place in less than 2 months, what is your outlook for the ability to continue this training process to enable them to be able to do this on their own?

General DEMPSEY. They will be limited. They do not have the airlift to deliver them to the target that we might have been able to provide. They do not have the ISR platform to keep persistent surveillance over top of the target. So they will be limited to ground movement and they will be limited to HUMINT, but part of the OSC provides the trainers to keep developing those other capabilities. But we are some time off in reaching that point.

Senator HAGAN. As we continue this drawdown of our U.S. military personnel from Iraq, I really remain concerned about their force protection, the individuals that are remaining in Iraq. So what are these remaining challenges for our military personnel in Iraq in terms of managing their vulnerabilities, managing their exposures during the drawdown?

General DEMPSEY. Senator, you are talking about getting from 24,000 down—the existing force now and having it retrograde back through Kuwait?

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Senator HAGAN. The ones that are going to remain over there.
General DEMPSEY. The ones that will remain will be——
Senator HAGAN. Their protection.
General DEMPSEY. Yes, Senator. First and foremost, we have 10 OSC in Iraq bases, and their activities will largely be conducted on these bases because their activities are fundamentally oriented on delivering the FMS program. So F–16s get delivered. There is a team there to help new equipment training and helping Iraq understand how to use them to establish air sovereignty. Or there are 141 M–1 tanks right now generally located at a tank gunnery range in Besmaya, east of Baghdad. The teams supporting that training stays on Besmaya. So this is not about us moving around the country very much at all. This is about our exposure being limited to those 10 enduring, if you will, OSC base camps and doing the business of training and educating and equipping on those 10 bases.

The host nation is always responsible for the outer perimeter. We will have contracted security on the inner perimeter, and these young men and women will, of course, always have responsibility for their own self-defense.

Senator HAGAN. So we will have contracted security on the inner perimeter.

General DEMPSEY. That is right.

Senator HAGAN. Iraqi counterterrorism forces in partnership with the U.S. special operations personnel have significantly degraded al Qaeda in Iraq's ability to conduct these spectacular attacks by repeatedly removing the group's mid- and senior-level leadership, which I compliment you on. These operations were enabled by U.S. capabilities including our unmanned intelligence platforms.

What do you assess are the capabilities of Iraqi counterterrorism forces to continue these similar operations, some of what you were just describing, General Dempsey, against al Qaeda in Iraq, once again, in the absence of our forces, and how will our counterterrorism activities change following the drawdown of the U.S. military? You have just identified some, but it seems with the lack of all the other personnel, that this is going to be a very hard task.

Secretary PANETTA. If I could, Senator, in my past capacity, we were helping to provide a lot of intelligence and assistance, and I think some of those efforts will continue to provide intelligence, try to provide assistance in these areas.

Having said that, the one thing that I have been impressed by is the fact that their counterterrorism operations have been very effective, and despite the fact that we have drawn down 150,000 to 24,000 now, they have been very good at going after al Qaeda and being able to go after the threats that they have been able to perceive.

There is a need—and I think General Dempsey has pointed this out—with regards to some of the capabilities, helicoptering in, being able to have the ISR above. Those are the areas where we are going to have to provide assistance to them so that they can develop that capability. But they are still very good at going after those targets.

Senator HAGAN. Thank you, Mr. Chairman.

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Chairman LEVIN. Thank you, Senator Hagan.
Senator Graham.
Senator GRAHAM. Thank you, Mr. Chairman.
Thank you both for testifying. This is a very important issue for the country, and I think we have had a good discussion.

Number one, I completely concur with the idea that American troops should not be left behind in Iraq without legal protections. It is not fair to them. To say that the Iraqi legal system is mature is being gracious. If an American soldier were accused of rape anywhere in Iraq, I do not think they would get a fair trial. So at the end of the day, Iraq has a long way to go on the legal side and I think a long way to go on other sides.

My concern is that I have never bought into the idea that the impasse was getting the parliament to approve an immunity agreement. I will just give you one vignette. I went over with Senator McCain and Senator Lieberman in May to talk to the Prime Minister about a follow-on force, and I was discussing with him that no American politician, Republican or Democrat, would accept a follow-on force without legal protections. As we were talking about it, he says, "well, how many people are you talking about? What is your number?" I turned to Ambassador Jeffrey and General Austin and said you have not given them numbers. He says, "no, we are still working on that." That was in May.

So let us get into this, General Dempsey. 16,000, 10,000, 5,000, cascading. Is it your testimony that we were proposing 16,000 to the Iraqis and they said no? Then we came back with 10,000 and they said no. Then we came back 5,000 and they said no. Then it got to be 0.

General DEMPSEY. No, that is not what I testified to.

Senator GRAHAM. What caused the cascading effect? General Austin told me—and I will just tell you now because it is so important—he thought we needed 19,000, and I said, "Lloyd, that is probably going to be more than the market can bear." I said that because I am concerned about American politics too.

Then the numbers were around 15,000 to 16,000. Then we started about 10,000. It came to 10,000, and nobody got below 10,000. So I know what General Austin had on his mind.

At the end of the day, General Dempsey, you are right. It is about the missions you want that determines the numbers. We have gone through it pretty well. Iraq does not have the intelligence capacity we do. We need to make sure they have better intelligence. They do not have an air force. We need embedders. We need trainers. We need counterterrorism. We need to referee the Kurd-Arab dispute. I think 10,000 or 12,000 is what you need. At the end of the day, we are down to 0.

I guess my question is, is Iran comfortable with a democracy on their border in Iraq, Secretary Panetta?

Secretary PANETTA. I think they are very nervous about having a democracy on their border.

Senator GRAHAM. Let me tell you what the speaker of the Iraqi parliament, a Sunni, Mr. Najaf, said. Iraq now suffers from points of weakness. If neighboring countries see that Iraq is weak and incapable of protecting its border and internal security, then definitely there will be interference. This interference does not exist

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now. He was talking about how Iran would step up their efforts to destabilize Iraq if we all left.

Do you agree that is a more likely scenario? They are doing it now. They are only going to do it more if we do not have anybody there.

Secretary PANETTA. I think there will be a continuing threat. I think that the reality is that the Iraqis do not want to have Iran exert that kind of influence in their country.

Senator GRAHAM. Now, if the Sunni speaker of the parliament is worried about that, is there any doubt the Kurds want us there? If it were up to the Kurds, there would be 50,000 American troops in Kurdistan. Do you agree with that?

Secretary PANETTA. Yes.

Senator GRAHAM. So we know the Sunnis are worried about this, and we know the Kurds would have 50,000 if we would agree to put them there. I would not agree to that, but they are very welcoming of U.S. troops. So I am getting a little bit concerned that all the blame on the Iraqi political system is maybe not quite fair.

Secretary Panetta, you were a politician in another life. Would it be a political problem for President Obama to announce this year that we are going to keep 15,000 people in Iraq past 2012? Did that ever get considered in this administration? Did anybody ever talk about the numbers changing because the Democratic base would be upset if the President broke his campaign promise?

Secretary PANETTA. Not in any discussions that I participated in.

Senator GRAHAM. Do you think it ever happened anywhere? Do you think anybody in the White House ever wondered about the political effect of having troops in Iraq on the 2012 election? You talk openly about the Iraqis having political problems. You do not think there are any politics going on on our side?

Let me ask you about Afghanistan, General Dempsey. Did any commander recommend that all of the surge forces be pulled out by September 2012?

General DEMPSEY. I honestly do not know, Senator.

Senator GRAHAM. Let me tell you. The testimony is clear. No option was presented to the President in July to recover all surge forces by September 2012, and you put General Allen in a terrible spot—the administration has. I think it is no accident that the troops are coming home 2 months before this election in Afghanistan, and if you believe that to be true, as I do, I do not think it is an accident that we got to 0.

Now, at the end of the day, we are at 0. Do you think the people in Camp Ashraf are going to get killed? What is going to happen to them?

General DEMPSEY. Senator, the State Department is leading an effort to ensure that we work with the Iraqi——

Senator GRAHAM. Can you tell the people back here that the likelihood of their friends and family being killed is going up greatly if there are no American forces up there policing that problem?

General DEMPSEY. I will not say anything to those people because I am not involved in the outcome.

Senator GRAHAM. Fair enough.

I asked Admiral Mullen, your predecessor, what is the risk of an Arab-Kurdish conflict over the oil reserves around Kirkuk in terms

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of a conflict if we are not present. He said it was high. Do you agree with that?

General DEMPSEY. I might have said moderate because of my own personal contacts with both the Kurds and the Iraqis.

Senator GRAHAM. So you believe that there is a moderate risk, not a high risk, if there are no U.S. forces policing the Kurd-Arab borderline disputes and the Kirkuk issue.

General DEMPSEY. I do. I would like to take some time to articulate why I believe that, but if you would like me to take that for the record, I would be happy to do so.

Senator GRAHAM. I would.

[The information referred to follows:]

The lack of a continued presence by U.S. forces in the vicinity of Arab-Kurd disputed areas presents a moderate risk to Iraqi security.

In the past, U.S. forces fostered cooperation and coordination between the Iraqi Security Forces (ISF) and Kurdish regional forces (the peshmerga) through the Combined Security Mechanism (CSM), an agreement that allows these forces to operate jointly in selected areas. Our forces participated in the joint patrols and manned combined checkpoints. They served as honest-brokers and helped mitigate the risk of local-level violence between the ISF the peshmerga. Unless another neutral and credible third party fills this role, there will be some risk of an outbreak of violence between these groups.

That said, what our presence and our participation in the CSM did not and could not do is help resolve the underlying Arab-Kurd political tensions. This is the real issue, and a national-level solution is ultimately required. Such a solution would involve, at a minimum, agreements on the disputed internal boundaries, the governing status of Kirkuk, the sharing of hydrocarbon revenues, and the structure of national, regional, and local security forces. Resolving these issues will be challenging and will take great effort and compromise from both sides. However, given my experiences dealing with both Arab and Kurdish leadership, I believe that the risk of a full political failure and the outbreak of an Arab-Kurd civil war to be moderate, not high.

Senator GRAHAM. Now, do you believe it is smart for the United States not to have counterterrorism forces? Is it in our national security interest not to have any counterterrorism forces in Iraq?

General DEMPSEY. It is in our national security interest to continue pressure on al Qaeda wherever we find them either by ourselves or through partners.

Senator GRAHAM. But do you think the counterterrorism problem in Iraq is over?

General DEMPSEY. I do not.

Senator GRAHAM. Secretary Panetta, you have been great about this. You said there are a thousand al Qaeda in Iraq, and I know in your old job that you are very worried that they are going to reconstitute. So will you do the best you can to convince the Iraqis—and I tell you what. I am willing to get on a plane and go back myself—that they would benefit from counterterrorism partnership with the United States?

Secretary PANETTA. I have made that clear time and time again.

Senator GRAHAM. They just tell you they are not concerned about that.

Secretary PANETTA. What they tell me is that they are concerned about that. They obviously have their forces that are dealing with that.

Senator GRAHAM. Is it your testimony the Iraqis would not have 3,000 U.S. forces? They do not want any U.S. forces at all. They are not willing to expend the political capital to get this agreement

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done because they just do not see a need for U.S. forces. Is that the Iraqi position that they have come to the point in their political military life that they just do not need us at all?

Secretary PANETTA. I think the problem was that it was very difficult to try to find out exactly—when you say the Iraqi position, what exactly the Iraqi position was at that point.

Senator GRAHAM. What is the Kurdish position in Iraq about U.S. forces?

Secretary PANETTA. I do not think there is any question they would like to——

Senator GRAHAM. So what is the Sunni speaker of the parliament's position about U.S. forces?

Secretary PANETTA. I think the same.

Senator GRAHAM. When I was with Prime Minister Maliki in May, the next day he announced that he would accept a follow-on force if other parties would agree. So how did this fall apart?

Secretary PANETTA. I heard the same statements and read the same statements. But the problem is in the negotiations that involved the Ambassador, that involved General Austin, in those discussions they never came to the point where they said we want this many troops here.

Senator GRAHAM. I can tell you—and I have taken my time. I can tell you in May they had no number given to them by us. They were in the dark as late as May about what we were willing to commit to Iraq. So this is a curious outcome when you have Sunnis and Kurds on the record and the Prime Minister of Iraq saying he would accept a follow-on force if the others agreed. I do not know who does the negotiation for the United States, but if I had three people saying those things, I thought I could get it over the finish line. But we are where we are.

Thank you for your service.

Chairman LEVIN. I am just going to have a second round for those of us who are here, just maybe a couple questions each so we can get to our second panel.

Mr. Secretary, did Iraq ever request U.S. trainers or other troops remain in Iraq after December 31, and if so, what number did they request and were they willing to grant legal protection, immunity to our troops?

Secretary PANETTA. There was no such request.

Chairman LEVIN. Senator McCain.

Senator MCCAIN. Just briefly, Mr. Chairman.

I do not see how you could have expected the Iraqis to agree when we could not give them a number, and that was not just the case in May. We came back. We kept asking the President's National Security Advisor and others what is our proposal, and we never had one until it got down to, I guess, 5,000 or 3,000. History will show, Secretary Panetta, that they were ready to negotiate in May and we would not give them a hard number both as far as numbers are concerned and missions are concerned. So it is hard to understand how anyone would believe that they were reluctant to negotiate when we would not give them a number to negotiate from. But history will provide that, and I am sure we will have further spirited exchanges on this issue in the future.

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But I also wanted to thank you for the letter that you wrote to me and Senator Graham. I think it crystallizes the challenges that our Nation would face if we had sequestration. I do not think there is any two greater deficit hawks than Senator Graham and me. But your letter, I hope, is read by every Member of Congress and every citizen of this country because we cannot put our Nation's national security at risk. You gave us a very definitive answer, and I want to thank you for that.

Secretary PANETTA. I appreciate it.

Senator MCCAIN. I want to thank you and General Dempsey for your continued leadership and putting up with these occasional insults that you have to endure here in the Senate. [Laughter.]

Could I just say finally on the Camp Ashraf issue? I know that the Secretary of State is addressing this issue, but it is American troops that are protecting them now. I hope that you can give us some idea as to what the disposition is going to be because I think it is very clear that the lives of these people are at risk.

I thank you.

Secretary PANETTA. I appreciate that.

Senator MCCAIN. Thank you, Mr. Chairman.

[The information referred to follows:]

The State Department has the lead on this issue for the U.S. Government. I understand they are working actively with the Government of Iraq, the international community, and the residents of Camp Ashraf on an acceptable solution that avoids further bloodshed. I would refer you to the State Department for additional information.

Chairman LEVIN. Just on that point, if we turn it into a question, it may be, General, this needs to be addressed to you to. There is obviously a greater risk to folks there unless the Iraqis keep a commitment and what is going to be done to make sure, to the best of our ability, that they keep that commitment, and what about the question of removing them from the list—not them but the organization from the terrorist list? We are all concerned about that.

General DEMPSEY. We share your concern. Lloyd Austin shares the concern, and I know Ambassador Jeffrey shares the concern. There is no—we are not sparing any diplomatic effort to encourage the Iraqis to do what we think is right in this regard to ensure the protections of those folks in Camp Ashraf.

But right now, actually the Iraqi security forces guard Camp Ashraf with our advisory and assistance group with them. So the concern about that capacity, when we do leave, that capacity is a real one. But I actually think we have to put the pressure on the Iraqi Government diplomatically to have the outcome we think is correct.

Chairman LEVIN. Just assure them, if you would, that there is a really strong feeling around here that if they violate a commitment to protect those people, assuming that they are still there and that they have not been removed from the terrorist list so they can find other locations, that if they violate that commitment to us, that is going to have a severely negative impact on the relationship. I think I can speak here for Congress, although I am reluctant to ever say that. I think there is a lot of concern in Congress about it, and this will, I believe in my opinion, severely negatively

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impact their relationship with the U.S. Congress. Let me leave it at that.

Secretary PANETTA. Senator, I want to assure you that Ambassador Jeffrey has made that point loud and clear to the Iraqis.

Chairman LEVIN. Senator Lieberman.

Senator LIEBERMAN. Thanks, Mr. Chairman.

I would add my voice, and I think you can speak for Congress, Members of both parties in both Houses, in expressing our concern about the safety of the people in Camp Ashraf.

This is one of a series of what I would call "what ifs" which have different answers now that we are dealing with a sovereign Iraq. I suppose this is true whether we have troops in Iraq or not or outside or in the neighborhood. We are going to be relying on diplomacy, cajoling them. What if there is a victimization, attacks on the people at Camp Ashraf. What if al-Sadr, who says he wants the U.S. embassy out of Baghdad, begins to strike at the embassy beyond the capacity of the security forces? What if a conflict breaks out between the Kurds and the Sunni Arabs at the fault line there in the north? I think I would just leave that question because it is an answer that is going to be spelled out in our negotiations with them.

I do not know if I am quoting somebody whose testimony on the second panel I read, but I thought it was a great quote. Maybe I got it from somebody else about diplomacy. Frederick the Great apparently said that "diplomacy without military force behind it is like music without instruments." There is something to be said about that.

My question is to ask you, Mr. Secretary, if you would just spend a moment to develop in a little more detail the statement that you made earlier that we will have 40,000 American troops in the region. Does that include the 24,000 now in Iraq? Have we made a decision to increase the number? Based on the failure to have more troops in Iraq after January of next year, have we made a decision to increase the number of troops in the region outside of Iraq for some of those "what ifs" that I just talked about?

Secretary PANETTA. No, Senator, that did not include Iraq. What we have now is in Kuwait we have almost 29,000; Saudi Arabia, we have 258; Bahrain, over 6,000, close to 7,000; UAE, about 3,000; Qatar, 7,000. If you go through the region and add up all those numbers, that is the 40,000.

Senator LIEBERMAN. So has there been a decision made to increase that number at all because we were unable to reach an agreement about a continuing presence of American troops in Iraq, in other words, keeping them in the region?

General DEMPSEY. Yes. I would not describe it as a cause-and-effect relationship based on what happened in Iraq, but rather our continuing concern with a more assertive Iran.

Senator LIEBERMAN. Right.

General DEMPSEY. We are looking at our CENTCOM footprint. Senator, that prior to 2001, we routinely rotated brigades in and out of Kuwait for training, but also as part of deterrence. I think we have not negotiated this with Kuwait yet, but it would be my view that we should have some kind of rotational presence, ground, air, and naval.

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Senator LIEBERMAN. Some of those would be combat troops?
General DEMPSEY. Absolutely.
Senator LIEBERMAN. Thank you.
Chairman LEVIN. Now, Senator Shaheen has not had a first round, but if you would limit it to a couple of questions this second round.
Senator SHAHEEN. Thank you, Mr. Chairman.
Secretary Panetta, General Dempsey, it is very nice to have you both here.
You mentioned, General Dempsey, the more assertive Iran and clearly Iran's attempting to assert influence throughout Iraq. Can you discuss how we are working with some of our partners in the region to try and thwart that influence? Specifically, if you could start with Turkey, because we have cooperated in the past with Turkey on the Kurds in northern Iraq, and we are seeing that violence between Turkey and the Kurd rebels has escalated since the summer. We saw a major Turkish operation into Iraq, and yesterday there were reports that U.S. drones have deployed into Turkey from Iraq for surveillance flights. So can you just give us an update on that situation?
General DEMPSEY. I can. Thank you, Senator.
Each combatant commander has a theater security cooperation plan that supports both building the capability of our partners, allows us to make ourselves better, and deters potential adversaries. So in Turkey, for example, we have recently, as you have described, taken the ISR platform that was currently flying out of Balad in Iraq and it is now flying out of Incirlik in Turkey to support the Turks in their fight against terrorism. The Turks recently agreed to put a Tippy 2 radar as part of the European phase adaptive approach, integrated air defense, against the possibility of a rogue missile strike from Iran if they develop that capability.
Then if you walk down the Gulf, the Gulf Cooperative Council, we have bilateral agreements with each of them, some of which are multilateral, for example, air defense, some of which are exclusively bilateral.
Then the other thing we do is exercises as well as this FMS program, which becomes a significant cornerstone of our relationship with these countries.
Senator SHAHEEN. Relative to the U.S.-Turkey cooperation on the Kurds, how is Iraq responding to that?
General DEMPSEY. Iraq has consistently denounced the presence of the PKK on Iraq soil, and so too, by the way, has the Kurdistan regional government. So there has not been any friction as long as there has been transparency about intent.
Senator SHAHEEN. So we are cooperating with them as we are doing these kinds of actions.
General DEMPSEY. We are, Senator.
Senator SHAHEEN. You talked about some of the other neighbors in the region. Obviously, again, back to Iran and their effort to influence Iraq and the region, does Iraq view its potential to be a proxy for Iranian influence and for some of the other influences in the region to play out in Iraq? Do they see that as a possibility and are they concerned about it?

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Secretary PANETTA. I think they are aware that that is a possibility, and I think more importantly they clearly resist that effort. They have made very clear that Iran should have no influence as to the government in Iraq.

Senator SHAHEEN. Again, to stay on Iran, I know that the hearing is about Iraq, but given the recent reports this week from the IAEA about Iran's pursuit of nuclear weapons capability, obviously that threatens not only us, the region, but Iraq, I would assume, is very concerned about that prospect. So are we working with Iraq to try and isolate Iran in response to this report, or have we been doing other actions around Iran's potential to get nuclear weapons?

Secretary PANETTA. We have worked very closely with Iraq in trying to make it very clear to Iran that they ought not to provide any kind of military weaponry particularly to the extremists in Iraq, and they have cooperated fully in that effort. In addition, I think they share the concern about any kind of nuclear development in Iran.

Senator SHAHEEN. Are they also working with other nations in the Middle East to share that concern? So do you see, in terms of their relationship with other Middle Eastern countries, Saudi Arabia, Qatar, some of the other countries you mentioned—do you see that as a cooperative effort that everybody is concerned about?

Secretary PANETTA. I do not know the extent of the cooperative effort there, but I think they have made their position clear. From my own experience, the other countries in the region basically share that same viewpoint.

Senator SHAHEEN. You talked, I believe, in your opening statements about our continuing strategic relationship with Iraq. As we look into the future, the next 10, 15, 20 years, what is the shared interest that we expect to continue to have with Iraq? Obviously, in the short-term we have spent a lot of resources and certainly human lives to help defend Iraq and support their ability to have a free democratic country. But long-term, I think, we are in a different situation than post-World War II, for example, where Europe and Japan had the threat of communism to help us have a mutual strategic interest. But what do we see that interest being in Iraq?

