

# **“Status of Forces in Iraq after the Transfer of Sovereign Authority”**

**Prepared Statement of  
Peter W. Rodman  
Assistant Secretary of Defense for International Security Affairs  
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Mr. Chairman, Congressman Skelton, Members of the Committee, I appreciate the opportunity to report to you today on the status of US troops in Iraq after the transfer of sovereign authority.

First of all, however, on behalf of our forces serving in Iraq, I would like to express thanks to the Congress and to the members of this Committee for the bipartisan support you give our armed forces. You have signaled to the world, to friends and foes, America’s national commitment to see this struggle against the forces of extremism and tyranny through to the end.

It is reassuring to these brave Americans to know that our prayers and best wishes continue to be with all of our people currently serving in Iraq. They are making America – and the world – more secure by helping the Iraqi people to build a new peaceful, representative government in the heart of the Middle East – a potentially watershed moment in the Global War on Terror. Whether members of Active Duty, Reserve, or National Guard units, or civilians working with the Coalition Provisional Authority (CPA) or one of many non-governmental organizations active in Iraq, these heroes embody the best ideals of our nation. They serve so that others may be free, and we thank them all for the sacrifices they have endured.

## **The Significance of June 30<sup>th</sup>**

In his address on May 24, President Bush outlined the basic principles of U.S. policy and strategy in Iraq. He described five steps:

- First, the handover of sovereign authority to an Iraqi Interim Government on June 30.
- Second, to help the Iraqis establish security in the country. This means continuing to help the Iraqis build up their own capability to maintain security, as well as maintaining a U.S. and Coalition presence, as needed, in partnership with a sovereign Iraq.
- Third, to continue the effort to help Iraqis rebuild their nation's infrastructure, ravaged by decades of tyrannical misrule.
- Fourth, to continue and expand the international effort in support of the efforts of Iraqis. In this regard, the UN Security Council's unanimous passage of Resolution 1546 on June 8 was a major advance.
- Fifth, to help the Iraqi Interim Government maintain the timetable of Iraq's democratic political evolution, leading to an *elected* Transitional National Assembly by the end of this year, and no later than January 31 of next year.

Thus, our strategy in Iraq is political as well as military. The transfer of sovereign authority on June 30 will be a major political and psychological milestone. The Coalition Provisional Authority will dissolve, and the Iraqi Interim Government will take responsibility for running Iraq's affairs. On July 1, U.S. Embassy Baghdad will open for business, as a full partner in helping to bring democracy and security to Iraq.

This transfer of sovereign authority serves several purposes. It shows that we keep our promises: that we truly came as liberators, not occupiers.

The end of occupation also provides a crucial incentive for Iraqis to step up and take responsibility for their country. As long as the Coalition is in charge, Iraqis may tend to hang back. Now they have come forward, bravely and capably.

This also changes the nature of the conflict inside Iraq. The June 30 transfer is key to our strategy of empowering moderates and marginalizing extremists. Iraqis should be motivated to rally behind their own government and their own democratic future. As Secretary of State Powell put it eloquently:

They [the extremists] are now challenging their own [country's] leaders. They are now fighting against the dreams of their own people. The Coalition is there to help their government, and they are now attacking their own covenant, and they are attacking their own interests and the interests of their people, and they must be defeated. They cannot be allowed to deny the Iraqi people this hopeful future, and they cannot be allowed to drag them into the past, the terrible past that we got rid of last year when we got rid of Saddam Hussein. (June 8, 2004, remarks at the beginning of bilateral with President Ghazi al-Yawer)

The extremists, such as the Al-Qaida-affiliated terrorist Abu Musab al-Zarqawi, understand our strategy very well; they fear it, and with all their might are seeking to derail it. Earlier this year we captured an important message that Zarqawi was sending to his Al-Qaida colleagues. Zarqawi considered that he was “racing against time” because of June 30. “We fight them,” he wrote, “and this is difficult because of the gap that will emerge between us and the people of the land. How can we kill their cousins and sons and under what pretext, after the Americans . . . pull back? . . . Democracy is coming and there will be no excuse [for us] thereafter.”

### **An American-Iraqi Security Partnership**

After June 30, the U.S. and Coalition forces in Iraq will remain on a new basis – as invited guests and partners of a sovereign Iraq. This partnership was foreshadowed in the Transitional Administrative Law (TAL), the interim constitution agreed upon by Iraqis in early March. The TAL not only lays out the political timetable on which Iraq is now embarked. In Article 59, the TAL calls for the armed forces of sovereign Iraq to be “a principal partner in the multinational force operating in Iraq under unified command pursuant to UN Security Council Resolution 1511” (reaffirmed since then in Resolution 1546).

Resolutions 1511 and 1546, both binding decisions of the Security Council, spell out the continuing international mandate for this multinational force. “Unified command” is understood in present circumstances to mean U.S. command.

