

NOMINATION

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NOMINATION

WEDNESDAY, MARCH 25, 2009

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

Christopher R. Hill to be Ambassador to the Republic of Iraq

The committee met, pursuant to notice, at 9:41 a.m., in room SD-419, Dirksen Senate Office Building, Hon. John F. Kerry (chairman of the committee) presiding.

Present: Senators Kerry, Dodd, Feingold, Menendez, Casey, Webb, Kaufman, Lugar, Corker, Isakson, Risch, DeMint, Barrasso, and Wicker.

OPENING STATEMENT OF HON. JOHN F. KERRY, U.S. SENATOR FROM MASSACHUSETTS

The CHAIRMAN. The hearing will come to order. Again, I apologize that we are starting a little bit late.

Senator Reed, thank you for being here. We appreciate it very, very much.

This committee will hold many hearings this year and many confirmation hearings, obviously, but I do not think there will be many as important than the two hearings we hold this week for Ambassadors to Iraq and Afghanistan; 143,000 American military personnel remain in harm's way in Iraq and about 40,000 more are in Afghanistan, and the outcomes of these wars will have profoundly important consequences for our Nation. Our diplomacy is going to be crucial to the outcome of the struggle in these countries.

We begin today with Iraq. In Ambassador Christopher Hill, President Obama has chosen an extraordinarily talented Foreign Service professional with a long and distinguished record of service, and I am convinced that he is the right person for Iraq.

Often the reward for diplomats who succeed in difficult postings with long odds is tougher assignments with longer odds. Ambassador Hill has made a career, now entering its fourth decade, of tackling seemingly intractable diplomatic challenges.

Make no mistake. Iraq today still presents extraordinary challenges. While we have set a time table for withdrawing our troops, as many of us have long advocated, in an effort to accelerate the willingness of Iraqis themselves to take responsibility and stand up, we all understand that our work there is far from finished. The days when we could hope to impose solutions in Iraq are long past.

It is the Iraqis who will ultimately determine their own future. Our task is to leverage our troops' redeployment into a sustainable political accommodation that prevents Iraq from sliding back into widespread ethnic or sectarian violence. To succeed, we will need to address Iraq's potentially volatile internal conflicts and complex regional dynamics through a series of overlapping diplomatic and political initiatives involving a multitude of actors.

Fortunately, Ambassador Hill brings particular talents and experience well suited to this mission. In addition to serving as Ambassador to Macedonia, Poland, and South Korea, he was also Special Envoy to Kosovo in 1999, and one of the top negotiators of the 1995 Dayton Accords that ended the war in Bosnia. Both of those experiences give him crucial experience solving complex problems of ethnic civil wars.

As we all know, as Assistant Secretary of State for East Asia and Special Envoy to the six-party talks, he had to coordinate delicate multilateral negotiations on North Korea's nuclear program while dealing directly with an extremely difficult regime in Pyongyang.

Ambassador Hill, I believe that all of your considerable skills will be called on in Iraq, and among the many challenges you will face there, let me just focus very, very quickly on several.

First, resolving the status of Kirkuk and other disputed territories. Arab-Kurdish tensions run high in Kirkuk, which remains a potential flash point for violence, and meaningful efforts to reach agreement on Kirkuk's final status cannot be put off indefinitely.

In Mosul, a strong showing in recent provincial elections by an anti-Kurdish coalition illustrated rising tensions there, as did a tense military standoff in Diyala province last summer between the Iraqi army and Kurdish Peshmerga. If progress is not made in diffusing Arab-Kurdish tensions while American forces remain in Iraq, the window for peaceful resolution of Kirkuk and other dispute territories may close.

Two, passing the oil laws. Despite repeated assurances that an agreement was near, negotiations to finalize a series of laws regulating Iraq's oil resources appear to be no closer to completion now than they were 2 years ago. The fundamental issue is the disagreement between Baghdad and the Kurds and the Kurdish region's ability to enter into oil exploration and production contracts. Though the Iraqis, to their credit, have been sharing oil revenues, the country still lacks an overarching legal and political framework for its oil industry, the lifeblood of the country's economy. Again, time is of the essence because developments on the ground that will only make the solution more difficult to achieve.

Third, involving Iraq's neighbors in stabilizing the country. Many of us have long encouraged vigorous, sustained diplomacy to encourage Iraq's neighbors, including Iran and Syria, to play more constructive roles in Iraq. The Arabs have begun to cautiously engage with Iraq and they should be encouraged to do more. I believe that as Ambassador to Iraq, you are going to have an important role to play in this process, and your predecessor, Ambassador Crocker, had three rounds of meetings with his Iranian colleague in 2007. We hope the administration will strongly consider restarting these talks.

