

House Armed Services Committee

Hearing on Iraqi Security Forces January 17, 2008

House Armed Service Committee Chairman Ike SKELTON: The gentleman from Connecticut, Mr. Courtney, please?

Representative Joe COURTNEY: Thank you, Mr. Chairman.

I want to thank the witnesses and spouses who are here today. The topic that you're talking about, in addition to the Armed Services Committee certainly wanting to get an updated status as far as your progress, also seems to be relevant to issues that seem to be emerging on the front pages of the paper as far as the legal status of American troops in Iraq.

I guess I should probably direct this question to Secretary Kimmitt.

It appears that the Iraqi government does not want to continue authorizing legal status of our troops under the U.N. resolution, but wants to have a sort of separate negotiated agreement between the U.S. and Iraq.

Is that your understanding, Secretary Kimmitt, about their position?

Deputy Assistant Secretary of Defense for the Middle East, Mark KIMMITT: I can articulate that perhaps differently, but please go ahead.

COURTNEY: Well, I guess, first of all, I actually would like to hear what your thoughts are about whether or not that really should be -- their preference should really be driving that outcome, because certainly even those who have questions about our presence in Iraq or those who support our presence in Iraq I think would probably feel a lot more comfortable having a U.N. legal basis rather than something that's just bilateral between our country and Iraq.

And, secondly, if it turns out we are going to end up doing this separate, the issue of when Iraq is going to be ready to take over its own security is a pretty big deal, because the term of the agreement certainly could be driven or governed, to a large degree, by what they're saying.

I mean, if the secretary from the Iraq ministry is saying 2012 before they're going to have capability of securing their own country internally, that's a pretty disturbing, I think, prospect in terms of what we negotiate, if there is going to be negotiation for an agreement.

So I think it's a two-part question. Maybe you could comment.

KIMMITT: Sir, if I could, it is clear that the Iraqis are seeking, in 2009, not to be having this relationship based on Chapter 7 United Nations Security Council resolution, which gives to them pretty much a view that they're being occupied by an external force.

We are now at the position where we are seeking to normalize that relationship of our presence there and their sovereign rights. That is not to presuppose that there will be a United Nations Security Council resolution next year, but it is clear that the type of Security Council resolution that Iraq does not prefer would be a Chapter 7, by any means, by any use of force necessary.

They are a sovereign country. They believe -- and this goes back to taking on more and more of the responsibility for themselves. At the same time, they understand that there will be a need for coalition forces, in general, and American forces, in particular, in the future and that's why this year we will be sitting down as an adjunct, as a follow-on from the declaration of principles that was signed between our two countries in November, between Prime Minister Maliki and President Bush.

The declaration of principles was signed. Another renewal of the UNSCR for 2008 was agreed upon by the United Nations. And now we are going to be sitting down in the near future with the government of Iraq on one side of the table and the United States on the other side of the table to work towards a more SOFA-like relationship between our countries, status of forces agreement, as we enjoy with many other countries around the world.

This one will have to have some additional aspects, such as our capability to conduct operations, and many of these other issues that will have to be negotiated.

But not for a minute should this body be concerned that somehow we will forfeit rights and immunities of the American soldier on the ground. There are some absolute redlines that will go into this in negotiations and those are not redlines that we are willing -- and the protection and the rights of the American soldiers, as we have in many other countries, are not one that we are prepared to forfeit to remain inside, nor, for that matter, do we believe the Iraqis are going to suggest that there ought to be different rights and authorities for our soldiers in 2009 as they had in 2007.

COURTNEY: I've got a lot of confidence you're going to protect their legal position.

I guess what I'm more concerned about really is just that this new SOFA agreement is not going to be an open-ended enabler for them not to move and to take more responsibility for their own future.

And I think I'm about to run out of time here, but my, certainly, advice to the administration would be that if this process goes forward, that it be as transparent as possible and that Congress is part of the loop in terms of that discussion.

We do not want long-term commitments being made that lock in this country for a time period and to an ally that maybe a lot of people in this country don't feel are really holding up their end.

With that, I yield back. Thank you, Mr. Chairman.

SKELTON: Thank the gentleman.