Secretary PANETTA. Senator, I think the President has made this clear and the Prime Minister has made it clear that we are going to continue a long-term relationship with Iraq. Obviously, it is going to be multi-tiered. My hope is that we can develop that normal relationship that we have with other countries in the region so that we can assist on training, can assist on counterterrorism operations, can assist with regards to intelligence in other areas. I think if we can develop that kind of relationship with Iraq, that we can actually strengthen their ability to deal with the threats that we are concerned about.

General DEMPSEY. If I could add, Senator, because I lived there for 3 years and studied it quite extensively. I think when you talk about the future of our relationship with Iraq, Iraq sits on three prominent fault lines, Arab-Kurd, Arab-Persian, Sunni-Shia. So I think Iraq has the potential to be a stabilizing influence. It also has the potential to be a destabilizing influence. It has been for 20 years. We would expect and aspire to help them to be a stabilizing

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influence and have enormous economic potential. So I do think we should take a long view of this thing.

Senator SHAHEEN. Thank you.

Chairman LEVIN. Thank you, Senator Shaheen.

Senator Sessions? He has not had a first round either.

Senator SESSIONS. I have not had a first round, but Senator Graham had a time constraint. Could I yield to him and do my first round later?

Chairman LEVIN. Of course. The second round was a couple questions.

Senator GRAHAM. Yes, I will try to make it very quick.

One, we have people in military custody in Iraq. Is that correct, Secretary Panetta?

Secretary PANETTA. That is correct.

Senator GRAHAM. There is a suspect called Daqduq, a Hezbollah suspect, who has been accused of plotting the murder of five or six American soldiers. Do we know what is going to happen with him at the end of this year?

Secretary PANETTA. We have made our concerns known to the Iraqis about the importance of detaining that individual, but others as well that we are concerned about.

Senator GRAHAM. Do you agree with me if he is tried in an Iraqi court, justice is not going to be delivered. He should come to the United States and be tried by military commissions.

Secretary PANETTA. I think he would certainly find better justice here.

Senator GRAHAM. I promised to be very quick.

General Dempsey, did any Iraqi commander ever suggest to you that they did not need a follow-on force or did they ever object to a follow-on force?

General DEMPSEY. The Iraqi military leaders were universally supportive of us continuing to partner with them.

Senator GRAHAM. One last question. Do you agree with me that if we had 10,000 to 12,000 U.S. forces performing refereeing duty between the Kurds and the Arabs, embedding counterterrorism, intelligence gathering, and training, that the likelihood of Iraq becoming a successful, stable state is dramatically improved?

General DEMPSEY. I am not equivocating. I do not know, Senator. I think that probably there is a higher likelihood that it would be stabilizing. But there is, nevertheless, the possibility that it would be destabilizing.

Senator GRAHAM. Would you recommend to the President if the Iraqis would accept—give us immunity to keep troops there?

General DEMPSEY. If the Iraqis approach us with the promise of protections and we can negotiate the missions, then my recommendation would be to find a way to assist them.

Senator GRAHAM. Is that true with you, Secretary Panetta?

Secretary PANETTA. Yes.

Senator GRAHAM. Thank you both.

Chairman LEVIN. Thank you.

Senator Sessions.

Senator SESSIONS. Thank you.

That was a very significant question because we have a big decision to make, and we are heading toward a path that, from my per-

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spective, creates great concern that as a result of an artificial deadline, we are placing at risk a goal that we have spent many years now working toward, expended great amounts of money and lives and blood to achieve. So to accelerate too fast in the last days for some artificial reason, not a core military reason, is very worrisome to me. Now, that is just my perspective, and I am really worried about it.

Second, Mr. Secretary, you have been in the White House. You know how the world works. There has been a belief somehow that the State Department can fill the role of the military. We are going to have a big embassy there. We are going to have 16,000 State Department—does that include the security personnel also—there that is going to replace the military. Forgive me, but I just am not confident that they are capable of fulfilling that role. State Department people cannot be asked to go down a dangerous road. General Dempsey says we are going down the road. They salute and they go. They put on their helmets. They put on their bullet-proof vests. They get in their military vehicles and they go do the job. They go meet some tribal leader, some regional official, some mayor. They do that. So now we are going to have a series of State Department compounds apparently with some private security.

But would you not agree, Secretary Panetta, that a determined adversary could place the State Department personnel at risk if they move away from those compounds and actually get out and travel the countryside and attempt to build a stronger, healthier nation?

Secretary PANETTA. Obviously that is the purpose of having that security detail with them. But I would also say, Senator, that our hope would be that this is not just a State Department presence, but that ultimately we will be negotiating a further presence for the military as well.

Senator SESSIONS. Thank you for saying that. I just would say sometimes in the White House elbows fly. You have been there, they do. So would you bring to bear your experience and best judgment? Would you be sure that it is well-discussed, the dangers of a total removal of the military and totally turning this over to the State Department?

Secretary PANETTA. I think everyone understands the risks involved here, and that is the reason we are in negotiations with them about trying to maintain a military presence that can assist them to help provide the right security.

Senator SESSIONS. I remember Secretary Condoleezza Rice saying to me that—maybe in testimony—that she was prepared to call any member of the State Department that they needed in the theater and ask them personally to go. The Secretary of State personally would ask them to go. So that indicates—that just reveals the fact that State Department personnel are not required and don't have the same duty that the military does to go into dangerous areas. First of all, thank you, General Dempsey, for your service in Iraq and the war on terror. All the men and women who have gone into harm's way, gone wherever they have been asked to go even though it was dangerous. State Department personnel are not assigned to do that in the same way and I just believe we will lose

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something if you are not successful in maintaining a military presence.

Thank you, Mr. Chairman. I know the vote has started. So you guys can relax from my perspective.

Chairman LEVIN. We thank you very much for your testimony. We just appreciate all you do for our troops and their families.

We will move to our second panel even though a vote has begun. [Pause.]

We are going to begin with this panel, and I am going to try to catch the end of the first vote and vote the second vote. Here is what we are going to do. We are going to begin with the testimony of the second panel. Some of my colleagues are going to be voting the first vote, I hope come back, and then go and vote at the end of the second vote. That is what Senator McCain is going to try to do. What I am going to do is open up the second panel, listen, I hope, to all of the testimony and then run and vote, stay for the beginning of the second vote. The bottom line is this is going to be a little bit scattered, but I think the witnesses are probably all familiar with the way that works around here.

So let us continue today's hearing on security issues relating to Iraq with the second panel comprised of three outside witnesses.

First, Brett McGurk. He served as a senior policy advisor on Iraq issues for both President Bush and President Obama. On President Bush's National Security Council, Mr. McGurk served first as the director for Iraq and then as special assistant to the President and senior director for Iraq and Afghanistan. He remained on the National Security Council into the Obama administration serving as a special advisor. Mr. McGurk also served from 2007 to 2008 as the lead U.S. negotiator on the U.S.-Iraq Security Agreement and the bilateral SFA. He is currently a visiting scholar at Columbia School of Law.

Second is Dr. Douglas Ollivant. Dr. Ollivant is a senior national security fellow with the New American Foundation and a retired lieutenant colonel in the U.S. Army. Earlier this year, Dr. Ollivant returned from a 1-year tour as a counterinsurgency advisor to the commander of Regional Command East in Afghanistan. He served also at the National Security Council as director for Iraq in both the Bush and Obama administrations. From 2006 to 2007, he served in Iraq as the chief of plans for Multinational Division Baghdad.

Finally, we have Dr. Kenneth Pollack, senior fellow and director of the Saban Center for Middle East Policy at the Brookings Institution. He has twice served on the National Security Council from 1995 to 1996 as the director for Near East and South Asian Affairs and from 1999 to 2001 as the director for Persian Gulf Affairs. Dr. Pollack has also served as a military analyst at the Central Intelligence Agency. He has written extensively on Iraq and Middle Eastern affairs, including several books.

We welcome our witnesses. We thank our witnesses, and we look forward to your testimony.

Senator McCain will be back to give his opening statement as soon as he has had the opportunity to vote.

I want to make sure I am calling in the order indicated. So, Mr. McGurk, I will call on you first.

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STATEMENT OF BRETT H. McGURK, VISITING SCHOLAR, COLUMBIA UNIVERSITY SCHOOL OF LAW

Mr. MCGURK. Thank you, Chairman Levin, Senator McCain, and distinguished members of the committee.

It is an honor to appear before you at such a critical juncture in Iraq. I have been involved in Iraq policy for nearly 8 years, spending more than 3 years in Baghdad and 4 years in the White House. My testimony this morning is my own personal opinion and not the views of the U.S. Government.

I will review where we have been and then look forward over the next 12 to 18 months. This will be a transitional period of risk and opportunity for the United States. Given the stakes in Iraq and the greater Middle East region, it is critical that we get this right and I believe we can.

I divide the past 8 years into three phases: descent, turnaround, and transition. The period of descent from 2003 to 2007 was characterized by a policy that failed to reflect circumstances on the ground, with an over-reliance on political progress to deliver security gains and failure to grapple with Iraq as we found it, a nation and population wrecked by decades of war and dictatorship that left nearly 1 million people dead.

The turnaround began in 2007, enabled by a new policy that focused on security first and began to stem what was becoming a self-sustaining civil war. That policy is now known as "the surge." But in the White House, during the planning stages, we called it a bridge: a boost in resources to bridge gaps in Iraqi capacity and set conditions for U.S. forces to move into the background. As President Bush said at the time, if we increase our support at this critical moment and hope the Iraqis break the current cycle of violence, we can hasten the day our troops begin coming home.

Contemporaneous with this new policy, we began negotiating a long-term security and diplomatic relationship with Iraq. Talks began in the summer of 2007 and resulted in a preliminary text called the "Declaration of Principles" that envisioned a relationship across many fields, including education, economics, diplomacy, and security.

Security came last for two reasons. First, it was essential for our own interests that security was but one part of a broader relationship. Second, a security agreement alone, even at that time with nearly 160,000 U.S. troops deployed, was unlikely to survive the crucible of Iraq's political process.

Iraq's historical memory focuses on a few singular events, one of which is a security agreement negotiated with the United Kingdom in 1948. That agreement was meant to affirm Iraqi sovereignty by mandating the withdrawal of British forces but permitted ongoing British access to Iraqi airbases and sparked massive riots that left hundreds dead, a toppled government, and an abolished agreement.

Mindful of this experience, our negotiations over the course of 2008 focused on a broader set of issues, but they nonetheless became fraught, particularly as Iraqis, beginning with the battle of Basra in the spring, pressed demands for sovereignty and control over their own affairs. In addition, our own positions at the time, one of the most sensitive issues, including immunity for U.S. personnel and contractors, were at first unrealistic. Thus, when a pro-

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posed U.S. text leaked over the summer, our talks reached a dead end.

The process of restarting those talks began at the third phase of the war, transition. This is not what we originally intended, but it was fortunate because it provided a clear road map that has lasted to this day with broad U.S. and Iraqi support.

On November 26, 2008, Iraq's parliament ratified two agreements, the first called the Security Agreement, set the terms for a phased withdrawal of U.S. troops from Iraqi cities by June 30, 2009, and from Iraq by the end of 2011. The second, called the SFA, set a foundation for permanent relations in the areas of diplomacy, culture, commerce, and defense. These agreements passed only in the last possible hour before a year-end recess in the Iraqi parliament, and on the morning of the final vote, I sat with Ambassador Ryan Crocker in Baghdad believing the vote might not succeed.

Under the Security Agreement, the first transition milestone was the withdrawal of U.S. troops from Iraqi cities in June 2009. I was in Baghdad at that time. There was great unease at the embassy and within MNF–I that withdrawing from Baghdad would abandon hard-fought gains. I shared that unease. But the tactical risk of withdrawing was outweighed by the strategic gain of allowing Iraqi forces to control their streets for the first time. Security incidents, already approaching record lows, continued to fall after our withdrawal.

The next transition milestone was August 31, 2010. Shortly after his inauguration, President Obama set that date for withdrawing U.S. forces to 50,000 from nearly 130,000 when he took office and shifting our mission from combat to advising Iraqi forces. I had left Baghdad in late 2009 and the following spring wrote two articles for the Council of Foreign Relations urging reconsideration of that milestone. Iraq had just held national elections. Less than 1 percent separated the two major lists. Government formation had yet to begin. So withdraw to 50,000?

When I returned to Baghdad that summer, however, I saw firsthand that Iraq had already crossed the bridge. Outside the specialized area of high-end counterterrorism, which by 2010 did not require a large number of troops, our security role was increasingly indirect. The drawdown to 50,000 passed without incident and security trends remained stable, even during a period of great political uncertainty, which lasted into December of last year.

The next stage of transition was the drawdown of all U.S. forces by the end of this year.

Chairman LEVIN. Mr. McGurk, I am going to interrupt you—forgive me—because I am going to have to run and vote now.

We are going to recess for about 10 or 15 minutes. Can you all stay here for that period of time? I am sorry for the chaos. If anyone else comes back during this period, they can restart it. So it will be about 10 minutes. [Recess.]

Senator MCCAIN [presiding]. I would like to apologize to the witnesses for the machinations of the U.S. Senate which require us to be on the floor which, obviously, has affected the lunches that are coming in. We would like to go ahead with your testimony, but I would like to recommend to the chairman that we bring you back

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on another day. I think your opening statements we should proceed with and maybe ask you to return on another day because I think your testimony is important. I think your involvement in this issue is important. Unfortunately, the majority of my colleagues are not here to listen to what you have to say. I hope you understand and I apologize for it. I think maybe we could go ahead with the opening statements, and then I will ask Senator Levin if perhaps we could go ahead and ask you to come back again another time before the committee.

Mr. McGurk, were you testifying?

Mr. MCGURK. I was, Senator. I can pick up where I left off.

Senator MCCAIN. Please continue.

Mr. MCGURK. Thank you.

Senator MCCAIN. Again, my apologies.

Mr. MCGURK. Thank you, Senator.

In the beginning I just laid out where we had been from the surge until now, the surge being so critical to getting to the point we are now.

The next stage of the transition was the drawdown of all U.S. forces by the end of this year. This past July, I returned to Iraq to assist Ambassador Jeffrey and General Austin who were in discussions with Iraqi leaders on whether and how to extend that deadline. Ultimately the decision was made not to do so. In my view, there is one primary reason for that decision. Iraqi and U.S. legal experts had determined that legal immunities for U.S. troops could only be granted by the Iraqi parliament. The parliament simply would not do so, a view confirmed by the Iraqi leaders on October 4 in a unanimous decision.

This outcome reflected a volatile mix of pride, history, nationalism, and as in any open political system, public opinion. A recent poll by an independent research institution is consistent with what I heard across Baghdad over the summer and fall. Nearly 90 percent of Iraqis in Baghdad and more than 80 percent nationwide supported the withdrawal of U.S. forces from Iraq. Had the issue been framed in terms of granting legal immunity to U.S. personnel, the numbers would surely be higher.

Then there was the question of Iran. The Iranians have tremendous influence in Baghdad. Its embassy rarely rotates its personnel, resulting in longstanding relations with Iraqi leaders. Its trading relationship with Iraq is approaching $10 billion, including $5 billion with the Kurdish region alone. But this influence is rarely decisive on bilateral U.S. matters, and it was not decisive on the issue of a residual U.S. force. In the end, even the most anti-Iranian leaders in Baghdad refused to publicly support us. When a Sunni nationalist and vehemently anti-Iranian bloc in parliament began a petition to ban all U.S. military trainers in Iraq, it rapidly collected 120 signatures.

This nationalist sentiment is our best weapon against Iranian designs on Iraq. The poll cited above found only 14 percent of Iraqis hold a favorable view of Iran. Even Sadr supporters hold an unfavorable view of Iran by a margin of 3 to 1. To be sure, the issue of Iran's role in Iraq is exceedingly complex, multifaceted, and deeply troubling. But it is also self-limiting by history, ethnicity, and religious orthodoxy. Iran will continue to push, but the

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Iraqis will push back. In the end, the question of whether U.S. troops would remain in Iraq had little to do with Iran and everything to do with Iraq.

This is now the hard reality of Iraq's constitutional system, a system assertive of its sovereignty, responsive to public opinion, and impervious to direct U.S. pressure. A similar dynamic may arise in Egypt, Libya, Tunisia, and other states where political systems are opening for the first time with new leaders accountable to their people.

It would be a mistake, however, to see this new reality as militating against long-term U.S. interests and partnerships. Iraq may be an example. Over the course of the summer, even as Iraqi leaders warned against taking a security agreement to parliament, they took actions in concert with us and sought to deepen a diplomatic and defense partnership.

After a series of rocket attacks on U.S. bases by Iranian-backed militants in Maysan Province, the Iraqi army moved quietly but in force and arrested hundreds of militia fighters. The Iraqi Government replaced ineffective police commanders and directed special operations against leadership targets. Iraqi officials sent messages to Tehran declaring that attacks on U.S. facilities or troops would be considered an attack against the Iraqi state. By the end of the summer, security incidents in Maysan and then nationwide dropped to their lowest levels of the entire war.

In addition, in September, Iraq completed the purchase of 18 F–16s, transferring more than $3 billion into its FMS account, which is now the fourth largest in the region and ninth largest in the world. Iraq, in its next budget cycle, plans to purchase 18 more F–16s, topping $10 billion in its FMS program, which already includes 140 M1A1 main battle tanks, naval patrol boats, reconnaissance aircraft, and over 1,000 up-armored Humvees. A number of countries have sought to sell weapons systems to Iraq. It is, thus, significant that they chose the United States as their primary supplier with long-term training and maintenance contracts.

Against this backdrop, the best available policy for the United States was to fulfill the commitment under the Security Agreement and elevate the SFA as the pillar of our long-term relationship. Having just returned from Baghdad, I am confident that this policy, if handled right, can open a new window of opportunity for relations with Iraq, including close security and defense relations.

The next 12 to 18 months should mark the final stage of transition to normalized relations. In practice, that means moving swiftly to anchor U.S. engagement under the SFA. Article X of the SFA envisions an organized partnership through high-level and mid-level joint committees including in the areas of defense, education, economics, and diplomacy. Standing up and empowering these committees will institutionalize regular patterns of interaction, which in turn can lend coherence to a complex relationship, help identify and address emerging problems, and reinforce opportunities as they arise.

Importantly, the Iraqis do not see the SFA as a framework for U.S. aid or assistance, and nor should we. It is instead a structure for building a broad strategic partnership. It carries wide popular support in Iraq and has the status under Iraqi law of a treaty. Its

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implementation over the next year can institutionalize arrangements to mitigate risks associated with our military withdrawal and manage the friction that will naturally arise between Iraqi and U.S. officials during a period of transition.

With respect to our civilian presence, we must begin a serious conversation with the Iraqis on what we mutually expect out of a strategic partnership. By necessity, for much of the past 2 years, we focused on government formation and whether and how to extend our military presence. Now we can begin a broader and ongoing strategic dialogue that focuses on identifying and then pursuing mutual interests.

That dialogue should accelerate next month when Prime Minister Maliki visits Washington. This visit is an opportunity, first, to honor the sacrifice of thousands of Americans and Iraqis over the past 9 years. The withdrawal of U.S. forces with Iraqis in charge of their own security and violence at record lows was unimaginable 4 years ago. It was made possible only because tens of thousands of Americans fought in Iraqi streets at the height of a sectarian war with a mission to protect the Iraqi people. As we approach the formal end of the war, their valor must be honored and memorialized.

Then we must look forward. President Obama and Prime Minister Maliki have an opportunity to set a common vision beyond the withdrawal of U.S. troops. The aim should be setting in place, over the next year, a strong and enduring foundation for normalized ties under the SFA. This will be an iterative and nonlinear process. Results will not be instant. There will be areas of disagreement with the Iraqis and within our own government. But the goal is to ensure that the withdrawal of U.S. troops from Iraq marks not an end but a new beginning under the SFA. That goal is achievable.

In the security area alone, the SFA provides the basis for enduring defense ties. Through CENTCOM, U.S. forces can assist in maritime and air defense and conduct combined arms exercises. The OSC at the embassy offers an additional platform for training Iraqi forces through its FMS program. The OSC will begin small, but it can expand as Iraq's FMS program grows. Intelligence sharing, including with Iraqi special forces, should continue and intensify. Counterterror cooperation, especially against al Qaeda, can be strengthened and institutionalized.

In the economic area, Iraq is rapidly becoming, in the words of the U.N. Development Program, "the world's oil superpower with the ability to influence markets on a global scale." Its oil output will surpass Iran's in 2 years and double in 5 years. Iraqi officials are now focused on public services and how best to invest their country's resources, a sea change from 4 years ago. We can help. The SFA envisions permanent structures for linking Iraqi officials and business leaders with American companies and expertise. It further envisions bilateral cooperation to complete Iraq's accession to the WTO and other international financial institutions. Iraq's global integration is in our mutual interests and can be a mainstay of U.S. policy.

In the education area, Iraq has the largest Fulbright program in the Middle East, the largest international Visitor Leadership Program in the world, and is developing linkages with colleges and

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universities across the United States. The SFA offers a platform for knitting these and other programs into a more permanent fabric.

In the diplomatic area, Iraq sits in a turbulent neighborhood and its leaders see potential problems at every border. They also view themselves as the vanguard of the Arab Spring, yet they act with increasing hesitation as events unfold. One senior Iraqi leader proposed a permanent structure for strategic dialogue under the SFA to discuss fast-moving events and avoid misunderstandings with Washington. Such a structure would replace the dormant U.N.-sponsored neighbors process that met three times with varying results between 2006 and 2008. It will not align Iraq's foreignbv policy with ours, but it could help bolster Iraq's confidence and help its leaders better pursue regional policies that both expand democratic rights and promote Iraq's stability.

Serious risks remain. The largest is renewed sectarian or ethnic conflict. Levels of violence remain low, however, and the costs of any group leaving the political process have increased together with Iraq's increasing resources. But we must remain vigilant.

Establishing regular and formalized patterns of engagement under the SFA can mitigate risk and spot early indicators of conflict. According to historical models, there are five primary indicators of conflict recurrence: serious government repression; wholesale withdrawal of forces supporting the government; serious declarations of secession; new and significant foreign support to militants; and new signs of coordination between militant groups. This framework can help U.S. diplomats and analysts make sense of what will remain a fast-moving kaleidoscope of events.