Fourth, full integration of the Sunnis. Although some progress has been made in incorporating Sunni Arabs into Iraq's new political structure, December's parliamentary elections can play a key role in consolidating this process. Integrating the Sunni militias, which played such a key role in turning the tide in Iraq, remains a major concern.

Fifth, addressing refugees and internally displaced persons. Millions of Iraqis, perhaps as many as one in six, have been forced to flee. The unwillingness or inability of the vast majority to return to their homes is an indicator of Iraq's continuing instability and a potential source of future conflict. Iraq's religious and ethnic minorities are particularly at risk, and this is a problem that will only grow worse if it is not addressed.

Finally, the importance of training Iraq's Security Forces cannot be overstated if they are to be fully capable of independent action once we leave. This highlights the importance of achieving a high degree of civil-military cooperation between our diplomats and soldiers in Iraq. I strongly believe that one of the principal reasons that GEN David Petraeus and Ambassador Ryan Crocker were able to accomplish so much is because they worked together so closely. I know that General Petraeus' successor, GEN Ray Odierno, is looking forward to building a similar relationship with you, which is why both men and Ambassadors Crocker, Khalilzad, and Negroponte have spoken of the urgent need to get our Ambassador to Baghdad as quickly as possible.

I emphasize that to my colleagues here in the Senate. I understand that some colleagues may have objections to a nominee. That is their right with respect to any Presidential nomination, and some, I am told, may be considering holding up a vote on this nomination until after the upcoming recess. I could not stress more urgently to my colleagues the counterproductivity of such a move. Senators have every right to vote against Ambassador Hill, but I believe that using Senate procedures to delay his arrival to Baghdad at a critical time in this war would do a serious disservice to our efforts there. This is not a time for delay.

As the Pentagon made clear last week, "It is vital that we get an Ambassador in Baghdad as soon as possible because there is no substitute for having the President's Envoy, the U.S. Ambassador, in place and on the job."

So this committee will move quickly to discharge Ambassador Hill who has committed to depart for Iraq within a day of his Senate confirmation. I told him I would do everything I could to see that he gets that chance, and I look forward today to hearing his thoughts on the path forward in Iraq.

Senator Lugar.

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

Senator LUGAR. Mr. Chairman, I join you in stressing the urgency of having our Ambassadors in Iraq and Afghanistan. I thank you for scheduling this hearing today promptly and likewise to hear General Eikenberry tomorrow morning because these Ambassadors are critical in the support of our Armed Forces in those two countries. Now, we are at war. This is not a parliamentary struggle

among Senators who have diverse points of view. And so I thank you for emphasizing that in your statement.

And I join you in welcoming our distinguished nominee today, Ambassador Christopher Hill. As you pointed out, during his 32-year career, he has led three embassies, served as Assistant Secretary of State for East Asia and Pacific Affairs, and in that position additionally was the administration's point man in the six-party talks on North Korea. As Assistant Secretary, Ambassador Hill demonstrated outstanding diplomatic and managerial skills in dealing with one of the most difficult foreign policy challenges. His innovative and meticulous approach contributed to successes, including the ongoing disablement of the Yongbyon nuclear complex in the presence of American monitors—I would point out that the staffs of this committee, both Republican and Democratic, have been to Yongbyon, have seen that situation with Syd Hecker—the reentry into North Korea of IAEA officials, and the potential transition of the six-party process into a forum for broader multilateral engagement in Northeast Asia.

I have appreciated especially Ambassador Hill's accessibility to the Senate Foreign Relations Committee. In addition to nine appearances before the committee in the last 5 years, he has always been willing to meet with us privately about developments on the Korean Peninsula or elsewhere in East Asia.

Through the confluence of many factors, Iraq is showing positive trend lines, and American casualties are at their lowest mark since the conflict began 6 years ago. The Iraqi Government held successful elections last month, and those provincial councils are convening, electing chairmen, and beginning to set their agendas.

But progress in Iraq remains very vulnerable to political rivalry, outside interference, and the slow pace of economic reconstruction. Government institutions at all levels remain underdeveloped, inefficient in many cases, and subject to corruption. The economy, which grew at a rate of 3.5 percent in the first two quarters of 2008, has slipped as oil prices have dropped, and oil production rates are flat. Reduced revenues may slow the efforts of Iraq's Government to make necessary infrastructure investments. Unemployment and underemployment remain high.

Ambassador Crocker and General Odierno describe Iraq's progress as fragile and reversible. With this in mind, we need the clearest analysis possible of the likely effects of downsizing the U.S. military presence. We also need a more definitive outline of the missions of the 50,000 troops that will remain in Iraq. And without a detailed mission statement, it is impossible to judge whether the force is appropriate. We also need to understand how the civilian components of the American presence, including the Embassy and the PRTs, will be affected by the downsizing of the military operations.