The will of the Iraqi leadership, expressed first in the TAL in March, was reiterated by the Iraqi Foreign Minister, Hoshyar Zebari, on June 3, when he addressed the UN Security Council as that body was considering what became Resolution 1546:

[Since April] last year we have been working very hard to re-establish Iraq's security, military, and police forces.

However, we have yet to reach the stage of being able to maintain our own security and therefore the people of Iraq need and request the assistance of multinational forces to work closely with Iraqi forces to stabilize the situation. I stress that any premature departure of international troops would lead to chaos and the real possibility of a civil war in Iraq. This would cause a humanitarian crisis and provide a foothold for terrorists to launch their evil campaign in our country and beyond our borders. The continued presence of the multinational force will help preserve Iraq's unity, prevent regional intervention in our affairs and protect our borders at this critical stage of our reconstruction.

The more precise outline of this partnership between Iraq and the MNF was provided in two letters sent to the UN Security Council, dated June 5. One letter was signed by Dr. Ayad Allawi, Prime Minister of the Iraqi Interim Government (IIG):

Security and stability continue to be essential to our political transition [PM Allawi wrote]. There continue, however, to be forces in Iraq – including foreign elements – that are opposed to our transition to peace, democracy, and security. This Government is determined to overcome these forces, and to develop security forces capable of providing adequate security for the Iraqi people. Until we are able to provide security for ourselves . . . we ask for the support of the Security Council and the international community in this endeavor. We seek a new resolution on the Multinational Force (MNF) mandate to contribute to maintaining security in Iraq, including through the tasks and arrangements set out in the letter from Secretary of State Colin Powell to the president of the United Nations Security Council.

Secretary Powell's parallel letter confirmed that:

The MNF under unified command is prepared to continue to contribute to the maintenance of security in Iraq, including by preventing and deterring terrorism and protecting the territory of Iraq. The goal of the MNF will be to help the Iraqi people to complete the political transition and will permit the United Nations and the international community to work to facilitate Iraq's reconstruction.

Both letters described some of the mechanisms that the IIG and the Coalition have agreed to:

- An IIG Ministerial Committee for National Security, chaired by the Prime Minister and consisting of the Deputy Prime Minister, Ministers of Defense, Foreign Affairs, Interior, Justice, and Finance. The Iraqis will invite the MNF commander or his designee to participate as appropriate in the Committee's deliberations.
- In addition, other coordinating bodies will be created at national, regional, and local levels in which Iraqi commanders and civilian leaders will "coordinate with the MNF on all security policy and operational issues . . ."
- MNF and Iraqi leaders furthermore pledge to "keep each other informed of their activities, consult regularly to ensure effective allocation and use of personnel, resources, and facilities, will share intelligence and will refer issues up the respective chains of command where necessary."

This exchange of letters is incorporated by reference in UN Security Council Resolution 1546.

As the Committee will see, however, this security partnership between Iraq and the MNF is a political more than it is a legal arrangement. Iraq will be fully sovereign, and what we have is a clear-cut commitment by that sovereign Iraqi government to continue that partnership. At bottom, the partnership rests not on a legal contract but on a commonality of interests perceived with great clarity by both sides. Responses to every conceivable contingency need not be agreed and spelled out in advance. Issues that may arise between the two sides will be resolved as allies and partners always resolve problems – by consultation and accommodation based on the foundation of mutual confidence and common interests on which the partnership rests.

It is in this spirit of collaboration that a number of particular issues will be addressed if they arise.

### **Will Iraq have a veto over MNF military operations?**

Both letters to the UN Security Council, from Secretary Powell and PM Allawi, referred to the mechanisms of “close coordination and consultation” as the forums in which “sensitive offensive operations” would be discussed, to be referred up the respective chains of command if not resolved at lower levels.

Already, even while CPA is exercising authority in Iraq, Coalition conduct in the most sensitive areas – such as in Fallujah and in the conflict with Muqtada al-Sadr – has been influenced significantly by the advice of Iraqi political leaders, national and local. This pattern of “close coordination and consultation” will only deepen, using the various new channels and forums set up between the IIG and MNF.

In this regard, I would note also a comment in Foreign Minister Zebari’s remarks to the UN Security Council on June 3, in which he acknowledged the all-important right of the MNF to defend itself: “It is an objective reality in Iraq today that we require the continued assistance and partnership of those [MNF] troops but we also need this presence to be regulated under arrangements that neither compromise the sovereignty of the interim government nor the right of the multinational force to defend itself.”

### **Will U.S. and Coalition forces have Status of Forces Agreement (SOFA) protections?**

In developing the TAL, their interim constitution, the Iraqis decided they did not want their Interim Government to make long-term agreements of this kind. Therefore, we resorted to another formula to ensure that our forces have those protections:

- Secretary Powell’s letter to the UN Security Council declares that “[i]n order to contribute to security, the MNF must continue to function under a framework that affords the force and its personnel the status they need to accomplish their mission, and in which the contributing states have responsibility for exercising jurisdiction over their personnel and which will ensure arrangements for, and use of assets by, the MNF. The existing framework governing these matters is sufficient for these purposes.”