Ultimately, however, experience in Iraq helps diplomats develop a feel for what is a problem and what is truly a crisis, and today there are far more of the former than the latter. There is no question that al Qaeda will seek to spark ethnic and sectarian conflict. The governing coalition will remain fractious and dysfunctional. Sadr will be a wild card, unpredictable to us, to Iran, and to his own followers. Maliki will seek to enhance his own powers. Speaker Nujayfi and President Barzani may do the same. The test is whether Iraq's constitutional arrangements allow inevitable conflicts to be managed peacefully through the parliament and accepted legal means.

There have been some encouraging signs over the past year. Parliament is becoming an assertive and independent institution. Iraqis on their own managed potential flashpoints, such as the massacre this summer of Shia pilgrims in Anbar Province. Tensions among Arabs and Kurds eased with improved relations between prominent leaders, some of whom used to never speak to each other. The withdrawal of U.S. forces may change the calculus of some actors. But successful management of political disputes has turned more on established relationships between U.S. and Iraqi officials and between the Iraqis themselves than the number of U.S. troops in Iraq at any given time.

At bottom, Iraq faces serious challenges over the next year. The U.S. military withdrawal may increase some risks in the short-term. But similar to our withdrawal from Iraqi cities, it also provides a strategic window to reset relations with Iraq and establish permanent diplomatic structures that mitigate risks over the long-

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term. That is now the central challenge and opportunity before the United States.

Thank you.

[The prepared statement of Mr. McGurk follows:]

PREPARED STATEMENT BY BRETT H. MCGURK[1]

Thank you Chairman Levin, Senator McCain, distinguished members of the committee. It is an honor to appear before you at such a critical juncture in Iraq. I have been involved in Iraq policy for nearly 8 years, spending more than 3 years in Baghdad and four in the White House. My testimony this morning will review where we have been and then look forward over the next 12–18 months. This will be a transitional period of risk and opportunity for the United States. Given the stakes in Iraq and the greater Middle East region, it is critical that we get it right. I believe we can.

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The turnaround began in 2007, enabled by a new policy that focused on security first and began to stem what was becoming a self-sustaining civil war. That policy is now known as the surge. But in the White House, during its planning stages, we called it a bridge: a boost in resources to bridge gaps in Iraqi capacity and set conditions for U.S. forces to move into the background. As President Bush said at the time: "If we increase our support at this crucial moment, and help the Iraqis break the current cycle of violence, we can hasten the day our troops begin coming home."

Contemporaneous with this new policy, we began negotiating a long-term security and diplomatic relationship with Iraq. Talks began in the summer of 2007 and resulted in a preliminary text—called the Declaration of Principles—that envisioned a relationship across many fields, including education, economics, diplomacy, and security.

Security came last for two reasons. First, it was essential for our own interests that security was but one part of a broader relationship. Second, a security agreement alone—even at that time with nearly 160,000 U.S. troops deployed was unlikely to survive the crucible of Iraq's political process.

Iraq's historical memory focuses on a few singular events, one of which is a security agreement negotiated with the United Kingdom in 1948. That agreement was meant to affirm Iraqi sovereignty by mandating the withdrawal of British ground forces. But it permitted ongoing British access to Iraqi airbases and sparked massive riots that left hundreds dead, a toppled government, and an abolished agreement.

Mindful of this experience, our negotiations over the course of 2008 focused on a broader set of issues, but they became fraught—particularly as Iraqis, beginning with the battle of Basra in the spring, pressed demands for sovereignty and control over their own affairs. In addition, our own positions on the most sensitive issues—including immunity for U.S. military personnel and contractors—were, at first, unrealistic. Thus, when a proposed U.S. text leaked over the summer, the talks reached a dead end.

The process of restarting those talks began the third phase of the war—transition. This was not what we originally intended, but it was fortunate because it provided a clear roadmap that has lasted to this day with broad U.S. and Iraqi support.

On November 26, 2008, Iraq's parliament ratified two agreements. The first, called the Security Agreement, set the terms for a phased withdrawal of U.S. troops—from Iraqi cities by June 30, 2009; and from Iraq by the end of 2011. The second, called the Strategic Framework Agreement, set a foundation for permanent relations in the areas of diplomacy, culture, commerce, and defense. These agreements passed only in the last possible hour before a year-end recess, and on the morning of the final vote, I sat with Ambassador Ryan Crocker in Baghdad believing the vote might not succeed.

Under the Security Agreement, the first transition milestone was the withdrawal of U.S. troops from Iraqi cities in June 2009. There was great unease at the Em-

[1] Visiting Scholar at Columbia University School of Law. Former Special Assistant to President Bush and Senior Director for Iraq and Afghanistan; Special Advisor to the National Security Council; and Senior Advisor to three U.S. ambassadors in Baghdad.

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bassy and within MNF–I that withdrawing from Baghdad would abandon hard fought gains. I shared that unease. But the tactical risk of withdrawing was outweighed by the strategic gain of allowing Iraqi forces to control their streets for the first time. Security incidents, already approaching record lows, continued to fall after our withdrawal.

The next transition milestone was August 31, 2010. Shortly after his inauguration, President Obama set that date for withdrawing U.S. forces to 50,000 (from nearly 130,000 when he took office) and shifting our mission from combat to advising and training Iraqi forces. I had left Baghdad in late 2009 and the following spring wrote two articles for the Council ofForeign Relations urging reconsideration of the August 31 milestone. Iraq had just held national elections. Less than one percent separated the two major lists. Government formation had yet to begin. So why withdraw?

When I returned to Baghdad that summer, however, I saw first-hand that Iraq had already crossed the bridge. Outside the specialized area of high-end counter-terrorism, which by 2010 did not require large numbers of troops, our security role was increasingly indirect. The drawdown to 50,000 passed without incident and security trends remained stable, even during a period of great political uncertainty, which lasted into December.

The next stage of transition was the drawdown of all U.S. forces by the end of this year. This past July, I returned to Iraq to assist Ambassador Jeffrey and General Austin who were in discussions with Iraqi leaders on whether and how to extend that deadline. Ultimately, the decision was made not to do so. There was one primary reason for that decision. Iraqi and U.S. legal experts had determined that legal immunities for U.S. troops could only be granted by the Iraqi parliament. The parliament would not do so—a view confirmed by Iraqi leaders on October 4 in a unanimous decision.

This outcome reflected a volatile mix of pride, history, nationalism, and (as in any open political system) public opinion. A recent poll by an Embassy funded research institution is consistent with what I saw and heard across Baghdad over the summer and fall. Nearly 90 percent of Iraqis in Baghdad and more than 80 percent nationwide supported the withdrawal of U.S. forces from Iraq. Had the issue been framed in terms of granting legal immunity for U.S. personnel—the numbers would surely be higher.

Then there was the question of Iran. The Iranians have tremendous influence in Baghdad. Its embassy rarely rotates personnel—resulting in longstanding relations with Iraqi leaders. Its trading relationship with Iraq is approaching $10 billion, including $5 billion with the Kurdish region alone. But this influence is rarely decisive on bilateral U.S. matters, and it was not decisive on the issue of a residual U.S. force. In the end, even the most anti-Iranian leaders in Baghdad refused to publicly support us. When a Sunni nationalist—and vehemently anti-Iranian—bloc in parliament began a petition to ban U.S. military trainers, it rapidly collected 120 signatures.

This nationalist sentiment is our best weapon against Iranian designs on Iraq. The poll cited above found only 14 percent of Iraqis hold a favorable view of Iran. Even Sadr supporters hold an unfavorable view of Iran by a margin of 3 to 1. To be sure, the issue of Iran's role in Iraq exceedingly complex, multifaceted, and troubling. But it is also self-limiting—by history, ethnicity, and religious orthodoxy. Iran will continue to push, but the Iraqis will pushback. In the end, the question of whether U.S. troops would remain in Iraq had little to do with Iran, and everything to do with Iraq.

This is now the hard reality of Iraq's constitutional system: a system assertive of its sovereignty, responsive to public opinion, and impervious to direct U.S. pressure. A similar dynamic may arise in Egypt, Libya, Tunisia, and other states where political systems are opening for the first time with new leaders accountable to their people.

It would be a mistake, however, to see this new reality as militating against long-term U.S. interests and partnerships. Iraq is an example. Over the course of the summer, even as Iraqi leaders warned against taking a security agreement to parliament, they took actions in concert with us—and sought to deepen a diplomatic and defense partnership.

After a series of rocket attacks on U.S. bases by Iranian-backed militants in Maysan province, the Iraqi Army moved quietly but in force and arrested hundreds of militia fighters. The Iraqi Government replaced ineffective police commanders and directed special operations against leadership targets. Iraqi officials sent messages to Tehran, declaring that attacks on U.S. facilities or troops would be considered an attack against the Iraqi state. By the end of the summer, security incidents in Maysan and then nationwide dropped to their lowest levels of the entire war.

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In addition, Iraq in September completed the purchase of 18 F–16s, transferring more than $3 billion into its FMS account—which is now the fourth largest in the region and ninth largest in the world. Iraq in its next budget cycle plans to purchase 18 more F–16s, topping $10 billion in its FMS program—which already includes 140 M1A1 Main Battle Tanks, 6 C–130 transport aircraft, 24 Bell 407C helicopters, in addition to naval patrol boats, reconnaissance aircraft, and over 1,000 up-armored Humvees. A number of countries sought to sell weapons systems to Iraq. It is thus significant that they chose the United States as their primary supplier with long-term training and maintenance contracts.

Against this backdrop, the best available policy for the United States was to fulfill the commitment under the Security Agreement and elevate the SFA as the pillar of our long-term relationship. Having just returned from Baghdad, I am confident that this policy—if handled right—can open a new window of opportunity for relations with Iraq, including close security and defense relations.

The next 12–18 months should mark the final stage of transition: to normalized relations. In practice, that means moving swiftly to anchor U.S. engagement under the SFA. Article X of the SFA envisions an organized partnership through high-level and mid-level joint committees, including in the areas of defense, education, economics, and diplomacy. Standing up and empowering these committees will institutionalize regular patterns of interaction, which in turn can lend coherence to a complex relationship; help identify and address emerging problems; and reinforce opportunities as they arise.

Importantly, the Iraqis do not see the SFA as a framework for U.S. aid or assistance—and nor should we. It is instead a structure for building a broad strategic partnership. It carries wide popular support in Iraq and has the status of a treaty under Iraqi law. Its implementation over the next year can institutionalize arrangements to mitigate risks associated with our military withdrawal and manage the friction that will naturally arise between Iraqi and U.S. officials during a period of transition.

With respect to our civilian presence, we must begin a serious conversation with the Iraqis on what we mutually expect out of a strategic partnership. By necessity, for much of the past 2 years, we focused on government formation and whether and how to extend our military presence. Now, we can begin a broader—and ongoing—strategic dialogue that focuses on identifying and then pursuing mutual interests.

That dialogue should accelerate next month when Prime Minister Maliki visits Washington. This visit is an opportunity, first, to honor the sacrifice of thousands of Americans and Iraqis over the past 9 years. The withdrawal of U.S. forces with Iraqis in charge of their own security and violence at record lows was unimaginable 4 years ago. It was made possible only because tens of thousands of Americans fought in Iraqi streets at the height of a sectarian war with a mission to protect the Iraqi people. As we approach the formal end of the war, their valor must be honored and memorialized.

Then we must look forward. President Obama and Prime Minister Maliki have an opportunity to set a common vision beyond the withdrawal of U.S. troops. The aim should be setting in place—over the next year—a strong and enduring foundation for normalized ties under the SFA. This will be an iterative and non-linear process. Results will not be instant. There will be areas of disagreement with the Iraqis, and within our own government. But the goal is to ensure that the withdrawal of U.S. forces from Iraq marks not an end, but a new beginning under the SFA. That goal is achievable.

In the security area alone, the SFA provides the basis for enduring defense ties. Through U.S. Central Command, U.S. forces can assist in maritime and air defense and conduct combined arms exercises. The Office of Security Cooperation (OSC) at the Embassy offers an additional training platform through Iraq's FMS program. The OSC will begin small but it can expand as Iraq's FMS program grows. Intelligence sharing—including with Iraqi Special Forces—should continue and intensify. Counterterror cooperation, especially against al Qaeda, can be strengthened and institutionalized.

In the economic area, Iraq is rapidly becoming—in the words of the U.N. Development Program—"the world's oil superpower with the ability to influence markets on a global scale." Its oil output will surpass Iran's in 2 years and double in 5 years. Iraqi officials are now focused on public services and how best to invest their country's resources a sea change from 4 years ago. We can help them. The SFA envisions permanent structures for linking Iraqi officials and business leaders with American companies and expertise. It further envisions bilateral cooperation to complete Iraq's accession to the WTO and other international financial institutions. Iraq's global integration is in our mutual interests and can be a mainstay of U.S. policy.

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In the education area, Iraq has the largest Fulbright program in the Middle East, the largest International Visitor Leadership Program in the world, and is developing linkages with colleges and universities across the United States. Half the Iraqi population is younger than 19 years of age and 25 percent were born after the U.S. invasion. It is in our interest to encourage this new generation to study outside Iraq—and in the United States. Iraq does not want handouts. It is allocating $1 billion for its own Iraq Education Initiative to send thousands of students per year to study at English speaking universities. The SFA offers a platform for knitting these programs into a more permanent fabric.

In the diplomatic area, Iraq sits in a turbulent neighborhood and its leaders see potential problems at every border. They also view themselves as the vanguard of the Arab spring, yet they act with increasing hesitation as events unfold. One senior Iraqi official proposed a permanent structure for "strategic dialogue" under the SFA—to discuss fast-moving events and avoid misunderstandings with Washington. Such a structure would replace the dormant U.N. sponsored "neighbors process" that met three times with varying results between 2006 and 2008. It will not align Iraq's foreign policy with ours, but it could help bolster Iraq's confidence and help its leaders better pursue regional policies that both expand democratic rights and promote Iraq's stability.

Serious risks remain. The largest is renewed sectarian or ethnic conflict. Levels of violence remain low, however, and the costs of any group leaving the political process have increased together with Iraq's increasing resources. But we must remain vigilant.

Establishing regular and formalized patterns of engagement under the SFA can mitigate risk and spot early indicators of conflict. According to historical models, there are five primary indicators of conflict recurrence: (1) serious government repression; (2) wholesale withdrawal of forces supporting the government; (3) serious declarations of succession; (4) new and significant foreign support to militants; and (5) new signs of coordination between militant groups. This framework can help U.S. diplomats and analysts make sense of what will remain a fast-moving kaleidoscope of events.

Ultimately, however, experience in Iraq helps diplomats develop a feel for what is a problem and what is truly a crisis, and today there are far more of the former than the latter. There is no question that al Qaeda will seek to spark ethnic and sectarian conflict. The governing coalition will remain fractious and dysfunctional. Sadr will be a wildcard, unpredictable to us, to Iran, and to his own followers. Maliki will seek to enhance his own powers. Speaker Nujayfi and President Barzani may do the same. The test is whether Iraq's constitutional arrangements allow inevitable conflicts to be managed peacefully, through the parliament and accepted legal means.

There have been encouraging signs over the past year. Parliament is becoming an assertive and independent institution. Iraqis on their own managed potential flashpoints, such as the massacre this summer of Shia pilgrims in Anbar province. Tensions among Arabs and Kurds eased with improved relations between prominent leaders (some of whom used to never speak to each other). The withdrawal of U.S. forces may change the calculus of some actors. But successful management of political disputes has turned more on established relationships—between U.S. and Iraqi officials and between the Iraqis themselves—than on the number of U.S. troops in Iraq at any given time.

At bottom, Iraq faces serious challenges over the next year. The U.S. military withdrawal may increase some risks in the short term. But—similar to our withdrawal from Iraqi cities—it also provides a strategic window to reset relations with Iraq and establish permanent diplomatic structures that mitigate risks over the long-term. That is now the central challenge and opportunity before us.

Chairman LEVIN [presiding]. Dr. Ollivant?

STATEMENT OF DR. DOUGLAS A. OLLIVANT, SENIOR NATIONAL SECURITY FELLOW, NATIONAL SECURITY STUDIES PROGRAM, THE NEW AMERICA FOUNDATION

Dr. OLLIVANT. Chairman Levin and members of the committee, it is my pleasure to testify today on the future of Iraq following the withdrawal of the U.S. troops by December 31 of this year. This is an important foreign policy issue for the United States, and I am pleased to see it receive at least some of the attention that it deserves.

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I began working on Iraq policy over 7 years ago. I first went to Iraq in June 2004 as a uniformed Army officer. During this tour, I fought in the battles of Najaf Cemetery and Second Fallujah, conducted nascent counterinsurgency operations in the Kadhamiya district of Baghdad, and was in southern Baghdad for the January 2005 elections, and witnessed the first outburst of Iraqi nationalism through a democratic process. I also lost several friends.

I returned to Baghdad in late 2006 as the chief of plans and chief strategist for Multinational Division Baghdad. In this capacity, I led the team that wrote the coalition portion of the Baghdad security plan, the core implementing document for the 2007 surge.

After 14 months in Iraq on this second tour, I came to Washington to serve on the National Security staff as the director for Iraq, where I worked on, among other issues, the dissolving of the Iraq coalition in late 2008, the first transition moment, the securing of the SOFA for our few remaining coalition partner nations after the signing of our SOFA, and initiated the planning for the transition of police training from DOD to the State Department.

I was last in Iraq in the summer of 2009 in a private capacity but have retained my contacts on the issue, despite spending a year in Afghanistan as a civilian counterinsurgency advisor in the interim.

My bottom line on our position with Iraq is this: the complete withdrawal of U.S. forces from Iraq is the right policy at this time. Our forces are no longer welcome, as the mood in the Iraqi parliament demonstrates, and serve as a major distraction in Iraqi politics. Further, while Iraq does face numerous challenges, the presence of U.S. forces would do little to ameliorate them.

I do have two concerns. First, Iranian influence in Iraq, though not to the extent that I find common in Washington, is a very real concern that we need to watch closely. Second, and more importantly, I am concerned that once U.S. military forces are withdrawn, Iraq may suffer from neglect by the Washington policy community. Iraq has been a deeply divisive issue in our domestic politics for some time, and it may be tempting to just put the entire subject behind us. This would be a mistake, and the United States should actively engage Iraq as an emerging partner, engage in educational and cultural exchanges, and most importantly, do everything in its power to assist the engagement of the U.S. business community in this emerging market.

Our forces should withdraw from Iraq, and the President has made the right call in abiding by the agreement signed by his predecessor despite the open courting over the past year by some agencies of the U.S. Government to remain indefinitely.

First, and most importantly, we should leave because we said we would. There are significant portions of the Arab street that are convinced that the United States invaded Iraq to gain access to its oil resources. While we can never hope to disarm all conspiracy theorists, the departure of all military forces from Iraq will signal to any open minds that this is simply not the case. Our departure, after removing the previous regime and eventually, if belatedly, bringing some semblance of stability to the country, signals that the United States may hope for friendship but is not looking for neo-colonial territories. If and when the United States has to inter-

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vene in yet another country, it will be immensely helpful to be able to point to the utter absence of U.S. military forces in Iraq to demonstrate that we do leave when asked.

Second, U.S. troops should leave because the Iraqis want us to leave. Yes, the Sadrists and their Iranian-influenced leadership are the most vocal advocates, but Iraqi nationalists of all stripes find the continuing presence of U.S. forces to be deeply humiliating, even when their presence appeals to their rational interests. If we stay, our presence will continue to be a galvanizing, even defining, political issue in Iraq. Conversely, our departure may allow the Iraqis to spend precious political bandwidth elsewhere.

Third, U.S. troops should leave because they are the wrong instrument for the political problems that the Iraqis now face. I am the first to admit that Iraqi politics are immature and that numerous political issues, Kurd versus Arab, Sunni versus Shia, relationships with the neighbors, executive versus legislative power, distribution of hydrocarbon revenue and authorities, all remain unresolved. Military forces are at best irrelevant to these issues and at their worst, complicate them by ham-handed attempts to intervene in them. Soldiers tend to make poor diplomats, and the bulk of Iraq's remaining challenges are diplomatic in nature. Let us get the soldiers out of the way and let the diplomats solve them.

Finally, while my position on withdrawal of U.S. military forces is not driven by domestic politics, it is nonetheless good domestic politics. President Obama is now abiding by and overseeing the agreement signed by his Republican predecessor to put an orderly end to our military presence in Iraq. We should all welcome this lamentably rare bipartisan moment.

This does not mean there are not continuing challenges in Iraq and it is still possible that Iraq could go badly wrong. It is simply that a U.S. military presence no longer reduces that possibility.

Let me briefly review some of the challenges facing Iraq. The most urgent from our perspective is the continuing Iranian influence in that country. This is a real threat, and the intentions of the Iranian Revolutionary Guard Corps Qods Force units are most assuredly not benign. But the threat is overstated. Iran shares a border and a religion with Iraq, but here the commonalities end. Iran is a majority Persian country, while Iraq is majority Arab. The Iraqis have no desire to be a client state of their Persian neighbor, and they have not forgotten that they fought a long and bloody war with them not so long ago.

With respect to politics, yes, they are gridlocked with Prime Minister Maliki taking advantage of this gridlock to expand executive power at the expense of the legislature. Many have accused Maliki of becoming the next Saddam, settling himself in as a Shia dictator with his Dawa Party as the new Ba'ath. Recent purges of Sunni officers in the security forces do add fuel to this fire.

However, these accusations are also overstated. Maliki is consolidating executive power, as those in executive office tend to do, but the appropriate comparison is probably less Saddam and more Erdogan in Turkey. It is something to be concerned about perhaps but hardly a cause for panic.

Finally, relations between the various factions in Iraq, Shia, Arab Sunni, and Kurds continue to experience friction points. This

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should not be surprising to us as these groups have differences that caused civil war to break out in 2005 to 2008. But while a return to civil war is always possible, I consider it strongly unlikely. All of the factions know that a return to civil war will be counter-productive to their interests. The Sunni have learned the hard way that to attempt violence against the government will spur reprisals from Shia militias. The Kurds have carefully watched the re-professionalization of the Iraqi army and have no desire to trade their new-found quasi-autonomous status and exponential economic development for the pain and dubious payoffs of armed conflict.

In fact, what we see today is exactly what we would have hoped for, but would not have dared hoped for in 2006. These three groups have very real differences. Yet, despite a relatively grid-locked politics, these groups have not returned to widespread violence, but instead continue to work through a political system, however frustrating it must be. That said, we should continue to encourage Iraq to integrate all sectarian groups into positions of power in order to promote societal harmony.