The six-party process that Ambassador Hill oversaw required the U.S. diplomatic team to address issues pertaining to the entire region. I believe success in Iraq will increasingly depend on regional factors involving the activities of both friends and adversaries. We must work to reassure allies and send adversaries the clear message that the United States remains committed to regional stability

and has no intention of leaving a vacuum in Iraq that could be exploited.

Prime Minister Maliki's outreach to the Sunnis has already reduced tensions among Iraq's Sunni neighbors. Leaders from Turkey, Jordan, Syria, and virtually all of the Gulf States, including Kuwait, have paid high-level visits and appointed ambassadors, indicating acceptance of the Shia-run government.

Across the region and internationally, the incentive structure for involvement in Iraq is fundamentally different than it was 2 years ago. Coupled with the drawdown, the time is right to expand our engagements, solidify regional security gains, and cultivate more robust regional and international cooperation in Iraq. Ideally, this cooperation would include regular and wide-ranging talks with neighboring states on broader issues of regional security. One of the purposes of these talks must be to avoid surprise and miscalculation in the region that could ignite further conflict.

Trilateral talks between the United States, Iraq, and Turkey could be expanded to include more participants such as Syria and Jordan and more issues such as displaced Iraqis. Trilateral talks with Iran and Iraq should recommence and perhaps include more of Iraq's neighbors and other concerned powers.

We should seek to facilitate Iraq's return to regional and international institutions, which could reduce our long-term burdens. Iraq may not need development assistance, but it does need trading partners and expanded diplomatic and technical help from international agencies.

I look forward today to hearing Ambassador Hill's views on these and many other topics. I certainly appreciate, as you pointed out, Mr. Chairman, his willingness to accept this very difficult post, especially after several years of intense diplomatic activity. I thank you again, Mr. Chairman, for calling the hearing.

The CHAIRMAN. Well, thank you, Senator Lugar, and thank you for your important comments of why Ambassador Hill is the right person for this job.

We are pleased to have one of our colleagues who is recognized throughout the Senate as being one of the most knowledgeable about Iraq and who has spent an enormous amount of time, as a member of the Armed Services Committee, traveling there and understanding the situation and working with each of the commanding generals who have been there. So, Senator Reed, we really appreciate your taking time to be here and look forward to your introduction.

**STATEMENT OF HON. JACK REED,
U.S. SENATOR FROM RHODE ISLAND**

Senator REED. Thank you very much, Mr. Chairman and Senator Lugar and colleagues. I am just delighted to be able to introduce Ambassador Christopher R. Hill, the President's nominee to be the Ambassador to Iraq. Chris is a native of Little Compton, Rhode Island. We are awfully proud of him in Rhode Island for his contribution to the Nation and for a lifetime of service. He graduated from Bowdoin College and later received a masters from the Naval War College in Newport, Rhode Island.

He has a distinguished a career, exemplified by service across the globe. As a young Foreign Service officer, he served in Warsaw, in Belgrade, then in South Korea. He later was the Deputy Chief of Mission in Albania.

I first got to know Chris in 1996 when he was the Ambassador to Macedonia. I was extremely impressed with the way he could handle a very difficult situation, a situation involving conflicting religious impulses, multiethnic rivalries, and ancient animosities, and also the way he worked so successfully with our military. We had division-sized units on the ground. His rapport and the mutual respect was quite obvious. Those talents and those traits are going to be essentially critical to his role in Iraq.

And as we all know, he later became the Ambassador to South Korea where he teamed up with another Rhode Islander, General Leon LaPorte, and once again, together with a distinguished military officer, took on a major mission requiring diplomatic and military sensitivities and, once again, he showed himself to be a master of the situation.

His efforts with respect to the dismantling of a main nuclear facility and the accounting for the plutonium of the Koreans I think represents some progress in a very, very difficult situation at a point where many before Chris arrived thought there would be little or no progress at all.

He has been recognized by the State Department with numerous awards.

He speaks Polish, Serbian, Macedonian, and French.

And he is married to Patricia Whitehall Hill, and they have three children, Nathaniel, Amelia, and Clara, who continue to sustain him at difficult moments.

And Mr. Chairman and Ranking Member Lugar, I can think of no one more qualified for this important job. Thank you.

The CHAIRMAN. Thank you, Senator Reed. We really appreciate that. And I know you have to be excused to run off to other business, but we thank you for taking time to come here.

Ambassador Hill, we welcome your testimony and look forward to a chance to have a good dialogue with you.