- PM Allawi’s letter asked that the new UN mandate “contribute to maintaining security in Iraq, including through the tasks and arrangements set out in the letter from Secretary of State Powell....”
- Resolution 1546 then gave the MNF the mandate “to take all necessary measures to contribute to the maintenance of security and stability in Iraq in accordance with the letters annexed to this resolution....”

In addition, the TAL in Article 26(C) ensures that CPA orders and regulations “shall remain in force until rescinded or amended by legislation duly enacted and having the force of law.” This includes CPA Order #17, which spells out SOFA-like protections for Coalition forces and will remain in effect until an international agreement is negotiated with the Iraqi Transitional Government. (This will not occur before 2005, since the Iraqi Interim Government does not have legislative authority.)

### **Who will have control over detainees?**

Among the “broad range of tasks” cited by Secretary Powell “to contribute to the maintenance of security and to ensure force protection” – tasks that PM Allawi asked the Security Council to provide a mandate for – is the “internment [of violent elements] where this is necessary for imperative reasons of security.” This applies in the first instance to those who pose a threat to Coalition forces. Detainees charged with crimes under Iraqi law are already being turned over to the Central Criminal Court of Iraq and other Iraqi criminal courts.

The Coalition will work in partnership with the Iraqi Interim Government to enable to the Iraqis to take on more responsibility for detainees and, ultimately, full responsibility. In addition, the Coalition is already working with the IIG to support the efforts of the Iraqi Special Tribunal. This court will try Saddam Hussein and other former regime leaders for atrocities committed against the Iraqi people. The Coalition will continue to support Iraqi efforts to charge these criminals, as well as prepare the IIG to take custody of Saddam, and others, as soon as they are ready.

### **Will U.S. troops leave when the UN mandate expires at the end of 2005?**

The UN mandate for the MNF “shall expire,” according to UNSCR 1546, upon completion of the political process describe in the TAL and in the UNSCR itself – namely when an elected government takes office under a new constitution. This would be at the end of 2005 or the beginning of 2006. (The UN mandate would also expire earlier if requested by the government of Iraq.)

However, expiration of the UN mandate for the international force is not synonymous with an automatic withdrawal of Coalition troops. Nothing precludes subsequent arrangements of a different nature worked out with Iraq's government. As Secretary Powell remarked in an interview on June 6 (CNN's "Late Edition with Wolf Blitzer"):

[T]he more important point is not what the resolution says. It's what the Iraqi sovereign government wants. We have had troops in sovereign nations for, you know, the last 50 years. We've had them in Korea. We've had them in Germany. We've had them in the United Kingdom. And so we will be there for as long as we are needed. I hope it is not a long period of time. But we're there with the consent of the sovereign government and we've made arrangements with that sovereign government.

### **Will we leave if the Iraqis ask our troops to leave?**

Of course we would not stay if the Iraqi government asked us to leave. UNSCR 1546, in a preambular paragraph, recognizes the "importance of the consent of the sovereign Government of Iraq for the presence of the multinational force." The same applies to any U.S. troop presence.

This question, while it has been frequently asked of U.S. officials, was not raised often by Iraqis. The question came more frequently from members of Congress or from Europeans, asking for certainty that "full sovereignty" is being restored to Iraq. Right now – as the categorical statements of Iraqi leaders make clear – Iraqis are more interested in reassurance that we will stay. Although we obviously would not stay if the Iraqi people do not want us to, right now millions of Iraqis are afraid that we might leave prematurely. It is a fear that the enemy plays on with posters and rumors and black propaganda, saying that the Americans will leave as they did before and hand the country back to the enemy who abused it for so long and its terrorist allies.

Therefore, we need to be careful in answering this question. We must send two strong messages to the Iraqi people at the same time:

- that we are committed to stay until Iraq is ready to defend itself; and
- that we are committed to leave, and will do so happily, as soon as that job is done.



We are on a path to bequeathing Iraq a fully representative government for the first time in decades, and the Iraqi people can be confident that we have no intention of remaining as an occupying power. At the same time, the Iraqi people need to be confident that we and our Coalition partners will not abandon them to the killers and terrorists who will do their best to destabilize the country prior to the elections that are scheduled for the end of this year. Both the friends and enemies of a new Iraq need to know that the campaign of coercion and intimidation against the thousands of Iraqis who are standing up for a free Iraq *will not* succeed in driving us out, even though that campaign will continue and perhaps intensify after the transfer of sovereignty on June 30.

And it is my hope, Mr. Chairman, that all of us – in the Executive and Legislative branches – will continue to make sure the Iraqi people receive this message loud and strong.

Thank you.