Iraq does continue to have a terrorism problem. The most prominent of these groups, al Qaeda in Iraq, is a mere shadow of its former self, but this does not mean it is toothless. We should expect AQI to continue its nihilist campaign of violence against Shia Iraqis, and it is quite possible that they may try to attack Western targets outside Iraq. However, we have a committed partner in the Iraqi security forces and we can expect them to continue to aggressively target AQI forces throughout Iraq.

The various Shia extremist militias backed by Iran will be interesting to watch. I believe that nationalist forces in Iraq have largely turned a blind eye to these forces as they targeted the unpopular American bases. However, now that the American forces are departing, it will be interesting to see if the Iraqi masses remain as tolerant of these Iranian quislings in their midst. I am sure that Iran will attempt to use these militias to influence Iraqi politics. Again, it will be interesting to see how the Iraqi Government reacts to such a move. I suspect that once American forces depart, these Iranian proxies will discover that any reservoir of goodwill they might have had disappeared when the Americans crossed the border. We have seen Maliki settle scores with Shia groups who threatened the central government before in early 2008. I would not be surprised to see a reprise.

As was pointed out at several points during the debate over residual troop presence, Iraq will need Western military trainers, most notably for their navy and their fledgling air force but also for U.S. ground equipment such as the M1 tanks and the M198 artillery pieces. Not only will they require technical advice on the care and use of these individual pieces, which will come through the OSC, but they will need to know how to employ them in concert.

However, this does not require U.S. troops. There are numerous firms that will be happy to respond to any request for proposal from the Iraqi Government for properly skilled trainers. The market will respond quickly to Iraqi petrodollars and the absence of U.S. troops need not be a showstopper. This would just mean the Iraqis pay the bills instead of U.S. taxpayers.

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As an aside, it would also be helpful were the Iraqi defense establishment to request that firms provide not only trainers, but also technical solutions that could help with the very real vulnerabilities of explosive detection (as opposed to the modified divining rods they now use) and to the security of their borders.

Finally, speaking of firms, the departure of military force from Iraq should mark the transition not so much to just the State Department, but also to America's real strength, the private sector. I would suggest that the best way to ensure that America's war in Iraq was not in vain is to promote investment by American firms throughout Iraq alongside the already burgeoning Chinese, Turkish, and French presence. This is not to minimize some real challenges to doing business in Iraq, but this is where America should focus its diplomatic effort. It is when Americans and Iraqis interact with each other not as adversaries, but as business partners that we can let the peaceful bonds of commerce work to the advantage of both sides.

Iraq should not be afraid of this engagement. Iraq is blessed with abundant oil reserves, perhaps more than we can now identify, but it is a truly diversified economy that is in the interests of the Iraqi people. We can help the Iraqis generate wealth and participate in that wealth generation. As the Iraqis begin to participate in the great transformation that a market economy can bring, we can become more confident of the long-term health of the democratic institutions that we planted, however tenuously, there.

In summary, I am not trying to pain an overly rosy picture of Iraq. There are real challenges and for many of its people, it remains an unpleasant place to live. But the problems that remain do not lend themselves to military solutions. I believe the most likely outcome of the removal of the U.S. troop presence will be a slow normalization of Iraqi politics as they realize that we are no longer present to either assist or take the blame. Iranian influence will be a reality. They share a border and thousands of years of history. But Iraq will move decisively to limit this influence. Iraq will work hard in the coming months and years to ramp up their oil production.

I want to see a continuing American influence in Iraq. But I want this influence to come via our training of hundreds of Iraqi military and police officers in the United States, letting them see how a democratic army behaves within its own borders and what a real rule of law system looks like. I want this influence to come through American educational institutions, which should open their doors to Iraqi students, aided by liberal, if carefully screened, student visas. I want this influence to come via American business both large and small, which helps the Iraqi economy diversify first into agriculture, small manufacturing, and then into a future which I cannot predict. All these efforts would fit neatly within the boundaries of our existing SFA with Iraq referenced to in depth by Mr. McGurk.

In short, now that the Saddam regime is gone and the civil war put to rest, the environment is ripe for America's cultural and economic institutions to welcome Iraq into the family of nations. Again, the SFA signed in 2008 between the United States and Iraq

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makes it clear that these exchanges are welcome and in the interest of both sides.

We have sacrificed much blood and treasure in the past years in Iraq, and while we should leave the final accounting to history, I am sure we can all agree that at the very least we have overpaid for this outcome in Iraq. But we find ourselves at a surprisingly good outcome that we could hardly have predicted in the dark days 5 years ago. Again, it is entirely possible that Iraq could still end up very badly. The future is contingent. But as our military-to-military relationship with Iraq normalizes with the withdrawal of troops, I feel much better about the prospect of a democratic Iraq that is an ally in the fight against terrorism and that respects the rights of its citizens.

Thank you.

[The prepared statement of Dr. Ollivant follows:]

PREPARED STATEMENT BY HON. DOUGLAS A. OLLIVANT

Chairman Levin, Ranking Member McCain, and members of the committee: It is my pleasure to testify today on the future of Iraq following the withdrawal of U.S. troops by December 31 of this year. This is an important foreign policy issue for the United States, and I am pleased to see it receive at least some of the attention it deserves.

I began working on Iraq policy over 7 years ago. I first went to Iraq in June 2004 as a uniformed Army officer. During this tour I fought in the battles of Najaf Cemetery and Second Fallujah, conducted nascent counterinsurgency operations in the Kadhamiya district of Baghdad, and was in southern Baghdad for the January 2005 elections. I also lost several friends. I returned to Baghdad in late 2006 as the Chief of Plans and chief strategist for MultiNational Division-Baghdad. In this capacity, I led the team that wrote the coalition portion of the Baghdad Security Plan, the core implementing document for the 2007 "Surge." After 14 months in Iraq on this second tour, I came to Washington to serve on the National Security Council staff as Director for Iraq, where I worked on—among other issues—the dissolving of the Iraq coalition in late 2008, the securing of Status of Forces Agreements (SOFA) for our few remaining partner nations after the signing of our 2008 SOFA, and initiated the planning for the transition of police training from the Department of Defense to the State Department. I was last in Iraq in the summer of 2009, but have retained my contacts on the issue, despite spending a year in Afghanistan as a civilian counterinsurgency advisor in the interim.

My bottom line on our position with Iraq is this—the complete withdrawal of U.S. forces from Iraq is the right policy at this time. Our forces are no longer welcome, as the mood in the Iraqi parliament demonstrates, and serve as a major distraction in Iraqi politics. Further, while Iraq faces numerous challenges, the presence of U.S. forces would do little to ameliorate them. However, I do have two worries. First, I am concerned about Iranian influence in Iraq, though not to the extent that I find common in Washington. Second—and more importantly—I am concerned that once U.S. military forces are withdrawn, that Iraq may suffer from neglect by the Washington policy community. Iraq has been a deeply divisive issue in our domestic politics for some time, and it may be tempting to just put the entire subject behind us. This would be a mistake, and the United States should actively engage Iraq as an emerging partner, engage in educational and cultural exchanges, and—most importantly—do everything in its power to assist the engagement of the U.S. business community in this emerging market.

Our forces should withdraw from Iraq, and the President has made the right call in abiding by the agreement signed by his predecessor, despite the open courting, over the past year, by some agencies of the U.S. Government to remain indefinitely. First, and most importantly, we should leave because we said we would. There are significant portions of the "Arab street" that are convinced that the United States invaded Iraq to gain access to its oil resources. While we can never hope to disarm all conspiracy theories, the departure of all military forces from Iraq will signal to any open minds that this is simply not the case. Our departure, after removing the previous regime and eventually—if belatedly—bringing some semblance of stability to the country, signals that the United States may hope for friendship, but is not looking for neo-colonial territories. If and when the United States has to intervene

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in yet another country, it will be immensely helpful to be able to point to the utter absence of U.S. military forces in Iraq to demonstrate that we do leave, when asked.

Second, U.S. troops should leave because the Iraqis want us to leave. Yes, the Sadrists and their Iranian-influenced leadership are the most vocal advocates, but Iraqi nationalists of all stripes find the continuing presence of U.S. forces to be deeply humiliating, even when their presence appeals to their rational interests. If we stay, our presence will continue to be a galvanizing, even defining, political issue in Iraq. Conversely, our departure may allow the Iraqis to spend precious political bandwidth elsewhere.

Third, U.S. troops should leave because they are the wrong instrument for the political problems that the Iraqis now face. I am the first to admit that Iraq's politics are immature and that numerous political issues—Kurd vs. Arab, Sunni vs. Shia, relationships with neighbors, executive vs. legislative power, distribution of hydrocarbon revenue and authorities—remain unresolved. Military forces are at best irrelevant to these issues and at their worst, complicate these issues by ham-handed attempts to intervene in them. Soldiers tend to make poor diplomats, and the bulk of Iraq's remaining challenges are diplomatic in nature. Let's get the soldiers out of the way and let the diplomats solve them.

Finally, while my position on the withdrawal of U.S. military forces is not driven by domestic politics, it is nonetheless good domestic politics. President Obama is now abiding by and overseeing the agreement signed by his predecessor to put an orderly end to our military presence in Iraq. We should all welcome this lamentably rare bipartisan moment.

This does not mean there are not continuing challenges in Iraq and it is still possible that Iraq could go badly wrong. It is simply that a U.S. military presence no longer reduces the possibility of things going wrong.

Let me briefly review some of the challenges facing Iraq. The most urgent, from our perspective, is continuing Iranian influence in that country. This is a real threat, and the intentions of the Iranian Revolution Guard Corps "Qods Force" units are most assuredly not benign. But the threat is overstated. Iran shares a border and a religion with Iraq, but here the commonalities end. Iran is a majority Persian country, while Iraq is majority Arab. The Iraqis have no desire to be a client state of their Persian neighbor. They have not forgotten that they fought a long and bloody war against them not so long ago.

Yes, the politics in Iraq are gridlocked, with Prime Minister Maliki taking advantage of this gridlock to expand executive power at the expense of the legislature. Many have accused Maliki of becoming the "next Saddam," settling himself in as a Shiite dictator, with his Dawa party becoming the new Baath. Recent purges of Sunni officers in the security forces do add fuel to this fire.

However, these accusations are also overstated. Maliki is consolidating executive power—as those in executive officers tend to do—but the appropriate comparison is probably less Saddam and more Erdogan. This is something to be concerned about, perhaps, but hardly a cause for panic.

Finally, relations between the various factions in Iraq—Shiite, Arab Sunni, and Kurds—continue to experience friction points. This should not be surprising to us, as these groups have differences that caused civil war to break out in 2005–2008. But while a return to civil war is always possible, I consider it strongly unlikely. All of the factions know that a return to civil war will be counterproductive for their interests. The Sunni have learned, the hard way, that to attempt violence against the government will spur reprisals from Shiite militias. The Kurds have carefully watched the re-professionalization of the Iraqi Army, and have no desire to trade their newfound quasi-autonomous status and exponential economic development for the pain and dubious payoffs of armed conflict.

In fact, what we see today is exactly what we would hope for—but would have not dared hoped for in 2006. These three groups have very real differences. Yet despite a relatively gridlocked politics, these groups have not returned to widespread violence, but instead continue to work through a political system, however frustrating it must be. That said, we should continue to encourage Iraq to integrate all sectarian groups into positions of power in order to promote societal harmony.

Iraq does continue to have a terrorism problem. The most prominent of these groups—Al Qaeda is Iraq (AQI)—is a mere shadow of its former self, but this does not mean it is toothless. We should expect AQI to continue its nihilist campaign of violence against Shiite Iraqis, and it is possible that they may try to attack Western targets outside Iraq. However, we have a committed partner in the Iraqi Security Forces, and we can expect them to continue to aggressively target AQI forces throughout Iraq.

The various Shiite extremist militias, backed by Iran, will be interesting to watch. I believe that nationalist forces in Iraq have largely turned a blind eye to these

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forces as they targeted unpopular American bases. However, now that the American forces are departing, it will be interesting to see if the Iraqi masses remain as tolerant of these Iranian quislings in their midst. I am sure that Iran will attempt to use these militias to influence Iraqi politics. It will be interesting to see how the Iraqi Government reacts to such a threat. I suspect that once American forces depart, these Iranian proxies will discover that any reservoir of good will they might have had disappeared when the Americans crossed the border. We have seen Maliki settle scores with Shiite groups who threatened the central government before in early 2008. I would not be surprised to see a reprise.

As was pointed out at several points during the debate over a residual troop presence, Iraq will need Western military trainers—most notably for their Navy and fledgling Air Force, but also for U.S. ground equipment, such as the M1 tanks and M198 artillery pieces. Not only will they require technical advice on the care and use of individual pieces, but how to employ them in concert. However, this does not require U.S. troops. There are numerous firms that will be happy to respond to any request for proposal from the Iraqi Government for properly skilled trainers. The market will respond quickly to Iraqi petrodollars and the absence of U.S. troops need not be a show stopper—it just means the Iraqis pay the bill instead of the U.S. taxpayer. As an aside, it would be helpful if the Iraqi defense establishment were to request that firms provide not only trainers, but also technical solutions that could help with the very real vulnerabilities of explosive detection (as opposed to the modified divining rods they now use) and the security of their borders.

Finally, speaking of firms, the departure of military force from Iraq should mark the transition not so much to just the State Department, but also to America's real strength—the private sector. I would suggest that the best way to ensure that America's war in Iraq was not in vain is to promote investment by American firms throughout Iraq—alongside the already burgeoning Chinese, Turkish, and French presence. This is not to minimize some real challenges to doing business in Iraq, but this is where America should focus its diplomatic effort. It is when Americans and Iraqis interact with each other not as adversaries, but as business partners, that we can let the peaceful bonds of commerce work to the advantage of both sides. Iraq should not be afraid of this engagement. Iraq is blessed with abundant oil reserves, perhaps more than we can now identify, but it is a truly diversified economy that is in the interests of the Iraqi people. We can help the Iraqis generate wealth—and participate in that wealth generation. As the Iraqis begin to participate in the Great Transformation that a market economy can bring, we can become more confident of the long-term health of the democratic institutions that are planted, however tenuously, there.

In summary, I am not trying to paint an overly rosy picture of Iraq. There are real challenges, and for many of its people, it remains an unpleasant place to live. But the problems that remain do not lend themselves to military solutions. I believe the most likely outcome of the removal of the U.S. troop presence will be a slow normalization of Iraqi politics, as they realize we are no longer present to either assist or to take blame. Iranian influence will be a reality—they share a border and thousands of years of history—but Iraq will move decisively to limit this influence. Iraq will work hard in the coming months and years to ramp up oil production.

I want to see a continuing American influence in Iraq. But I want this influence to come via our training of hundreds of Iraqi military and police officers in the United States, letting them see how a democratic Army behaves within its own borders, and what a real rule of law system looks like. I want this influence to come through American educational institutions, which should open their doors to Iraqi students, aided by liberal (if carefully screened) student visas. I want this influence to come via American business, both large and small, which helps the Iraqi economy diversity into agriculture, small manufacturing, and then into a future which I can't project. All these efforts would fit neatly within the boundaries of our existing Strategic Framework Agreement with Iraq.

In short, now that the Saddam regime is gone, and the civil war put to rest, the environment is ripe for America's cultural and economic institutions to welcome Iraq into the family of nations. Again, the Strategic Framework Agreement signed in 2008 between the United States and Iraq makes it clear that these exchanges are welcome and in the interest of both sides.

We have sacrificed much blood and treasure in the past 8 years in Iraq. While we should leave the final accounting to history, I am sure we can all agree that at the very least we have overpaid for the outcome in Iraq. But we find ourselves at a surprisingly good outcome that we could hardly have predicted in the dark days 5 years ago. Again, it is entirely possible that Iraq could still end up very badly. The future is deeply contingent. But as our military to military relationship with Iraq normalizes with the withdrawal of troops, I feel much better about the prospect

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of a democratic Iraq, that is an ally in the fight against terrorism, and that respects the rights of its citizens.

Chairman LEVIN. Thank you, Dr. Ollivant.

Dr. Pollack?

STATEMENT OF DR. KENNETH M. POLLACK, DIRECTOR, SABAN CENTER FOR MIDDLE EAST POLICY, THE BROOKINGS INSTITUTION

Dr. POLLACK. Thank you, Chairman Levin. It is an honor to be before this distinguished body. I have prepared written testimony, Mr. Chairman, that I would ask to be entered into the record in full.

Chairman LEVIN. It will be made a part of the record.

Dr. POLLACK. I would prefer to give only a summary of my remarks for now. Thank you.

Although I am glad to discuss the totality of U.S. policy toward Iraq since the 2003 invasion and even before, I would like to focus my remarks on U.S. policy to Iraq looking forward beyond the departure of all American troops at the end of this year. While I certainly have opinions about American policy in the past and even at the present time, I fear that to try to begin cataloguing all of the mistakes that the United States made both under the Bush and Obama administrations would take much longer than the time allocated for the hearings.

I will say that I believe that the departure of all American troops scheduled for the end of this year is premature and a mistake, but it is also a reality. I think the most constructive thing that we can do is focus on the U.S. relationship with Iraq moving forward and how best to secure our interests during that timeframe.

I would really like to make three principle points.

First, the state of Iraq today is one that is not headed in the right direction and therefore could benefit from considerably greater American assistance in the future. Iraq today is wracked by economic and political problems, and these are, unfortunately, beginning to unravel the security gains of 2007 to 2010. Iraq's political system is deadlocked. What is, in effect, a national unity government worked out in late 2010 has simply brought all of Iraq's political differences into the government and, in effect, paralyzed it. There are growing signs of potential political fragmentation in Iraq.

Graft, which had been contracting, has now begun to expand again and is even exploding by some accounts. Were it not for the graft, I would argue, in fact, that the Iraqi Government might not be doing anything at all.

Iraq's military and civilian bureaucracy has been increasingly politicized by the Prime Minister and his staff who is replacing anyone not deemed 100 percent loyal to him with others who are and often with members of his own family, his own party, his own sect.

Shia death squads have reemerged. They are killing both Sunnis and Shia and are enjoying considerable immunity from the rule of law. For their part, alienated Sunnis are talking again of banding together to resist the government, as they did before the Sunni Awakening, and support for Sunni terrorist groups is slowly increasing and many Sunnis are even asking if they will need to rearm to protect themselves since the government simply will not.

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The second point I would like to make is that it is hard to postulate a very optimistic scenario for Iraq's development over the course of the next 5 to 10 years, but some of these scenarios on offer are dramatically worse than others. The most dangerous scenario and the place that it is worth starting with is, of course, the possibility of a return to civil war. Unfortunately, this may actually be the most likely of Iraq's potential scenarios. There is extensive academic work on civil wars, and these have found that between one-third and one-half of all states that experience a major intercommunal civil war experience a resumption of that civil war within 5 years of a ceasefire. Iraq was a quintessential example of such a civil war between 2005 and 2007, the ceasefire occurring in late 2008.

There is also ample evidence that Iraq may be sliding back into civil war in textbook fashion. The group in control of the government is using it to advance a narrow agenda at the expense of its rivals. It is not reaching out to them, making hard compromises and demonstrating a desire to put the common good above its own self-interests. The group controlling the government is purging personnel not members of their own group. The group controlling the government is using the powers of the government to hurt other groups, to crush their military power and is ignoring the violence perpetrated by groups allied to it against its rivals. All of this is breeding mistrust, fear, anger, and resentment against the group in power, and the rivals of the group in power are supporting their own violent extremists, discussing secession and whether to re-arm their own militias.

These are all classic indicators of the resumption of civil war. They do not mean that Iraq is bound to return to civil war. They simply illustrate that Iraq is prone to the same problems that have caused other states to return to civil war and that we should be very nervous that Iraq will do so in the future. In fact, it is easy to imagine dozens of scenarios whereby Iraq slides back into civil war. I am struck by the fact that when I was last in Iraq over the summer, numerous Iraqis were remarking and numerous Americans as well were remarking that it felt like 2005 all over again to them.

It is also worth pointing out, Mr. Chairman, that typically civil wars start and resume after a period of time when the problems reemerge but seem relatively minor, easily controllable, easily addressed. But then in these cases, typically something happens that is unexpected but that suddenly crystallizes all of the fears, all of the desires for revenge and a gradual descent suddenly turns into an uncontrollable plummet. Of course, this is exactly what happened to Iraq in 2006. Again, what we are seeing now is consistent with the same pattern repeating in the future.

Now, there are a variety of other circumstances, not all of which I am going to touch on in detail. Certainly Iraq could move back toward a dictatorship. As Dr. Ollivant pointed out, this is something that many Iraqis are concerned about. I think we can set that one aside for the moment. It is not to dismiss it. It is simply to say that I think that it is better for us to focus on other issues.

In addition, I think that there is real potential for Iraq to become a failed state in the future. If the government does not get its act

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together, if these calls for greater autonomy and even secession gain steam, if the government's centripetal efforts are countered more effectively by other centrifugal forces, we could see Iraq turn into a failed state, again something that is worth thinking about, something that ought to guide our own policy toward Iraq moving forward.

The only set of positive scenarios out there for Iraq is one where it muddles through its current impasse and eventually begins to muddle upward. After a protracted period of stalemate, one could imagine one of three things happening: Iraq's leaders realize that they have to make a compromise or else face a renewed civil war; a charismatic or altruistic leader emerges—or actually both a charismatic and altruistic leader would have to emerge, who sweeps the lesser leaders aside, brings the Iraqi political system along with them, in effect, an Iraqi Mandela; or that the Iraqi people are somehow able to impose their will on their political leadership in a way that they have not so far, forcing the leadership to act responsibly, and forcing them to put Iraq's long-term interests in place of their own short-term political calculations. This could lead to a situation where Iraq's leaders begin to make compromises, small at first but building trust over time, allowing more meaningful compromises in the future, which would then allow outside powers and businesses to see progress in Iraq and begin to invest again and have violence more widely discredited.

I consider this family of scenarios possible, but unfortunately the least likely at the present time. There is simply no evidence that this is happening or that it will happen. It may. We cannot rule it out, but that is not what is happening on the ground right now. Iraq's leaders are not compromising. They are, unfortunately, adhering to the terrible Middle Eastern dictum, "when I am weak, how can I negotiate, and when I am strong, why should I?" They are all waiting for the situation to turn in their favor and digging in their heels. There is no sign of an Iraqi Mandela out there.

What is more, the Iraqi people have been unable to impose their will on the government despite their efforts to do so both in the 2010 national elections and then again in February 2011 in the Day of Rage demonstrations, both of which seemed momentarily to perhaps have this galvanizing effect but neither of which ultimately resulted in such compromises.

The third point I would like to make and where I would like to end my comments is that although American influence has declined dramatically in Iraq, both because of the withdrawal of American troops and the conduct of that withdrawal, the United States still has a certain ability to affect events there, and what is more, we could build additional influence in the future if we were willing to do so. What is most important is to understand that the best way that the United States can help this situation in the future is by strengthening Iraq's own domestic politics. Nevertheless, that is going to be very challenging. The withdrawal of American troops has removed a tremendous source of American influence in Iraq, and of course, ideally the United States would be willing to make up for that diminution with a massive increase in aid of other forms, military, diplomatic, economic, et cetera. Unfortunately, I live in Washington and my experience of the current budgetary and

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political climate suggests that that massive infusion of aid is not likely to be forthcoming.

What is more, the White House has signaled by its behavior, its withdrawal from Iraq and Afghanistan, its willingness to take a supporting role in Libya, its inactivity on the Middle East peace process, its restraint toward Iran, that it plans to scale back its involvement in the Middle East at least over the coming year, and certainly that is the perception in Iraq, and ultimately the perception is what could further limit our influence in Iraq. Nevertheless, there are things that the United States can and, I would argue, should do.

In particular, I would argue that modest amounts of aid could be very helpful to Iraq in the near-term and would not significantly affect our own fiscal problems. There is a remark ascribed to any number of former Senators. I have heard it ascribed to a whole variety of different people, including Senator Russell, but Senator Symington as well, that a billion here, a billion there, and pretty soon you are talking about real money. When we are looking at a national debt of $12 trillion, a billion or 2 for Iraq is an utterly meaningless figure from the perspective of our financial situation and could be extremely important for Iraq.

In addition, obviously, as Mr. McGurk, as Dr. Ollivant have already suggested, we need to find ways to use our diplomatic strength to help Iraq with its diplomatic problems by using our know-how to find creative solutions to Iraqi problems where we are unable to provide cash or other resources. As Mr. McGurk described at great depth—I think he is absolutely right—the proper vehicle for renewed American aid or a blossoming of new American aid toward Iraq is the SFAs. But there are great problems there. We have yet to fill it out. We have yet to make Iraqis even aware that it exists. In polls of the Iraqi people, we have consistently found that the vast majority of Iraqis are unaware of the SFA, let alone the prospect of considerably increased American assistance to Iraq in the future or the notion of a long-term American program to provide assistance to Iraqis in the future. We need to develop that. We cannot simply rest on our laurels. We cannot simply wait for the Iraqis to come to us and ask us what we are willing to provide. We need to aggressively seek out the Iraqis, make clear what is on offer to them, and make public so that all Iraqis understand what it is that their government is failing to take advantage of, what is on offer for them, what they could have if their government were willing to do so. We need to make it incumbent upon the Iraqi politicians themselves to seek out our assistance to make the SFA a reality, to turn it from a document on paper to a full-fledged long-term aid program to Iraq because the Iraqi people desire it. Once we have done so, if we are able to do so, that will provide us considerable new leverage and influence with Iraq.

The last point I would like to make on this—and I believe it is particularly relevant because of the particular writ of this committee—is the importance of American military aid to Iraq moving forward. I will simply say that in light of our experience with Egypt over the past year, we should all recognize the importance of an ongoing American military relationship with Iraq. U.S. military assistance to Iraq and to other Middle Eastern countries has

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proven incredibly important not just in terms of developing military-to-military ties, but in improving the civil-military relations and even in heading off some of the worst foreign policy adventures of these different regimes.

Over the past 30 years, we have found that American military assistance has helped move countries in the direction of better civil-military relations, something that Iraq desperately needs, and has headed off some of the worst military ideas of various Middle Eastern regimes. At different points in time, the United States has, through its provision of military assistance to various Middle Eastern countries, headed off wars in the region. There are people who lived who might otherwise have died. There are wars and crises that would have begun that did not because the United States was able to say to our partners in the militaries in the region we do not want you to do this and we will not support you if you do so. In a number of critical cases, those militaries were forced to simply forego their planned operations because they literally could not take action without American military support.

In short, while I see Iraq as being in a very difficult place and most of its roads being dark ones, I still believe that there is the prospect that Iraq could slowly muddle upward, and I believe that American assistance to Iraq is going to be absolutely critical if Iraq is to find the right path and not descend back into one of the many problematic paths, one of many of the disastrous paths that are still open to it.

Thank you very much.

[The prepared statement of Dr. Pollack follows:]

PREPARED STATEMENT BY HON. KENNETH M. POLLACK

Mr. Chairman and distinguished Senators, I am honored to be able to appear before you to discuss the situation in Iraq and the shape of American policy toward Iraq beyond the end of the U.S. military mission there in December 2011. It is a great credit to this august committee that at a time when the Nation appears to want to forget about our mission and our interests in Iraq, you refuse to forget. It is absolutely vital. Since 2003, the United States has invested a great deal in Iraq, and there is still a reasonable chance that we might see real benefit to the blood and treasure we have sunk into that country. Of far greater importance, Iraq remains deeply troubled, and retains the potential to cause great harm to the rest of the Persian Gulf region, with all of the awful consequences that would entail for our oil-addicted global economy. Unfortunately, it is a task that will be much harder in the future even than it was in the past, when it was very, very hard.

It seems pointless to ask who "lost" Iraq. Iraq may not yet be lost; although the most likely scenarios for the country seem dark, historical events sometimes unfold in ways that defy human prediction. If our concern on the other hand, is 'what were the worst mistakes that the United States made in Iraq and who was responsible for making them?' then we have a very daunting challenge ahead of us. Those mistakes are almost numberless. They stretch back in time to the months before the invasion itself and continue on up to the present day. The George W. Bush administration committed any number of catastrophic, senseless errors in Iraq. Even at the very end, when they had reversed some of the worst of their early mistakes, they were still making new ones and compounding other old ones. For its part, the Obama administration inherited a very weak hand on Iraq from the Bush administration, but then played it very badly as well. The recent negotiations over extending an American troop presence—in which the administration negotiated with itself more than it negotiated with the Iraqis—was only one such example, and it was not the only one. Ultimately, the United States never formulated an exit strategy for Iraq, we simply exited.

So much water has passed beneath that bridge that it seems far more constructive—and time-efficient—to instead focus on what U.S. policy toward Iraq ought to be moving forward. We cannot reverse time and undo our many mistakes. We can-

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not change the past or conjure a new present. We can only ask what is possible for America and Iraq in the future.

Of necessity, any discussion of the future must begin with a stock-taking of the present. By any objective standard, Iraq remains weak and fractious. It is not ready to be without an external peacekeeping presence. Its political leadership has not demonstrated anything like the maturity that will be required to prevent the country from sliding back into civil strife, as has so often been the case historically with countries that have experienced the same kinds of tragedies that Iraq has over the past decade (or 3). Perhaps they will surprise us all and become the selfless, farsighted and wise leaders that Iraq desperately needs. So far, their behavior during the past 2 years as the American drawdown from Iraq became ever more tangible, has shown little to be sanguine about. Indeed, Iraq's leaders generally continue to hew to the worst patterns, those which typically lead to civil war, tyranny or state collapse rather than stability, prosperity and democracy.

Yet be that as it may, that is where we and the Iraqis are headed. To a very great extent, Iraq is passing beyond America's influence. The administration's recent decisions have made this situation an irreversible, if unfortunate, reality. There is no turning back the clock, even if Washington suddenly had a change of heart. The decisions that have been made are now virtually set in stone. There will not be a significant American military presence in Iraq in the future. That train has left the station and it cannot be recalled or reboarded at some later stop.

So, the critical question that lies before us unanswered is how can the United States protect its interests in Iraq without troops in country, without the ability to act as peacekeeper, and without any expectation that the administration or Congress will commit significant resources to Iraq? That question is critical because Iraq remains critical to America's vital interests in the Persian Gulf region, and particularly the flow of oil from the region upon which the global economy depends. It is especially true in the midst of the great Arab Awakening that began this year and has rolled across the Middle East bringing hope and fear, progress and violence in equal measures to a region that previously seemed utterly moribund—and now seems entirely up for grabs. The United States cannot afford to have Iraq turn bad, both because of its own intrinsic importance and its ability to poison other key Persian Gulf states. However, our ability to steer Iraq away from rapids and cataracts has suddenly diminished. In the end, we may simply be along for the ride as Iraq's leaders squabble over course and speed, but it would be all to the good if we can pick up an oar or grab the tiller and help guide Iraq toward safer waters.

IRAQ'S PERSISTENT PROBLEMS

Iraq is still far from sustainable stability, let alone prosperity or true pluralism. The state institutions that have evolved since 2003 remain weak and characterized by political factionalism. Appointments to ministries and other state institutions, especially in the economic and social services spheres, are driven primarily by the notion of "sharing the pie" of power and patronage, rather than by qualification or competence. Ministries themselves remain largely political fiefdoms and massive graft machines, with jobs and services frequently provided on the basis of ethnic, sectarian, or party affiliation. Not surprisingly, politicization of the ranks of the civil service has accelerated, in turn diminishing technocratic competence, especially as experienced personnel have been culled, either as a result of age or perceived links to the former regime. Thus, the institutional vacuum created by the U.S.-led invasion and collapse of the Iraqi state has still not been properly filled, and Baghdad continues to struggle to extend its power and administration throughout the provinces.

Complicating these problems have been two core issues that remain unresolved and that threaten stability and the functioning of the Iraqi Government: the dispute over federalism and the absence of progress toward genuine national reconciliation. While Iraq is defined as a Federal state in the 2005 Constitution, serious disagreements remain over the extent to which decentralization is mandated, and ultimately over where sovereignty lies. This issue does not just divide Arabs from Kurds (and Irbil from Baghdad). There is also a lack of common vision among Iraq's various Arab constituencies. Some Islamist Shi'i parties, such as the Islamic Supreme Council of Iraq (ISCI), have promoted a sectarian-based system of regions modeled on the power of the Kurdistan Regional Government. ISCI has since backed away significantly from these ideas, but some officials in individual provinces, notably al-Basra and Salah ad-Din (and to a lesser extent Maysan and al-Anbar), continue to seek extensive decentralization of power for themselves, with some of the same security and economic authority—including over hydrocarbon resources and revenue—that Irbil has amassed. Indeed, there is still considerable discussion of the three major-

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ity-Sunni provinces of Anbar, Salah ad-Din and Nineveh forming their own region on the Kurdish model, and that Basra might declare itself autonomous. On the other side of the equation, a dwindling majority of Iraqi Arabs—Sunni and Shi'i—appear to favor preserving Baghdad's centralized authority; they see Kurdish efforts, and tentative similar moves by various Sunni and Shi'i Arab groups as a serious threat to the territorial integrity of Iraq.

This festering dispute has undermined both governance and stability. Until now, the failure to reconcile the rival visions of federalism has been papered over through ambiguity—as in the case of the Constitution, of subsequent legislation on devolution of power, and of the budget. This has blocked the passage of key laws altogether. Worse still, Irbil and Baghdad have pursued policies based on their own interpretation of their constitutional mandates, widening the gap between them and complicating the steps that will need to be taken to accommodate their rival visions of the state, not least because of the growing mutual mistrust between the two sides. For the Kurds, creating what amounts to a confederacy of Kurdish, Sunni, and Shi'i regions throughout all of Iraq is viewed as an existential priority to ensure that no future government in Baghdad will ever have the power to repeat historical abuses and past ethnic cleansing against Kurds. But each initiative Irbil takes to facilitate this objective—and to block the central government's efforts to restore its former power—raises the hackles of Arab politicians in Baghdad who suspect that the Kurds' ultimate goal is the dismemberment of Iraq. The Kurds in turn interpret what they see as foot-dragging on fully implementing decentralization provisions called for in the Constitution as evidence that the mindset in Baghdad has not really changed. These mutual concerns and fears have driven political leaders there to ever-more hardline reactions, raising the risk of local confrontations escalating out of control while holding up key national events such as elections and the census.

The absence of progress toward genuine national reconciliation is similarly destabilizing. While Iraqis have embraced representative politics wholeheartedly, Iraq's political leadership has refused to clarify unambiguously who can participate in government and under what terms. In fact, it has often allowed the most radical groups and individuals to manage this process and establish the framework for determining who is in and who is out. Thus, de-Ba'thification procedures have been abused for political gain, especially among Islamist Shi'i politicians seeking to protect their gains since 2003. Both the process and the institutions that administer it lack full legislative underpinnings, and the refusal to draw a line under the procedures—or to institute a truth and reconciliation process comparable to post-apartheid South Africa's—create political disruptions (as was evident in the run up to and after the March 2010 election). In the longer term, this will be a ticking time bomb if Sunni and nationalist constituencies feel that de-Ba'thification is being implemented as a way of denying them a legitimate share of power.

Left unaddressed, the disputes over federalism and national reconciliation could unravel the progress toward stability. At the very least, they will retard Iraq's ability to become an effective, well-managed state, dooming it instead to continued muddling-through and ineffective governance. As such, resolving the disputes should be a priority for Washington. Tensions between Baghdad and Irbil, and between the KRG and neighboring Iraqi provinces, have been high for some time, with occasional threats of violence. Indeed, U.S. military commanders still talk of it as the most vulnerable fault line in Iraq. But Baghdad could also face unmanaged challenges from elsewhere in the country, as recent regionalism initiatives in Salah ad-Din and al-Basra attest. Meanwhile, ambiguity over political participation rights could spark violent antipathy among constituencies formerly associated with the insurgency in the west and north-west of Iraq. Many of these groups remain deeply suspicious of the new regime in Baghdad, and the Islamist Shiite that dominate it, suspecting that they will never create the space for other constituencies to share political power. For them, the specter of periodic purges and exclusion from power under the guise of de-Ba'thification will limit the extent to which genuine national reconciliation is possible.

Meanwhile, the inability/unwillingness of Iraq's leadership to address Iraq's basic political divisions is beginning to re-ignite Iraq's smoldering security problems. Prime Minister Maliki's dependence on the Sadrists and Iran (who were the keys to his retaining office) has meant that violent Shiite groups such as Asaib Ahl al-Haqq, Khitaib Hizballah and the Promise Day Brigades of Muqtada as-Sadr's own Jaysh al-Mahdi, have been able to operate with relative impunity. Their attacks on U.S. forces are creating a real force protection problem for the United States that will persist past the withdrawal of American combat troops at the end of this year because Muqtada has already announced that the U.S. Embassy still constitutes an occupying force that must be resisted just as the troops themselves were.

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Of greater importance still, rising Shiite violence, mistreatment of the remaining Sons of Iraq, and the growing sense that the Shiite "stole" the election and are now using their control of the government to deprive the Sunni community of its fair share of power and economic benefits, appear to be pushing many Sunnis back in the direction of fear and violent opposition. The recent arrest of nearly 600 Sunnis by the government on outlandish claims that they are all Ba'thists seeking to overthrow Iraq's current government and return it to a Ba'thist dictatorship, coupled with numerous smaller, but similar actions, has many Sunnis convinced that Shi'i Islamists intend to use their control of the government's security forces to kill and oppress Sunnis exactly as they had been doing in 2005–2006 before the U.S. surge put an end to ethnic cleansing. Slowly growing support for nationalistic Sunni terrorist groups like Jayah Rijal al-Tariqa al-Naqshbandia (JRTN, or The Men of the Army of the Naqshbandia Order) is a particularly important canary in the coal mine because they represent a more nationalist opposition compared to al Qaeda in Iraq, which remains largely discredited by its foreign influence and extreme religious beliefs. Worse still, many Sunni tribal leaders and mid-level officials talk openly about having to take up arms to defend their communities from the Shiite terrorists, since the government won't and the Americans are leaving.

SCENARIOS FOR THE FUTURE OF IRAQ

It is not hard to discern that Iraq today is not headed in a positive direction. The government remains utterly paralyzed by the country's divisions, and by leaders absolutely unwilling to make compromises of any kind to break the logjam. Efforts to fight corruption, nepotism, and politicization of the military and bureaucracy have been discarded and all of these problems are running rampant. Indeed, corruption currently appears to be the only engine of government activity. Were there no corruption, the government might not be doing anything at all. Violence has re-emerged as a tool of various groups—including the governing coalition—seeking to advance their political agendas. This in turn is pushing other groups in the direction of taking up arms again if only to defend themselves against other groups using violence since the government is unwilling to apolitically enforce the rule of law.

Looking forward from this state of affairs, it is possible to imagine four broad, plausible directions in which Iraq might move. None would be worth celebrating, although some would be much worse than others. Evaluating these scenarios is important both as a sobering reminder of what is truly plausible as opposed to some rosy fantasies we might like to believe, and that might have been possible several years ago, but in today's context can only be seen as long-term aspirations at best. They also provide a sense of what the United States ought to be striving to achieve in Iraq, and what is most important to try to prevent.

A New Dictatorship

Many Iraqis and many observers of Iraq, believe that the most likely future for Iraq is a new dictatorship, this time by the Shiite. Although Prime Minister Maliki almost certainly is not consciously seeking such a position, his approach to Iraq's problems is nonetheless taking him that way all the same. Maliki evinces considerable paranoia, something entirely understandable from someone who was a member of a small, revolutionary party relentlessly chased by Saddam's security services for almost 30 years. This makes him prone to see conspiracies, especially among Sunnis. He is often impatient with Iraq's democratic politics, and he just as frequently acts arbitrarily, extra-constitutionally, even unconstitutionally to root out a suspected conspiracy or overcome political opposition. He is consolidating power within Iraq, and even within the Iraqi Government, in a tight circle of people around himself. He is purging large numbers of people from other parties, groups, sects and ethnicities and rapidly politicizing Iraq's relatively professional armed forces.

From an American perspective, a stable new dictatorship might be perfectly acceptable, at least from the perspective of short-term American material interests in Iraq. The problem is that any new dictatorship is unlikely to be stable and is far more likely to lead to civil war. It is worth keeping in mind that Saddam was the only dictator Iraq new who could rival a Mubarak or a Hafez al-Asad in terms of relative stability (and that is a very relative statement). It required near-genocidal levels of violence to do so. Even Saddam had to fight frequent revolts by the Kurds and, in 1991, by elements of the Shi'i community. In Iraq's present circumstances, however, any bid for a new dictatorship, whether consciously or absent-mindedly, would be more likely to produce civil war than a return to centralized autocracy. Whether it is Maliki or another would-be strong man, any effort by someone (probably a Shi'ah) to make himself dictator of Iraq would doubtless provoke various political and ethno-sectarian rivals to take up arms to prevent his consolidation of

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power. The government and military would most likely fragment (a la Lebanon) and the result would be far more likely to be a civil war, not a stable tyranny.

In addition, if Maliki, or another Shiite were to emerge as a new dictator, he would inevitably be pushed into Iran's arms. A Shiite dictator of Iraq would axiomatically be rejected and ostracized by the majority Sunni states of the Arab world. The only ally he would have would be Iran—and perhaps Syria, if the Asads can hold power (and indeed, Maliki's Government has come out publicly in support of the Asad regime in Syria's own civil war). Moreover, a Shi'i dictator would face tremendous opposition from Iraq's Sunni community, particularly the tribes of Anbar, Salah ad-Din and Ninevah, all of whom would be supported by the Sunni regimes. Again, an Iraqi Shiite dictator's only source of succor would be Iran.

Renewed Civil War

Historically, this may actually be Iraq's most likely future. Although academic studies of intercommunal civil war show some variance, a considerable body of work—including the best and most recent studies—indicate that states that have undergone one such round of conflict (as Iraq did in 2005–2007) have anywhere from a 1-in-3 to a 1-in-2 likelihood of sliding back into civil war within about 5 years of a ceasefire (which in Iraq came in 2008).[1] Since the U.S. invasion in 2003, Iraq has followed the quintessential pattern for how states descend into civil war, how they emerge from it, and now how they fall back into it. Everything that is going on in Iraq today as American peacekeepers prepare to leave—the resumption of violence, the rapid deterioration of trust, the expectation that things are going to get more violent and corrupt, the unwillingness of leaders to compromise, the determination of actors across the spectrum to take short-sighted actions to protect themselves at the expense of others' trust and security—shows that Iraq continues to hew closely to these awful patterns.

Civil war in Iraq would be disastrous for the United States for a variety of reasons. It could affect Iraq's own oil production, and spillover from an Iraqi civil war could produce civil war in any of Iraq's neighbors—including, most importantly, Saudi Arabia—or a regional war over the carcass of Iraq that might also affect oil prices or even oil production itself. Moreover in the short term, Iran would likely find itself able to dominate significant areas of Iraq by backing Shiite militias in the fighting—militias that would have no one to turn to except Iran, as was the case in 2005–2007.

A Failing State

Another plausible outcome of Iraq's current state of affairs would be a weak, fragmented, or even a failed state. The central government has a certain amount of power, but it is not efficient and Iraq's provinces have a certain ability to resist. Moreover, as Maliki attempts to centralize power, so other groups are pushing in the opposite direction. Thus, while one set of scenarios would have to envision Maliki (or some other Shiite leader) prevailing in this contest and establishing a new dictatorship, so another set of scenarios would have to imagine him failing because the provinces/regions/ethno-sectarian communities were successfully able to resist and to pull away from the central government. Indeed, Salah ad-Din province recently declared its autonomy, and there is widespread talk of Anbar and Nineveh joining it in a Sunni region akin to the Kurdistan Regional Government. Likewise, numerous groups and influential figures in oil-rich Basra are talking about doing the same. If they were to succeed, they would cripple the Iraqi central government. Because Iraq actually requires a fair degree of integration for economic reasons, such a centrifugal trend would likely result in an across the board breakdown in public services, economic affairs and security. Local groups (militias, but likely operating in the name of provincial governments) would fill the vacuums as best they could, but their efforts would be uneven at best, and at worst—and probably far more likely—would be corrupt, incompetent and prone to violence. Iraq might not

[1] On the proclivity of civil wars to recur, see Paul Collier, Lani Elliott, Havard Hegre, Anke Hoeffler, Marta Reynal-Querol, and Nicholas Sambanis, Breaking the Conflict Trap: Civil War and Development Policy, The World Bank and Oxford University Press, Washington, DC, 2003, available at http://homepage.mac.com/stazon/apartheid/files/BreakingConflict.pdf, p. 83; James D. Fearon, "Why Do Some Civil Wars Last So Much Longer than Others?" Journal of Peace Research, vol. 41, no. 3 (May 2004); Donald L. Horowitz, The Deadly Ethnic Riot (Berkley: University of California Press, 2001); Stathis N. Kalyvas, The Logic of Violence in Civil War (Cambridge: Cambridge University Press, 2006); T. David Mason, "Sustaining the Peace After Civil War," The Strategic Studies Institute, U.S. Army War College, Carlisle, PA, December 2007; Barbara Walter and Jack Snyder, eds., Civil Wars, Insecurity, and Intervention (New York: Columbia University Press, 1999); Barbara Walter, "Does Conflict Beget Conflict? Explaining Recurring Civil War," Journal of Peace Research 41, no. 3 (May 2004): 371–388.

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quite look like Somalia, but it could end up bearing more than a passing resemblance to it, with all of the terrible implications for terrorism and instability in the wider region that implies.

Muddling Through, Perhaps Ultimately Upward

The only plausible, positive (in a purely relative sense) scenarios that one can imagine for Iraq given its current state of affairs are ones that envision long, painful processes during which Iraq does not fall apart or fall into dictatorship, but not much positive happens either for some period of time. Then, at some point in the future, either because Iraqi voters are somehow able to bend Iraq's politicians to their will in a way that they could not in 2010, or because a charismatic and altruistic leader emerges who galvanizes the Iraqi polity, things begin to move in the right direction. Leaders begin to make compromises, small at first, but growing as they build trust in one another and reap the benefits of cooperation. Outside powers and businesses see progress in Iraq and begin to invest again, creating an economic stake for everyone in continued cooperation and progress. Violence is discredited. Eventually, this could produce a strong, self-confident, truly democratic Iraq that would have the strength and confidence to limit Iranian influence to what is customary among neighboring states.

Such scenarios are not impossible, but at present they also seem quite unlikely. There simply is no evidence in contemporary Iraq that would suggest that this is happening or could happen soon. The macro trends in politics, security and the economy are all negative, and while there are certainly some positive trends at a more micro level, these are all almost certain to be swamped if those macro trends continue to move in the wrong direction. When one looks at what is happening in Iraq today, it is very hard to find evidence to make a compelling case that Iraq is likely to muddle through its current problems, find a way to unlock its paralyzed political process, and begin to replace its vicious cycle with a benevolent one.

AMERICAN PRIORITIES AND IRAQI DOMESTIC POLITICS

The most likely scenarios for Iraq are dark ones, but some are much blacker than others, and the United States must make every effort to help Iraq avoid the worst and achieve the best, even if that best is a far cry from what might once have been imaginable.

As those scenarios also make clear, Iraqi domestic politics has become the center of gravity of the American effort toward Iraq. The future of Iraq, and American interests there, will be principally determined by the course of its domestic politics, and that in turn will determine whether America's vital interests there are safeguarded. Security in Iraq has improved significantly, but it will only hold over the long term if Iraqi politics sorts itself out and is able to provide for the people, govern the country, and resolve its internal antagonisms. If Iraq's domestic political framework collapses, so too will the country's security. Iraq's economy continues to sputter along and it will only improve when there is a government in Baghdad able to govern effectively, harness Iraq's oil wealth, and use the proceeds to redevelop the entire country. Moreover, if there is going to be an economic collapse in Iraq, it will almost certainly come from some failure of Iraq's domestic politics (like mismanaging the oil sector). In other words, while a civil war might technically be the result of a deterioration in the security situation or an economic meltdown, in actuality the many things that could give rise to such situations now lie largely, if not entirely, in the realm of politics.

Because Iraq's domestic politics is the key to the future stability or instability of the country, and because it remains so fraught, it must be the principal American focus moving forward. Consequently, the absolute highest priority for the United States for the next several years must be to see Iraq's domestic politics work out right. That means ensuring some degree of respect for democracy, transparency, and the rule of law; some development of bureaucratic capacity; no coups d'etat; no dictators; some movement toward reconciliation among the various ethno-sectarian groupings, as well as within them; a reasonable delineation of center-periphery relations including a workable agreement over the nature of federalism; and an equitable management and distribution of Iraq's oil wealth.

The problem is that domestic politics may well prove to be the area where Iraq's political leadership are least desirous of an American role. Iraq's political leaders have a less than stellar record of playing by the rules of democracy and enforcing the rule of law. Especially when they are in positions of authority, there has been a dangerous tendency to skirt, avoid, or flat-out ignore the Constitution in both letter and spirit. Iraq's political leadership tends to be dominated by former warlords, clerics, tribal shaykhs, and expatriates, few of whom have experience with democratic processes and even fewer of whom seem to understand that respect for the

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Constitution establishes precedents and norms that will constrain their rivals just as it constrains their own behavior—and that that may someday be very important to them. Most struggle to find ways to play Iraqi politics the old-fashioned way and only grudgingly obey the rules when they must.

Since 2003, the United States has provided the ultimate insurance that no group will be able to completely overturn the system and dominate others. This is a U.S. role that many Iraqis continue to regard as at least a necessary evil if not a positive good. Most Iraqis want greater democratization, even if they don't always use the word. They want to see their new political system succeed and their leaders forced to deliver goods and services for them, rather than vice versa, which has too often been the case in Iraq. They want more transparency and more accountability and blame corruption for the dismal state of service delivery in the country. They want governmental institutions they can rely on and political parties that represent their interests rather than someone else's. They want all of the things that the United States wants.

Iraq's leaders recognize this as well and they fear the residual influence of the United States will force them to deliver. It is why those out of power regularly call on the United States to "play a more active role" in Iraqi politics, and why those in power often chafe at American interference in Iraqi politics. It is why Iraqi leaders in power call on the United States to stand aside and allow the Iraqis to solve their own problems, especially when those leaders are acting in an extra-constitutional or even entirely unconstitutional fashion.

Thus, it is important for both the future of Iraq and for America's vital interests that the United States focus its energy and resources on Iraq's domestic politics. Yet, domestic politics is also the arena in which Iraq's political leaders, particularly those in power, will be most determined to exclude the United States. For that reason, the United States must be prepared to subordinate virtually every other aspect of its Iraq policy by making major sacrifices in areas previously held sacrosanct, to maximize its ability to influence Iraq's domestic politics. It is why virtually every other element of the U.S.-Iraq relationship needs to be seen as leverage to get the Iraqis to do the necessary in the one area of greatest importance to us (and to their own long-term best interests as well). For this reason, the political arena should be the one where America applies conditionality most clinically.

As important as Iraq's domestic politics are to American interests, it is critical that the United States recognize its own limitations. The United States can shape Iraqi politics, but shape is all it can do. The United States cannot dictate to the Iraqis anymore. Especially between 2003 and 2006, Americans often drew up virtual blueprints for the Iraqis and then demanded that they adopt the U.S. project in toto. Those days are gone. In fact, much of the success that the United States enjoyed in 2007–2010 has been a result of new American political and military leaders who recognized this reality and were far more solicitous of Iraqi views. It is that practice that must continue and even expand in the face of the diminishing American role in Iraq and the re-emergence of Iraqi sovereignty and nationalism.

DEVISING NEW INSTRUMENTS

Frederick the Great once said that diplomacy without arms is like music without instruments. Perhaps nowhere is that more true today than for American policy in Iraq. The end of the American military presence, the dramatic reduction in American aid to Iraq, and the increasing influence of Iran in Iraq all mean that the United States has dramatically fewer assets to call upon to advance its Iraq policy than it had even a year ago. Consequently, one of the most important tasks for the United States as it attempts to maintain some influence in Iraq is to forge new instruments that will provide us with new leverage to replace what we have lost.

The most important source of American influence moving forward is conditionality. Virtually all American assistance to Iraq should be conditioned on Iraqis doing the things that the United States needs them to do, which in every case is likely to be something that is in the long-term interests of the Iraqi people and the Iraqi nation, albeit not necessarily in the short-term interests of various Iraqi politicians. Conditioning assistance means linking specific aspects of American activities to specific, related aspects of Iraqi behavior. It also means tying wider aspects of American cooperation with Iraq to the general course of the Iraqi political system. Ultimately, the United States must condition the continuation of the U.S.-Iraqi relationship on the willingness of the Iraqi political leadership to guide their country in the direction of greater stability, inclusivity and effective governance.

The future of Iraq will be determined principally by the course of its domestic politics, and that in turn will determine whether America's vital interests there are safeguarded. Security in Iraq has improved significantly, but it is already fraying

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and it will only hold over the long term if Iraqi politics sorts itself out. If Iraq's domestic political framework collapses, so too will its security. Iraq's economy continues to sputter along and it will only improve when there is a government in Baghdad able to govern effectively. If the Iraqi economy collapses, it will almost certainly stem from a failure of Iraq's domestic politics.

THE STRATEGIC FRAMEWORK AGREEMENT

There are still literally hundreds of things that the United States is doing for Iraq. The United States still provides some critical economic and political assistance from capacity building in Iraq's Federal and local government institutions, to microloans, to military equipment, to technical expertise. It is why so many Iraqi governors and mayors are despondent that they are losing the American Provincial Reconstruction Teams.

Ultimately, the greatest source of American influence in Iraq moving forward is likely to be the provision of additional assistance in a vast range of different areas—from military operations and weapons sales, to capacity building, education, almost every aspect of economic reform, and a slew of major diplomatic matters. The foundation for this future cooperation is a little-known but critically important document known as the Strategic Framework Agreement (SFA), which the United States and Iraq signed in late 2008 at the same time that they also signed the Security Agreement (SA) governing the continued presence of American troops in Iraq until December 31, 2011.[2] It is important not to make too much of the SFA. It is nothing but a framework; an empty shell for the United States and Iraq to flesh out as they see fit over the years. There is little more than general exhortations regarding the broad types of aid that could be provided, without any specification of time, dates, quantities, or other details.

Nevertheless, whereas the SA tended to be controversial in Iraqi politics because it governed the presence of American troops, the SFA is much less so because Iraqis desire continued American aid, investment and assistance in many areas of public life. In fact, it was the Iraqi Government that proposed the SFA as a way of demonstrating that the bilateral relationship was no longer to be defined principally by security issues. The SFA also seeks U.S. diplomatic assistance in helping Iraq regain the international standing it had prior to Saddam Husayn's disastrous invasion of Kuwait in 1990.

Even Iraqis who would like to see every American soldier gone from the country often favor the aid and assistance encompassed by the SFA. Thus, the SFA and the potential for continuing American aid to Iraq across the board and well into the future is a powerful source of leverage for the United States. At bottom, anything that the Iraqis want is a source leverage for the United States, especially if it is not something that the United States needs for its own, independent interests.

The central challenge will be reconciling U.S. and Iraqi expectations for the SFA and finding creative ways to use it to pursue these critical aims in an era of sharply declining resources. The United States will need to be upfront with the Iraqi Government that the SFA does not represent a new Marshall Plan for Iraq and that it will only be making relatively limited additional financial contributions to Iraq's reconstruction. This will doubtless be a major disappointment for many Iraqis who imagine still more largesse flowing their way from the U.S. Treasury. To mitigate this disappointment and to make the American contribution to the SFA desirable to Iraqis, the United States will have to think creatively about how to provide valuable assistance without the need for large-scale American financing. Moreover, as Iraq's oil revenues increase over time, Iraq should be able to pay for more of its reconstruction needs. Therefore, the real value added from the American side will be insight and advice on how best to employ those resources rather than adding in more resources—something that neither the administration nor Congress has any interest in providing.

Consequently, the United States should focus the assistance it provides to Iraq under the rubric of the SFA primarily on capacity building by providing technical advice, consulting services, and technology and knowledge transfers to key areas of the Iraqi economy. The United States must now consider both how it can be most effective in this role and how it can maintain the leverage to encourage Iraqis to build a transparent and accountable government when America is no longer putting up large amounts of its own money for projects.

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[2] The Security Agreement (SA) is often erroneously referred to as a "status of forces agreement (SOFA)." The SA serves a similar purpose, but the Iraqis specifically objected to naming it a "SOFA" because of the negative connotations associations with that term in Middle Eastern, particularly Iranian, history.

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There are, fortunately, a number of areas of the Iraqi economy both inside and outside the SFA where the United States can deliver tangible added value at a relatively low financial cost. These include:

- International engagement and mediation on issues such as Iraq's Chapter VII UN obligations, including annual reparations to Kuwait and disputes over the Iraq-Kuwait maritime boundary (which have the potential to hamper Iraq's primary oil export route through the Persian Gulf), dialogue with Iraq's northern neighbors, especially Turkey, on regional water-sharing agreements, and the protection of Iraq's oil revenues from legal claims relating to actions of the former regime, something that if left unaddressed could hamper long-term investment in the oil and gas sector;
- Formation of a joint economic commission under the SFA, which, when requested by Iraqis, could serve as a central oversight body to coordinate, monitor, and provide technical expertise for reconstruction and capital investment projects initiated with Iraqi funds;
- Technical advice, knowledge sharing, and technology transfer to vital areas of the Iraqi economy and society such as improved domestic water efficiency and management and agricultural development and productivity;
- Finding ways to continue to assist Iraq's provincial governments, even after the shutting down of U.S.-led Provincial Reconstruction Teams (PRTs), in obtaining the release of their annual investment budget allocations from national authorities; and
- Legislative actions to create a business environment that encourages Western business investments.

The United States should make it clear that assistance of this type is contingent upon Iraqi authorities at both the national and provincial level taking specific steps to put in place transparency, oversight, and accountability mechanisms aimed at mitigating the corrupting and insulating effects of Iraq's oil economy. Fortunately, and not by coincidence, these actions are all fully consistent with the goals of the Iraqi National Development Plan to halve unemployment, promote rural development, increase environmental protection, reform administrative systems, and support decentralization. They would also be of substantial financial and even political benefit to Iraq's new government and generally should not be provided until it demonstrates the willingness to take the hard steps to enable a greater portion of Iraq's oil wealth is turned into investments that fuel service delivery, economic growth, and broader political legitimacy. This must ultimately be the overriding objective of all U.S. economic and governance assistance to Iraq.

SECURITY ASSISTANCE

The withdrawal of U.S. military forces from Iraq by the end of this year should not be the end of U.S. security assistance to Iraq. The Iraqis still need help in this area, making it another critical area of potential American leverage. Moreover, American security assistance to Iraq can also play an outsized role in helping to safeguard a number of key American interests in Iraq and the wider Persian Gulf region.

Protecting Iraq from Regional Threats

On January 1, 2012, when all American troops have departed, Iraq's military forces will be unable to defend the country's land or maritime borders or control and protect Iraq's airspace. That fact poses two dangers to America's interests in preventing the emergence of an aggressive Iraq and desiring Iraq to retain a pro-American alignment. First, it may encourage Iraq's neighbors to take advantage of Iraq's weakness and second, it may encourage Iraqi leaders to try to build their own military forces to a level that is itself destabilizing. Both Iraq and its neighbors have historical reason to be concerned.

Iraq has been at war with its neighbors, the international community, and itself for over 50 years. Even before Saddam Husayn's congenitally aggressive approach to foreign policy, Iraq had been an enthusiastic participant in several of the Arab-Israeli wars, threatened Kuwait with invasion, nearly come to blows with Turkey and Syria over water and the Kurds, and generally been a net liability for regional security.

Of course, Iraq's neighbors have not been passive either and their actions continue to anger and frighten Iraqis. Turkey has regularly sent military forces into Iraq to hunt Turkish Kurds or punish Iraqi Kurds. Syria, Turkey, and Iran manipulate the flow of water to Iraq in ways that imperil Iraqi agriculture, energy production, and even oil exports. Saudi Arabia and Syria have looked the other way when Salafi terrorists have crossed their territory to get to Iraq. In addition to the dec-

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ades of past strife (including the horrific Iran-Iraq war), even while American military forces have been present in great force in Iraq, the Iranian military has violated Iraqi sovereignty on a number of occasions, shelling Iraqi Kurdistan, seizing an oil well on Iraqi territory, and overflying Iraqi airspace.

In all of these post-Saddam cases, the Iraqi response so far has been moderate and muted. The presence of American troops and aircraft in Iraq undoubtedly contributed greatly to this moderation—Iraqi leaders preoccupied with internal problems were confident that U.S. forces would not permit any large-scale or protracted foreign adventurism in their territory and so didn't feel a need to respond aggressively. In the absence of such a de facto American guarantee of Iraqi state sovereignty, these trespasses could well have triggered exaggerated responses either in the form of conflict on the ground or of attempts to develop conventional military forces capable of repelling the attacks and punishing the perpetrators.

In concrete terms, in the absence of American forces, a fragile Iraqi Government might well feel the need to respond forcefully to similar incursions. This has been the tradition in the Middle East, even though it has led to several of the region's most disastrous wars. Many Iraqi military leaders already harbor a disturbing attachment to the Iraqi military of the late 1980s—the Iraqi military that smashed Iran's ground forces and won the Iran-Iraq war. That is the same Iraqi military that threatened Syria and Israel and eventually overran Kuwait. Without an American military presence to reassure them, Iraq's political leaders might feel pressure to demonstrate to the Iraqi people that they can defend themselves. Any attempt to develop armored forces, missile forces, or attack aviation that looked like an effort to rebuild Saddam's army would set off alarm bells throughout the region, possibly stoking a regional arms race.

Consequently, maintaining American military forces nearby Iraq and developing a program of regular military exercises that brought American combat formations to Iraq frequently, would both be of considerable utility. Indeed, the United States should eagerly accept any Iraqi overture that signaled an interest in something like the "Intrinsic Action" exercise program that the United States devised with Kuwait in the 1990s. Under that program, a U.S. battalion task force was continuously present in Kuwait, although no unit was permanently based there.

Conducting Counterterrorism Operations

Assistance with Iraqi counterterrorism operations falls into a similar category. The Iraqis may want American assistance, and if so, that creates leverage. Likewise, it may be useful for the United States to continue to assist Iraq's own CT efforts both as a means of keeping AQI and other Salafist terrorist groups in check and as a way of maintaining some oversight of how the Iraqi Government employs its elite counterterror formations. Iraq's highly-trained CT units would be perfect for the Iraqi leadership to employ either as part of a coup, or merely to round up rivals (and brand them terrorists, of course).

Al Qaeda in Iraq (AQI) no longer poses an existential threat to Iraq's political stability, but it could serve as a dangerous catalyst that could help push Iraq in the direction of some of the worst scenarios, including renewed civil war. It does not currently pose a significant threat to American interests outside Iraq, but it is still integrated into the regional al Qaeda network whose affiliates have attacked or have declared their intention to attack the United States (including al Qaeda in the Arabian Peninsula and in Yemen, and al-Shabaab in Somalia). AQI is severely weakened, and it is attempting to regain its footing, but whether it is able to do so will be determined as much if not more so by the course of Iraqi politics than by the successes or failures of the Iraqi Security Forces (ISF).

American Arms Sales to Iraq

It is critical that the United States be willing to provide Iraq with major arms purchases. Ideally, the United States should furnish every aspect of Iraqi military equipment, from mess kits to main battle tanks and everything in between. As long as Iraq desires them (which it currently does) and can afford them (which it eventually will), such arms sales, when provided by the United States, could be inherently stabilizing if managed effectively and in tandem with political reform in Baghdad; it could also help stabilize the region by preventing the emergence of an aggressive Iraq that would pose a threat to its neighbors. In addition, arms sales represent yet another source of influence with the Iraqi leadership since they are items Baghdad greatly desires. Consequently, these sales should be considered from a strategic perspective, not a commercial one and from that perspective, they are not just desirable but critical. Indeed, one of the most important lessons of the Arab Spring and Mubarak's fall has been the tremendous utility American arms sales can have in the Middle East.

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As with all American interactions toward Iraq in future, however, Washington's critical consideration when weighing arms sales to Iraq must be their impact on Iraq's domestic politics. Again, such sales can be extremely helpful in this area, as I discuss below. However, they can also be destabilizing if mishandled. Moreover, they too represent a critical element of American leverage with Iraq. In particular, American arms sales to Iraq should be conditioned on continuing improvement (or at least no significant deterioration) in Iraq's civil-military relations. The Iraqi military should understand that Washington's willingness to provide the arms they so desperately want will be possible only to the extent that the ISF stays in its lane and stays out of politics. So too should the government understand that American arms sales—among other things—will be jeopardized by efforts to politicize the ISF. Finally, because the KRG is terrified that the central government will imagine it has a military "solution" to their dispute once the ISF is armed with American tanks and fighter-bombers, Washington must lay down clear red lines to both sides regarding what is permissible. Furthermore, the United States should extract guarantees from the government that it will not invade the Kurdistan region, except perhaps in the highly unlikely event that the Kurds use their own forces to attack other parts of Iraq.

The more that the United States remains Iraq's paramount military partner, the less likely (or even able) the Iraqi armed forces will be to threaten neighboring states. The modern military history of the Arab states makes clear that Arab allies of the United States become completely dependent on the United States and lose the capacity to project power without American support (and therefore approval).[3] Today, Jordan, Egypt, and all of the Gulf Cooperation Council (GCC) states coordinate all of their major, external military activities with the United States. They rarely try to project power beyond their borders because they are effectively unable to do so without American support; a situation deepened by their tendency to buy weapons platforms at the expense of logistics and other support functions. Moreover, on a number of occasions, Washington has been able to prevent its Middle Eastern allies from launching military operations because of these countries' dependence on the United States. Such was not the experience of Arab states who relied on the Soviet Union, China, or other countries for their military support, and today there is little to suggest that Russia, China, or any other country would even try to use their arms sales to head off a war.

For this reason, Washington should welcome Iraq's desire to develop a long-term military-to-military relationship and buy American weaponry. Iraq's generals would like to return to the glory days of 1988–90, but one thing that they do not want to recreate, if they can avoid it, is their reliance on Soviet military hardware. Iraqis have long recognized that Western (particularly American) weaponry is superior, and as such, they have coveted it. Since the fall of Saddam and the Iraqi military's subsequent exposure to the U.S. military, that desire has only grown. It should also be noted that there is not any perception on the part of Iraqi generals and their political counterparts that the United States is forcing them to buy American materiel as payback for America's efforts in rebuilding the country. Rather, the Iraqis want American equipment. By the same token, they are quick to point out that if the United States won't sell them what they want, they will go elsewhere and with their oil money, they will find Russian, Chinese, European, or other sellers.

For their part, GCC rulers also want to see a close military-to-military relationship continue between the United States and Iraq, coupled with large-scale arms sales. More than anyone else, the GCC states recognize that reliance on American arms and American training and assistance makes their militaries dependent on the United States for logistical support, intelligence, command and control, and a variety of other requirements. GCC officials say quite openly, albeit only in private, that an extensive Iraqi-American arms and security relationship is the best insurance they can get that Iraq will never threaten their countries with its conventional might again.

Moreover, refusing Iraq one of the most important benefits that many other American partners and allies receive will seriously undermine America's ability to influence Iraq in the future. Excluding Iraq from the key security benefits that so many other U.S. allies receive is as clear a statement as America could possibly make that it does not regard Iraq as a partner, let alone an ally, and that Iraq is outside America's sphere of interest. The White House will have no basis to complain when Iraq's leaders make strategic calculations to America's disadvantage if the United States has thus explicitly communicated its lack of interest in Iraq's se-

[3] See, Kenneth M. Pollack, Arabs at War: Military Effectiveness, 1948–1991 (Lincoln, NE: University of Nebraska Press, 2002).

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curity and, in fact, its belief in Iraq's fundamental unimportance to American security interests.

The one important caveat to this overarching point is cost. Iraq may someday be a very rich country thanks to its oil reserves, which only seem to grow by the day. Today, however, Iraq is a very poor country, with a gross domestic product per capita of only $3,800 (ranking it 159th in the world) and massive budgetary needs compared to the revenues available. Even politically, Iraq's people seem far more interested in investing in their economy than in fancy new weapons. Consequently, the U.S. interest in preventing domestic political problems means keeping Iraqi military spending from bankrupting the country.

It is worth pointing out that this is yet another reason for the United States to aggressively seek to be Iraq's primary arms supplier. Simply put, no other country is likely to care about Iraq's finances the way that the United States does. Iraq's leadership is determined to buy these big-ticket weapons systems, and they have repeatedly stated that they would buy them from Europe, Russia or China if they cannot get them from the United States. Certainly Russia and China would not care whether Iraq is spending too much on their arms, and European nations may only to the extent that the United States pressures them. Only Washington will urge Iraq to spend less, work with Iraq to spread out its arms purchases over longer stretches of time, and otherwise ensure that defense spending does not come at the cost of financial stability.

UNCHARTED WATERS

If, as seems likely, Iraq gets worse before it gets better, there will be an inevitable American tendency to want to forget it altogether. Already, the American people are turning away from it as quickly as they can, as if to put a bad memory behind them. But Iraq is not the modern equivalent of Vietnam, where we could decide that we had made a mistake to ever be involved and simply end our engagement with no real harm to our interests. Until the global economy kicks its dangerous addiction to oil, Iraq will matter a great deal to us and to our trading partners.

It is for this reason that the future seems so fretful to Americans who dare to buck the tide and remember our vital national interests in Iraq. Iraq is about to undergo a major transition and there is little to suggest it is ready for it—or at least, ready to handle it well. But that transition will take place now whether we want it to or not. If we are willing to make some investment of time, of energy and even some resources, there is still reason to believe that we can continue to provide some much needed support for Iraq in finding the right path.

For that reason, it is worth ending on the topic of resources. Facing record debt, painful unemployment, and the need to address structural problems in our economy, there is no question that the United States must make a major effort to get its own house in order. At a time when the American public—and the long-term welfare of the Nation—cry out for massive cuts in government spending it is hard to justify spending on aid to foreign lands, especially lands like Iraq, that have come to be associated with painful memory. However, this would be the worst thing that we could do. No one could suggest spending tens of billions, let alone hundreds of billions, of dollars on Iraq any more. But a few billions of dollars could have a dramatic impact on a country like Iraq (or Egypt, for that matter) and would have no impact at all on America's financial circumstances. Saving a few billion dollars on Iraq is meaningless when the national debt has reached $12 trillion. It is a way that we are often penny wise and pound foolish.

Dealing with our fiscal problems is going to mean tackling the core financial problems facing the United States: entitlements, revenues, taxes and welfare. Foreign aid is a few pebbles at the foot of a mountain. Eliminating it will do nothing to significantly address the problems, except to create new problems for America overseas. Then, inevitably, those problems will fester and expand and at some later date they will come to plague. Then, it will require vast expenditures to beat back the problem and we will wish that we had not nickel and dimed the problem back when it was manageable.

Such is the case with Iraq. There is still reason to believe that the country can be salvaged, and real reason to believe that American assistance could be crucial to its course. Now is not the time to shave slivers off the deficit heedless of the problems we could be creating for ourselves in the years ahead.

Chairman LEVIN. Thank you very much, Dr. Pollack.

This is where we are at because of these two votes that intervened here. We never know when those votes happen, as I think our witnesses know. What we are going to do to try to make avail-

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able more information to colleagues—number one, we obviously all have your statements and they will be made part of the record. But more importantly perhaps, since that is already accomplished, we will keep the record open for a reasonable period of time so that the questions which would have been asked of you will be asked of you. Then, if you can accommodate us with the written answers, that would be helpful. With that, we will keep the record open, let us say, for 3 days for questions, and then as promptly as you can after that, if you could provide us answers, we would appreciate it. The testimony was extremely thoughtful and very, very helpful.

We will with that—and again, with our thanks—some of you traveled some distance and rearranged your schedules. We are appreciative.

We will stand adjourned.

[Questions for the record with answers supplied follow:]

QUESTIONS SUBMITTED BY SENATOR CARL LEVIN

TROOP WITHDRAWAL FROM IRAQ

1. Senator LEVIN. Mr. McGurk, the President announced on October 21 that all U.S. troops would be withdrawn from Iraq as of the end of December 2011, as required under the 2008 Bush-Maliki Security Agreement. You were involved in the negotiation of that 2008 security agreement. You said you helped manage the negotiations on whether and how to extend the December 2011 deadline for the withdrawal of U.S. troops. In negotiating the 2008 Bush-Maliki Agreement, did the United States seek to retain U.S. military forces in Iraq after December 2011?

Mr. MCGURK. During the 2008 negotiation, I was involved from the beginning of the planning process in early 2007 through the final ratification of the Security and Strategic Framework Agreements (SFA) in November 2008, ultimately serving as a lead negotiator of both accords. The United States initially sought to negotiate a long-term agreement that would retain flexibility for future presidential administrations but would not specify the number of U.S. troops in Iraq at any given time. It was later determined at the most senior levels of the U.S. Government that a multi-year security agreement would not garner adequate Iraqi political support or survive a vote in the Iraqi parliament without a discussion of withdrawal timelines.

2. Senator LEVIN. Mr. McGurk, at the time of the negotiations, didn't the Government of Iraq refuse to agree to permit U.S. military forces in Iraq past the December 2011 deadline?

Mr. MCGURK. The Security Agreement that was ratified by the Iraqi Council of Representatives on November 27, 2008, stated that all U.S. forces had to withdraw from Iraq by the end of 2011. There was some debate at the time whether an implementing arrangement under the SFA—a permanent accord ratified in parallel with the Security Agreement—might allow for a limited number of U.S. military forces to remain in Iraq beyond the 2011 withdrawal date, primarily for the purposes of training and advising the Iraqi Security Forces. Iraqi and U.S. legal experts later determined, however, that under Iraqi law, U.S. troops carrying out a robust training mission could retain adequate legal protections only via a new accord ratified by the Iraqi parliament.

3. Senator LEVIN. Dr. Ollivant, you argued in a recent article against negotiating a residual U.S. force presence in Iraq, saying that abiding by the terms of the 2008 security agreement is critical to the United States because "leaving Iraq on the terms dictated by its sovereign government will put to bed the very real perception that the United States invaded the country to transform it into its '51st state.'" Would you agree that the withdrawal of U.S. forces from Iraq, as promised by the 2008 agreement signed by President Bush, enhances U.S. credibility and influence among Arab nations that America keeps its promises and is not an occupying force?

Dr. OLLIVANT. Yes. I absolutely believe that our abiding by the terms of the 2008 sovereign agreement absolutely enhances U.S. credibility and influence in the region.

4. Senator LEVIN. Dr. Pollack, you wrote that even prior to the President's announcement on the withdrawal of all U.S. troops from Iraq, that the Government

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of Iraq was already "deeply ambivalent, if not downright hostile" to the idea of a U.S. force presence in Iraq past the December deadline. Would you agree that the consent of the Government of Iraq in a formal agreement is a prerequisite for any U.S. military forces to remain in Iraq after December?

Dr. POLLACK. Absolutely. Indeed, as I also stated in my testimony, the Bush administration left the Obama administration a weak hand in Iraq. Part of that weakness lay in the fact that the Bush administration handed back sovereignty prematurely, at a point when Iraq's political institutions remained weak, and may prove inadequate to preserve a democratic system of government without significant external assistance. However, having foolishly handed back sovereignty prematurely, the United States was required to respect it.

5. Senator LEVIN. Dr. Pollack, should we leave troops in Iraq without immunity from prosecution in Iraqi courts?

Dr. POLLACK. The specific question is a legal issue as much as a political one. American military personnel certainly travel to and spend considerable amounts of time in countries where they are not immune from prosecution by local courts. However, the political realities of Iraq made it seem highly risky to leave American troops in Iraq without such immunities. All that said, I believe that the United States could have handled the entire question of retaining a military presence in Iraq past 2011 better than it did. Although it was still likely that the Iraqis would not have agreed to a new Status of Forces Agreement (SOFA)—thereby making it possible to keep American troop in Iraq—it was not impossible, and it would have been better for all concerned if we had been able to do so.

6. Senator LEVIN. Dr. Pollack, should President Bush have refused in 2008 to remove troops by December 2011?

Dr. POLLACK. No. Once again, having made so many wrong-headed decisions including the creation of a weak government dominated by problematic elements of Iraqi society and the return of sovereignty to that government, the Bush administration could not refuse to remove troops in December 2011. But that does not cover the full spectrum of possibilities. The Bush administration could have insisted on returning to the U.S. Security Council for another extension of the U.S. occupation mandate. It also could have handled the negotiations over the Security Agreement better so that the United States did not make so many concessions which limited our ability to ensure that Iraq's political leaders would abide by the rules of their own political system.

IRANIAN INFLUENCE IN IRAQ

7. Senator LEVIN. Dr. Ollivant, you have written that, "Ironically, it is by leaving Iraq that the United States can best let Iraq stand up to its Iranian neighbor." You added that it is largely because of the U.S. presence that Iran has made inroads in Iraq and that once the perceived U.S. occupation of Iraq ends, Iraqi nationalists like al Sadr are likely to recognize that they do not want Iraq to be an Iranian client state. Is it your view that the U.S. military departure from Iraq will actually reduce the dependence of Arab nationalist groups, including al Sadr, on Iran because these groups would no longer need Iran's assistance to resist a perceived U.S. occupation of Iraq?

Dr. OLLIVANT. A clarification. I do not believe that the U.S. presence has helped Iran make inroads into Iraq. Iran did that all on their own. However, I do believe that the U.S. presence is the most visible offense to Iraqi nationalists, pushing the Iranian presence down their priority list.

I would distinguish between the senior levels of groups and their constituents. I believe the senior Sadrist leaders have no desire to give up Iranian funding, through which they gain power and influence. However, in the absence of a U.S. "occupier," it will be very difficult for them to justify to their anti-Persian constituents why they are still taking Iranian money.

8. Senator LEVIN. Mr. McGurk, in your view, what impact has the presence of U.S. forces in Iraq had on the ability of Iranian-backed extremist groups to recruit new members?

Mr. MCGURK. The U.S. military presence in Iraq was a source of recruitment for Iranian-backed extremist groups in Iraq. These groups, often at Iranian behest, raised the false mantle of occupation to recruit young Iraqis to their cause and carry out attacks against U.S. and Iraqi forces. The Iraqi Government believes it can further demilitarize Iranian-backed militias after U.S. forces withdraw. Iraqi Security

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Forces—with U.S. technical assistance—must remain vigilant to ensure that these groups can no longer pose a direct threat to the Iraqi state or to the U.S. diplomatic and security presence that will remain in Iraq beyond 2011.

9. Senator LEVIN. Mr. McGurk, you point out in your Washington Post editorial that while Iran will have influence in Iraq, we will also retain great influence through military sales and business deals. Do you believe that Iraqi interest in U.S. military sales and business deals with U.S. companies has the potential to offset Iranian influence after the withdrawal of our troops?

Mr. MCGURK. Iraq's relationship with Iran is exceedingly complex and multi-faceted, intertwined historically, economically, culturally, religiously, and geographically. The United States, however, retains levers of influence and it is important wherever possible to accelerate them. In terms of U.S. business deals, Iraq has chosen Boeing as the backbone of its civilian airline; General Dynamics and other U.S. suppliers as the backbone of its military; and General Electric as a primary supplier for future electricity generating infrastructure. Iraq's FMS program is now valued over $10 billion and exceeds 400 cases, each with training, maintenance, and sustainment contracts, in addition to end use monitoring. U.S. manufactured automobiles are now among the most popular among Iraqi consumers, with General Motors cornering nearly a third of the Iraqi consumer marketplace. U.S. exports to Iraq increased by nearly 50 percent (to $2.4 billion) between 2010 and 2011. There is potential—as Iraq becomes further integrated into the global marketplace and Iran becomes further isolated—to harness America's private industry to help balance Iranian influence. This will, however, remain a long-term challenge and require close coordination between the United States and Iraq, particularly in the areas of macroeconomic reform and improving the Iraqi business climate, which remains weighed down by decades of war, sanctions, corruption, and statist policies.

10. Senator LEVIN. Mr. McGurk, there are assertions being made that when U.S. military units depart Iraq, faction militias, some aligned with Iran, will restart or increase their attacks on the Iraqi Security Forces. What is your assessment of the likelihood of militia attacks on the Iraqi Security Forces after complete withdrawal of U.S. troops?

Mr. MCGURK. Iranian-backed extremist groups are likely to try a number of tactics to remain relevant after the U.S. withdrawal. They have not, however, taken on the Iraqi Security Forces in an organized way since the Battle of Basra in the spring of 2008; nor are they likely to do so after the U.S. withdrawal. The Iraqi Security Forces now overmatches Shia extremist groups. This was not the situation in 2008, when Jaysh al-Mahdi and other illegal militias controlled swaths of territory across Baghdad and southern Iraq.

11. Senator LEVIN. Mr. McGurk, in you view, is the Iraqi Security Forces capable and reliable enough to deal with militias regardless of their political, ethnic, or religious allegiance?

Mr. MCGURK. The effectiveness of the Iraqi Security Forces varies greatly unit-by-unit. But we have seen over the course of 2011 an ability to counter militias—particularly in Maysan province—with limited U.S. support. Iraqi Special Forces have become among the most effective in the region, although their effectiveness could be degraded without continued U.S. intelligence and logistical support. This is why, as explained in my testimony, it will be essential to do everything we can—through the SFA—to ensure close cooperation in the areas of counterterrorism and intelligence sharing.

STRATEGIC FRAMEWORK AGREEMENT

12. Senator LEVIN. Mr. McGurk, the United States and Iraq have a 2008 SFA that provides for a long-term relationship between our nations regardless of any potential residual U.S. troop presence in the country. The departure of U.S. forces has been characterized as the end of only the first chapter of what will be an enduring relationship with Iraq for many years to come. In your view, does the 2008 SFA provide a basis for a long-term U.S.-Iraq relationship?

Mr. MCGURK. Yes. The SFA was specifically designed to set a foundation for a long-term and enduring bilateral relationship across a number of fields, including energy, culture, education, commerce, diplomacy, and defense. In the security area, the SFA establishes a Defense and Security Joint Coordinating Committee (JCC). Through this JCC, the United States and Iraq can begin to formalize high-level discussions on a future defense partnership, which might include joint military exer-

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cises, training and liaison programs, and enhancing the role of the Office of Security Cooperation in Iraq (OSC–I). It is anticipated that the first Defense and Security JCC will be held in Washington over the first quarter of 2012. Additional JCCs will be held throughout the coming calendar year, including in the critical areas of energy, economics, diplomacy, and the rule of law.

13. Senator LEVIN. Mr. McGurk, in your view, is this agreement sufficient to provide for developing the shared security, political, and economic interests of the United States and Iraq?

Mr. MCGURK. As its title implies, the SFA is a "framework" for future relations between Iraq and the United States. Like any agreement it now must be executed in a manner that begins to institutionalize its structures and arrangements. As stated in my testimony, this means institutionalizing the joint committees the SFA calls for, especially in the areas of diplomacy, energy, and defense. Establishing regular and coordinated contacts—between U.S. and Iraq officials, businesses, educational institutions—will also be important for developing a multi-faceted partnership. With a strong and determined commitment from both the U.S. and the Iraqi side, the SFA has potential to set the foundation for a future long-term partnership.

STATE DEPARTMENT INVOLVEMENT

14. Senator LEVIN. Mr. McGurk and Dr. Ollivant, after the withdrawal of U.S. troops in December, there will reside within the U.S. embassy a very robust OSC–I. Also, the State Department plans to have 350 police advisors working with 52 Iraqi police sites around the country. All of which will be in Iraq well beyond December providing continuing support for the development of Iraq's security forces and assistance with ongoing sales of U.S. equipment for their military modernization. In your view, how will this sizable OSC–I be perceived in terms of the U.S. commitment to Iraq's security and stability?

Mr. MCGURK. The OSC–I is focused on facilitating the delivery of, service, and training on purchased U.S. equipment, in addition to other areas of security assistance and cooperation. As stated in my testimony, the OSC–I will be the focal point for security assistance and cooperation with the government of Iraq, managing what is now the fourth largest FMS program in the region and ninth largest in the world. The SFA envisions an even broader security relationship that might include training exercises or other similar programs as we have with partners in the region and around the world. This is one area that might be developed over the coming year through the SFA.

Dr. OLLIVANT. I believe the OSC is a visible symbol of American commitment to Iraq and will be largely welcome. Their role should keep them almost exclusively on Iraqi military bases and they should have little to no interaction with the larger Iraqi populace.

15. Senator LEVIN. Dr. Ollivant, you have written about the importance of two instruments of U.S. soft power, specifically the State Department and the American business community, in shaping future U.S.-Iraq relations. What would you see as the role of the U.S. military within a normalized relationship between the United States and Iraq?

Dr. OLLIVANT. In addition to the very important role of the OSC, I think that, after a decent interval, joint exercises with U.S. and Iraqi forces—perhaps with Egypt's Bright Star as an explicit model—could be very useful for both sides and continue to develop Iraqi capability. In addition, Iraqi military officers and non-commissioned officers should be trained in the U.S. military school system in the largest possible numbers. Combined naval training should continue in international waters. Training the air force remains the most complex problem, but once a basic level of proficiency is attained, combined air training could also occur in neutral territory.

POLITICAL SYSTEM IN IRAQ

16. Senator LEVIN. Mr. McGurk and Dr. Ollivant, what is your assessment of the stability of the Maliki Government today and going forward, including through the rest of this year and after the withdrawal of U.S. military forces?

Mr. MCGURK. Fundamental political disputes—including the division of authority between central, regional, and provincial governments; rivalries between and within competing political blocs; and disagreement over the management and control of natural resources—will continue well beyond the departure of U.S. troops. Under

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the Iraqi constitution, an absolute parliamentary majority can remove confidence from a prime minister or call for new elections. Thus far, Iraq has not seen a movement coalesce with the strength of an absolute majority (163 seats) to force such a change. Absent such a majority coalition, the next opportunity to constitutionally change the government may be national elections in 2014. It will be vitally important that the United States work with the Iraqi political leadership and the United Nations to ensure: (1) that those elections happen on time; and (2) that they are free, fair, and meet international standards.

Dr. OLLIVANT. The Maliki Government is clearly not as stable as we would like. The most recent national election produced a gridlock that is not conducive to normal politics. However, despite the recent conflict between the various parties in the coalition government, I fully expect politics to muddle through to the next electoral cycle. This is not to say that the interim result will be optimal.

17. Senator LEVIN. Mr. McGurk and Dr. Ollivant, in your assessment, how resilient has the democratic process been in Iraq?

Mr. MCGURK. Since January 2005, Iraq has held three national elections, two sets of provincial elections, and a national referendum. The democratic process has thus shown great resiliency even in the midst of a sectarian war between 2006 and 2008. A healthy democratic process also requires strong and independent institutions—including an independent parliament and judiciary—and broadly accepted rules for the division and separation of power. It is in the latter category that Iraq continues to face challenges and will require active and continuing U.S. engagement.

Dr. OLLIVANT. I believe that, for the region, Iraqi politics have been reasonably resilient. It is easy now to forget the 2009 provincial elections, which may be the only election in the region in which religious parties were disempowered by democratic means in favor of more secular nationalist parties. While the 2010 national elections were not as clearly successful, they have had the virtue of keeping tension and issues in the political process (some assassinations perhaps excepted). We have yet to see any party in Iraq revert to violence or militias. I see no reason to believe that will change in the near future. But we must remember that states with multiple ethno-sectarian groups are hard to govern.

18. Senator LEVIN. Mr. McGurk and Dr. Ollivant, do you believe that the major factions in Iraq remain committed to resolving their differences within the political process rather than through violence?

Mr. MCGURK. The parties that are now inside the political process—including the three largest blocs: Iraqiyya, the National Alliance, and the Kurdish Alliance—seem willing to resolve even the most contentious disputes through a constitutional and democratic process. The primary driver of violence in Iraq remains al Qaeda, which sits far outside the political process. Working with the Iraqis to enforce the accepted divisions of authority and power-sharing formulas as defined in the Iraqi Constitution and the Irbil Agreements of 2010 can help ensure that this consensus towards political solutions remains intact.

Dr. OLLIVANT. Yes.

U.S. TROOP IMMUNITY

19. Senator LEVIN. Mr. McGurk, U.S. and Iraqi negotiations on a possible residual U.S. force presence in Iraq after December of this year stalled over Iraq's unwillingness to grant U.S. troops immunity from Iraqi courts. When the United States and Iraq negotiated the 2008 Security Agreement, was it the U.S. position that U.S. troops receiving legal immunity from prosecution in Iraqi courts was an absolute requirement without which there could be no agreement?

Mr. MCGURK. Article 12 of the Security Agreement (Jurisdiction) was painstakingly negotiated over the course of a year. U.S. troops would not have remained in Iraq without a provision on jurisdiction approved by the Department of Defense (DOD). Article 12 was approved by DOD, but it expires on December 31, 2011, together with the expiry of the Security Agreement.

QUESTIONS SUBMITTED BY SENATOR CLAIRE MCCASKILL

LEGAL PROTECTIONS FOR U.S. TROOPS IN IRAQ

20. Senator MCCASKILL. Secretary Panetta and General Dempsey, on November 17, 2008, the administration of President George W. Bush signed an agreement with the Government of Iraqi Prime Minister Nouri al-Maliki that provided for the con-

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tinued presence of U.S. combat forces in Iraq. Under the agreement, the United States is to withdraw its forces from Iraq no later than December 31, 2011. In October, President Obama announced that, in keeping with the agreement, U.S. forces in Iraq would be home by the end of the year.

Some have suggested that U.S. military forces should remain in Iraq after the current December 31, 2011, deadline in order to prevent Iraq from sliding back into violence. It seems likely that, given such a mission, our troops would find themselves involved in combat.

The November 2008 agreement granted legal protections from the Iraqi legal system to members of the U.S. Armed Forces. However, those protections expire at the end of this year. If our troops were to stay in Iraq past the December 31 deadline, they would likely be involved in combat without protections from Iraqi laws.

What risks would U.S. servicemembers serving in Iraq face if they continued to engage in combat or counterterrorism operations in Iraq beyond the December 31, 2011, deadline without an extension of the types of legal protections they are granted under the current SOFA?

Secretary PANETTA. Throughout its discussions with the Iraqis, DOD remained committed to its obligations to draw down remaining forces under the U.S.-Iraq Security Agreement. DOD consistently stated that it was open to leaving additional training forces, but only at the request of the Iraqis and with adequate legal protections. As a result, the question of the legal status of any remaining forces was an essential part of this discussion, because DOD requires appropriate legal protections for U.S. troops, wherever they are deployed. It would be inappropriate to deploy them without such protections.

Iraq's President Talabani convened a meeting of political bloc leaders on October 4, 2011. After the meeting, bloc leaders declared that any U.S. forces remaining after December 31, 2011, should not be granted immunity from Iraqi law. As a result, the U.S. diplomatic presence in Iraq will include a robust OSC–I, which will serve as the primary mechanism for continued security support to Iraq. OSC–I personnel in Iraq after 2011 will be accredited under the Vienna Convention on Diplomatic Relations and attached to the U.S. diplomatic mission.

General DEMPSEY. The Agreement between the United States and the Republic of Iraq on the Withdrawal of Untied States Forces from Iraq and the Organization of Their Activities during Their Temporary Presence in Iraq (The Security Agreement) contained privileges and immunities afforded to both uniformed members of the U.S. Armed Forces and the civilian component of DOD.

The risk to U.S. personnel remaining in Iraq after December 31, following expiration of the Security Agreement, would be the exercise of Iraqi criminal and civil jurisdiction over U.S. personnel in Iraq. The Security Agreement limited the Government of Iraq's legal jurisdiction to only the most "grave premeditated felonies" occurring outside of agreed facilities and outside the member's duty status. The United States maintained primary jurisdiction for those matters inside agreed facilities, and during duty status outside agreed facilities and areas. Further, the Security Agreement required Iraq to immediately notify U.S. authorities of the arrest or detention of a member of U.S. forces or its civilian component, and to hand them over within 24 hours of arrest or detention. The absence of status protections would potentially expose U.S. personnel to the uncertainties of the Iraqi legal system, which does not contain the same due process protections as provided under the U.S. legal system. Further, the Government of Iraq would not be obligated to turn over any U.S. personnel upon detention or arrest, or even to notify U.S. authorities of the arrest or detention of U.S. personnel.

The Security Agreement also provided other necessary presence authorities such as exemption from payment of taxes, duties, fees, or other similar charges; exemption from Iraqi laws concerning licenses such as driver's licenses; permission to carry weapons and wear uniforms in furtherance of the member's duties; entry and exist permissions; and freedom of movement of vehicles and aircraft within Iraq. The ability of U.S. forces to conduct operations in Iraq would be significantly hampered without these authorities.

21. Senator MCCASKILL. Secretary Panetta and General Dempsey, do you believe the Iraqi Parliament would have passed a new SOFA with the United States that provided the types of legal protections to U.S. servicemembers granted under the current SOFA?

Secretary PANETTA. Iraq's President Talabani convened a meeting of political bloc leaders on October 4, 2011. After the meeting, bloc leaders declared that any U.S. forces remaining after December 31, 2011, should not be granted immunity from Iraqi law. Without political bloc leader support, it is unlikely that members of Iraq's Council of Representatives (CoR) would have voted to approve a new security agree-

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ment with the United States providing legal protections to U.S. servicemembers similar to those found in the 2008 U.S.-Iraq Security Agreement, which did receive CoR approval. This approval is required for such an agreement to be binding under international law.

General DEMPSEY. Iraq's President Talabani convened a meeting of political bloc leaders on October 4, 2011. After the meeting, bloc leaders declared that any troops remaining after December 31, 2011, should not be granted immunity from Iraqi law. Without political bloc leader support, it is unlikely that members of Iraq's CoR would have voted to approve a new security agreement with the United States providing similar legal protections to U.S. servicemembers as the 2008 U.S.-Iraq Security Agreement. CoR approval is required for a new security agreement to be binding under international law.

22. Senator MCCASKILL. Secretary Panetta, can you discuss what efforts the administration took to secure legal immunity for U.S. forces, if a decision to extend some forces in Iraq had been achieved?

Secretary PANETTA. The appropriate number of forces after 2011 always depended both on the mutually-agreed mission set and adequate legal protections. This was never something that could decide unilaterally—it was always going to be the product of ongoing discussions with the Iraqi Government.

Throughout these discussions, DOD remained committed to its obligation to draw down remaining forces under the U.S.-Iraq Security Agreement. DOD consistently stated that it was open to leaving additional training forces, but only at the request of the Iraqis and with adequate protections. Iraq's President Talabani convened a meeting of political bloc leaders on October 4, 2011. After the meeting, bloc leaders declared that any U.S. forces remaining after December 31, 2011, should not be granted immunity from Iraqi law.

In the end, our governments agreed to a robust military-to-military relationship in keeping with those the United States enjoys with other countries, where interactions depend less on footprint and more on frequent engagement. The OSC–I will be the cornerstone of America's military-to-military relationship with Iraq. Because the OSC–I is part of the embassy staff, just as security cooperation offices are elsewhere around the globe, DOD personnel will have legal protections under normal diplomatic status (the Vienna Convention).

23. Senator MCCASKILL. Secretary Panetta, what obstacles did the administration face in attempting to secure such immunity?

Secretary PANETTA. Iraq's President Talabani convened a meeting of political bloc leaders on October 4, 2011. After the meeting, bloc leaders declared that any U.S. forces remaining after December 31, 2011, should not be granted immunity from Iraqi law. Without political bloc leader support, it is unlikely that members of Iraq's CoR would have voted to approve a new security agreement with the United States providing legal protections to U.S. servicemembers similar to those found in the 2008 U.S.-Iraq Security Agreement, which did receive CoR approval. This approval is required for such an agreement to be binding under international law.

24. Senator MCCASKILL. Secretary Panetta, do you believe that anything could have been done differently that would have resulted in a different outcome?

Secretary PANETTA. Discussions with the Iraqis were about trying to figure out what the military-to-military relationship with Iraq was going to look like moving forward, and a big part of that was always going to be Iraq's decision not only about what sort of help it believed it needed, but also what it would accept. The question of the legal status of remaining forces was part of this discussion, because DOD requires appropriate legal protections for its personnel wherever they are deployed.

The ultimate outcome of the discussions ensures a continuing security relationship with Iraq and adequate protections for DOD personnel. Iraqi leaders have made clear that they desire a continuing training relationship with the United States, and DOD will deliver that training through the OSC–I. Because the OSC–I is part of the U.S. embassy staff, just as security cooperation offices are elsewhere around the globe, defense personnel will be accredited under the Vienna Convention on Diplomatic Relations.

IRANIAN INFLUENCE IN IRAQ

25. Senator MCCASKILL. Secretary Panetta, many are concerned that Iraq will be vulnerable to Iranian influence once U.S. forces depart Iraq. What is being done to sustain a check on the dangerous Iranian regime?

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Secretary PANETTA. The Iraqi Government made clear that it desires a strong relationship with the United States under the SFA, including robust security cooperation. That represents a victory for the U.S.-Iraq partnership, not Iran's government. In general, my sense is that Iraqi nationalism remains a powerful influence among Iraq's various political factions, including the Shia.

The United States' commitment to the future of the region is enduring. That involves a military footprint in the Persian Gulf that can help protect our interests, while also ensuring the stability of our partners and the region.

26. Senator MCCASKILL. Secretary Panetta, where will U.S. forces be in the region once they are no longer in Iraq and how will their presence serve to check Iranian activities?

Secretary PANETTA. The United States' commitment to the future of the region is enduring. That involves a military footprint in the Persian Gulf that can help protect our interests, while also ensuring the stability of our partners and the region.

America's long-term security partnership with Iraq is part of a broader commitment by the United States to peace and security throughout the region. Our message to our allies, friends, and potential adversaries is very clear: there are more than 40,000 U.S. forces that remain in the Gulf region. DOD will continue to reassure partners, deter aggressors, and counter those seeking to create instability.

QUESTIONS SUBMITTED BY SENATOR JOHN CORNYN

IRANIAN INFLUENCE IN IRAQ

27. Senator CORNYN. General Dempsey, this summer, the top U.S. military spokesman in Baghdad (Major General Jeffery Buchanan) stated that "We're seeing a sharp increase in the amount of munitions coming across the border, some manufactured as recently as 2010," and "These are highly lethal weapons, and their sheer volume is a major concern." What is your current assessment of the volume of munitions flowing from Iran into Iraq?

General DEMPSEY. From May-July 2011, there was an increase in attacks against U.S. bases in Iraq. These attacks were largely attributed to Iranian-backed Shia militant and extremist groups. Intelligence indicated that some of the munitions used by the Shia groups flowed from Iran. Since July, Iraqi Security Forces increased their operational focus on interdicting the flow of munitions within Iraq and preventing attacks by Shia groups. Combined with the Government of Iraq's political efforts, the frequency and lethality of these attacks has diminished significantly. Consequently, the security situation in Iraq continues to be much better than historical trends. The Iraqi Security Forces have the capacity to counter potential increases in security incidents and interdict the flow of munitions.

28. Senator CORNYN. General Dempsey, in June, 14 U.S. servicemembers were killed in Iraq, making it the deadliest month in Iraq for U.S. troops since 2008. According to senior U.S. commanders, Iranian-backed militias (Kataib Hezbollah, the Promise Day Brigade and Asaib al Haq) were behind 12 of those deaths. U.S. officials also believe that the explosively formed penetrators (EFPs), rockets, and improvised rocket-assisted mortars (IRAMs) used in those attacks all originated in Iran. It is my understanding that although the number of daily attacks is a fraction of what it was in years past, the amount of weaponry used in each attack is on the rise. One report indicated that in one attack, as many as 14 EFPs were used against U.S. forces. Can you comment on the assessment that the amount of munitions used in each attack is on the rise?

General DEMPSEY. June 2011 represented a surge in the peak period of attacks by Iranian-backed militants and terrorists against U.S. forces in Iraq. Intelligence indicated that the munitions used in these attacks may have originated in Iran. The perceived increase in volume of munitions used in each attack is largely attributable to the concurrent drawdown of U.S. forces in Iraq. As U.S. bases closed, Iranian-backed Shia groups were able to concentrate their attempted attacks to a few locations. This resulted in a corresponding increase in the amount of munitions used in each attack which temporarily helped the groups mitigate their technical inexperience and the relative inaccuracy of the munitions employed. In tandem with the Government of Iraq's political efforts, the Iraqi Security Forces reacted quickly and effectively stemmed the flow of weapons and concentrations of attacks against U.S. bases. Since July, the level of attacks returned to significantly lower levels than historic trends and the security situation remains stable as the United States completes the withdrawal.

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29. Senator CORNYN. Secretary Panetta, do you believe that Iranian backed militias will begin targeting U.S. diplomats once the U.S. military has left Iraq, and if so, why?

Secretary PANETTA. There may be some level of continuing violence after DOD completes the drawdown, and extremists in Iraq will likely continue periodic high-profile attacks, but Iraq's security forces made tremendous progress in recent years and I assess that they are capable of maintaining internal security.

Over recent months DOD, along with its Iraqi partners, made aggressive actions against militant groups that target U.S. military and diplomatic personnel. The Iraqis also exerted diplomatic pressure on the Iranians. Together, these efforts resulted in a sharp decrease in attacks.

Going forward, Iraqi leaders understand that a key condition of our partnership and the support DOD provides is that the Iraqi Government takes measures necessary to support defense personnel. This is particularly the case in the context of the diplomatic presence the United States will have post-2011.

30. Senator CORNYN. Secretary Panetta, in testimony before this committee earlier this year, the Director of the Defense Intelligence Agency noted that Iran's Islamic Revolutionary Guard Corps-Qods Force is covertly providing money, weapons, safe haven, and training to Iraqi Shia militants and terrorists, stating that "Tehran approves the rules of engagement that guide the targeting of U.S. forces in Iraq." In Iraq, how great is the risk that the Iranian regime will obtain a greater destabilizing influence following the planned withdrawal of the last U.S. troops by December?

Secretary PANETTA. [Deleted.]

31. Senator CORNYN. Secretary Panetta, in your view, what is the best strategy that the United States can employ to deter Iran's destabilizing activities in the region?

Secretary PANETTA. The United States and its partners in the region are committed to countering Iran's destabilizing influence. While the United States is strengthening its regional security relationships in recent years, Iran's destabilizing activities only resulted in further isolation. So as the United States marks a new phase in its enduring partnership with Iraq, the Iranian regime is more likely than ever to be marginalized in the region as a whole and in its ability to influence the Iraqi political process.

America's long-term security partnership with Iraq is part of a broader commitment by the United States to peace and security throughout the region. Our message to allies, friends, and potential adversaries is very clear: there are more than 40,000 U.S. forces that remain in the Gulf region, and we will continue to reassure partners, deter aggressors, and counter those seeking to create instability.

32. Senator CORNYN. Secretary Panetta, on November 12, Iraq was the only country to abstain when the Arab League voted to suspend Syria because of its violent, 8-month crackdown on protestors calling for government reform. Although Iraq's foreign minister has stated his country was not pressured to abstain, but had to take into account "international and regional calculations." Others speculate that this action is further evidence of Iran's influence in Iraq, as Iran remains a strong supporter of the Assad regime in Syria. In your opinion, what does this action by Iraq demonstrate?

Secretary PANETTA. I do not believe that Iraq's decisions concerning Syria reflect Iranian influence. Rather, it is my sense that Iraqi nationalism and resistance to Iranian influence remain powerful forces among all Iraqi political factions.

SOFA NEGOTIATIONS

33. Senator CORNYN. Secretary Panetta, it is my understanding that in many other countries, including in nations throughout the Arab world, U.S. personnel operate under Memoranda of Understanding that give them legal immunity and do not require parliamentary ratification. It is also my understanding that the 2008 U.S.-Iraq SOFA, which granted U.S. troops legal immunity, did not require ratification by the Iraqi Parliament. Why did the administration insist that a new SOFA be ratified by the Iraqi Parliament?

Secretary PANETTA. Under Iraqi law, approval by Iraq's parliamentary body, the CoR, is necessary for any security agreement to be binding under international law. The 2008 U.S.-Iraq Security Agreement was approved by the CoR on November 27, 2008. Other countries have different requirements for agreements to be legally bind-

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ing. Therefore, the arrangements with various countries in the world to provide protections for U.S. military personnel will reflect that difference.

34. Senator CORNYN. Secretary Panetta, the President opened talks for extending the SOFA this summer, approximately 6 months before the December 31 deadline. There are reports that prior to the President's October conversation with Prime Minister Maliki, the two leaders had not spoken in months. Additionally, it is my understanding that the President and his senior aides did not meet with Iraqi officials at the United Nations General Assembly in September. In contrast, President Bush began negotiations for a SOFA roughly a year in advance of the 2008 SOFA and spoke with Prime Minister Maliki via video teleconference weekly. If the report that the President was largely absent from discussions with Iraqi officials over the past 9 months is true, should it be a surprise that the administration was unable to reach an agreement with the Government of Iraq?

Secretary PANETTA. The field requested to have the lead, with full Washington support. This was similar to the 2008 SOFA negotiations that Ambassador Crocker led. The field had active discussions with the Iraqis along two tracks: a political track led by Ambassador Jeffrey and a military-to-military technical track led by General Austin.

The President and Vice President are engaged on the issue both internally and with Iraqi leaders. Washington supported negotiations in weekly deputies-level teleconferences with the field and regular calls from the Vice President and other senior officials to Iraqi leaders. A monthly principals-level meeting chaired by the Vice President was also held to provide additional support.

I traveled to Iraq to move discussions forward, as did Secretary Gates, Chairman Mullen, and senior State Department officials.

35. Senator CORNYN. Secretary Panetta, can you comment on the frequency of discussions you had with your Iraqi counterpart regarding a U.S. presence in Iraq past the end of 2011?

Secretary PANETTA. I traveled to Iraq to move discussions forward, as did Secretary Gates, Chairman Mullen, and senior State Department officials.

The field requested to have the lead, with full Washington support. This was similar to the 2008 SOFA negotiations that Ambassador Crocker led. In this case, Ambassador Jeffery led a political track and General Austin led a military-to-military technical track.

The President and Vice President have been engaged on the issue internally and with Iraqi leaders. Washington supported negotiations with weekly deputies-level teleconferences with the field and regular calls from the Vice President and other senior officials to Iraqi leaders. A monthly principals-level meeting chaired by the Vice President was also held to provide whatever support was needed.

INSURGENTS

36. Senator CORNYN. Secretary Panetta and General Dempsey, several military and civilian leaders have expressed serious concern regarding the Iraqis' limited military capabilities in the key areas of logistics, intelligence, and aviation, and what that will mean once U.S. forces withdraw as planned, by December 31, 2011. How concerned are you about al Qaeda returning to Iraq following the departure of U.S. Armed Forces?

Secretary PANETTA. There is a chance that al Qaeda in Iraq (AQI) will use the withdrawal of U.S. forces as an opportunity to reassert influence within Iraq. Iraqi Security Forces currently demonstrate the capability to conduct counterinsurgency operations and maintain internal security and stability in Iraq. This capability strengthens daily. Therefore, while there may be a slight increase in security incidents after December 31, 2011, I believe it is within the capacity of the Iraqi Security Forces to handle.

General DEMPSEY. There is a chance that AQI will use the withdrawal of U.S. forces as an opportunity to reassert influence within Iraq. Iraqi Security Forces currently demonstrate the capability to conduct counterinsurgency operations and maintain internal security and stability in Iraq. This capability strengthens daily. Therefore, while there may be a slight increase in security incidents after December 31, 2011, we believe it is within the capacity of the Iraqi Security Forces to handle.

37. Senator CORNYN. Secretary Panetta and General Dempsey, will the Iraqis adequately prevent terrorist organizations from taking root and growing in Iraq?

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Secretary PANETTA. I expect that the underlying security situation in Iraq will remain stable. I believe that the Iraqis are capable of preventing terrorist organizations from taking root in Iraq. The Iraqi Security Forces are functioning well as a counterinsurgency force, and demonstrated the capability to provide for the internal security of their country. Although AQI remains a threat, as evidenced by occasional high-profile attacks, terrorist organizations do not have the support of the Iraqi people.

General DEMPSEY. The underlying security situation in Iraq will remain stable. We believe that the Iraqis are capable of preventing terrorist organizations from taking root in Iraq. The Iraqi Security Forces are functioning well as a counterinsurgency force and have demonstrated the capability to provide for the internal security of their nation. Although AQI remains a threat, as evidenced by occasional high-profile attacks, terrorist organizations do not have the support of the Iraqi people.

SALE OF F–16 FIGHTERS TO IRAQ

38. Senator CORNYN. Secretary Panetta, in September, DOD announced that Iraq had made the first payment for an initial purchase of 18 F–16 fighters. Reports indicate deliveries would be made in the 2014–2015 time period. In the interim period before delivery of these F–16s, how does Iraq intend to maintain control of its airspace and what is your assessment of its ability to do so?

Secretary PANETTA. DOD continues to conduct various Air Force-centric activities, training, and exercises in order to strengthen Iraqi military capability as U.S. forces withdraw-to include Iraqi control and oversight of their airspace. The OSC–I is responsible to execute the current program of record. From an air perspective, OSC–I is charged to develop and train the Iraq Air Force so it can defend Iraq's borders and airspace against external threats. The Government of Iraq will capitalize on Foreign Military Sales, Foreign Military Financing, International Military Education and Training programs, and security cooperation activities, to include: exercises, combined arms training, and mentoring activities.

In the near-term, some Iraqi capability gaps will remain as they continue to professionalize the force. U.S. presence in the region will provide a deterrent to foreign aggression in Iraq post-Operation New Dawn (2012 and beyond) in support of the SFA.

39. Senator CORNYN. Secretary Panetta, what is DOD doing to facilitate the sale of F–16s and ensure timely delivery of these aircraft to Iraq?

Secretary PANETTA. The Government of Iraq signed a Letter of Offer and Acceptance (LOA) for 18 F–16s on 13 September 2011. One week later, they funded the LOA with approximately $1.5 billion (half of the total expected case value), and DOD initiated a full-scale effort to provide Iraq with a complete F–16 capability, including aircraft, weapons, infrastructure, sustainment, and training. Under the current plan, DOD expects to deliver the first two F–16 aircraft to Iraq in February 2015 and anticipate the ability to accelerate delivery by 5 months with the initial delivery of two F–16 aircraft in September 2014.

The following actions have occurred since Iraq funded their F–16 program on 21 September 2011:

- Assembled program management team at the Air Force Materiel Command's Aeronautical Systems Center (Oct.)
- Hosted initial F–16 program management conference with U.S. Government and industry (Nov.)
- Provided basing recommendations to Iraqi Air Force (Nov.)
- Initiated first security requirements survey at potential F–16 basing locations (Nov.)
- Awarded $835 million contract to Lockheed Martin for F–16 aircraft (Dec.)
- Recommended training approach to Iraqi Air Force for F–16 maintenance
- Initiated F–16 training for first Iraqi Air Force F–16 pilot (Dec.)
- Solicited proposals for facilities site surveys (Nov.)
- Conducted communication and security site surveys at two potential bed down bases (Dec.)

DOD expects the following activities to occur during the coming months:

- Host formal kickoff conference with U.S. and Iraqi program management teams
- Solicit proposals and award contracts for facilities and security infrastructure design/construction

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• Conduct multiple definitization conferences to solidify requirements for spare parts packages, support equipment, training, and facilities
• Present amendment to the first LOA for 18 aircraft which will provide the next $1 billion required to continue program development
• Develop and offer LOA for 18 additional F–16 aircraft (bringing the total to 36 x F–16s for Iraq)

[Whereupon, at 1:10 p.m., the committee adjourned.]

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