**STATEMENT OF HON. CHRISTOPHER R. HILL, NOMINATED TO
BE AMBASSADOR TO THE REPUBLIC OF IRAQ**

Ambassador HILL. Thank you very much. I have a statement that I would like to—

The CHAIRMAN. Your full statement will be put in the record. If you want to just summarize, that is great.

Ambassador HILL. OK, very good.

Chairman Kerry, Senator Lugar, members of the committee, it is an honor and a privilege to appear before you today as President Obama's nominee to be the next American Ambassador to Iraq.

I am deeply grateful to the President and to Secretary Clinton for the trust and confidence they have shown in me at this crucial juncture in that relationship.

Mr. Chairman, on February 27, 2009, the President announced a policy to end the war in Iraq. The essence of this policy is a responsible drawdown of our military forces in Iraq, combined with

a political, diplomatic, and civilian effort to preserve security gains and to lay the foundation for lasting peace and prosperity.

These security gains, indeed, this policy, would not have been possible or achievable without the very real accomplishments and the very real sacrifice borne by our men and women in uniform and by the thousands of civilians who have worked alongside them. I am truly honored by the prospect of joining this select group of Americans who have served with such devotion and courage, and I will always keep in my mind and in my heart the fact that over 4,000 of our men and women gave their last full measure to this effort. For their memory and for our Nation, we must succeed.

If confirmed, my job would be to lead this political, diplomatic, and civilian effort with the objective of normalizing our relationship with Iraq based on mutual respect and interests. We need to work with the Iraqi Government on a broad-based relationship that includes more than just security and political cooperation. We need to address the plight of refugees, of internally displaced people, and other post-conflict issues. We need to aim to build with Iraq the type of normalized relationship we enjoy with other friends and allies around the world.

This is a mission that will be replete with challenges, some unique to Iraq and others that I have seen in other parts of the world. It is a mission that remains critical to our national interests in the region and beyond, and we really have to succeed in this.

Iraqis have suffered through dictatorship and conflict, and they deserve a better day. They have made great strides toward national reconciliation. Yet, much more remains to be done. We have a responsibility to help, but as President Obama has noted, it is ultimately going to be up to them.

In this context, Mr. Chairman, if I am confirmed, my priorities will include ensuring that we provide the Iraqi Government with the support it needs for parliamentary elections. We need to help them achieve a pattern of peaceful and normal political transition. We need to deepen respect for human rights for all communities in Iraq, including religious minorities, and we need to help them strengthen the rule of law.

My priorities would also include helping the Iraqis achieve sustained economic development and to put in place policies that help modernize Iraq's infrastructure, develop a legal framework that will attract needed foreign investment and for dealing with the problem of corruption.

The President has also called for a robust diplomatic effort to normalize Iraq's relations with its six neighbors and with the wider region and, more generally, with the international community, many of whose members have helped Iraq through these difficult times.

I am very fortunate that if I am confirmed, I will work with one of the finest embassy staffs ever put together, and for that, I have to thank my predecessors, Ryan Crocker, Zal Khalilzad, and John Negroponte. Diplomacy is a team sport, if ever there was one, and what we accomplish is often what others have started.

In all of these efforts, I intend to work closely and in tandem with General Odierno and with General Petraeus to ensure that there is unity of effort in all that we do in Iraq. I have known both

of these generals from previous Foreign Service assignments. Indeed, it has been my great privilege, over the course of my career, to have worked with some of the best military commanders in this generation on some of our toughest challenges: GEN Eric Shinseki in the Balkans, GEN Leon LaPorte in Korea, ADM Tim Keating at Pacific Command, to name just a few, and I know that maintaining a strong partnership with our colleagues in uniform will be key to progress.

If confirmed as chief of our mission in Iraq, I intend to coordinate and focus the contributions being made by all participating civilian agencies of the U.S. Government, coordinating the work of these civilian agencies, and ensuring that they have the security protection they need to do their jobs effectively will be essential to the success of these policies.

Mr. Chairman, I would like to mention the importance I attach also to ensuring that our taxpayers' funds are spent wisely and well.

Mr. Chairman, as I ask the Senate's support to take up the challenge of implementing the President's policy, I am mindful of the lessons that I have learned over the course of my 3 decades in public service—from working on microcredit as a Peace Corps volunteer in Cameroon in the 1970s, to witnessing and supporting the struggle for political freedom in Eastern Europe in the 1980s, to being a part of the negotiating effort to end bloodshed in the Balkans in the 1990s, and most recently to working with like-minded countries to try to get North Korea to give up its nuclear ambitions.

For each of these assignments, I made it a matter of course to consult the best experts and the thickest of briefing books, but I have found that the most important preparation for these overseas assignments was always to retain a sense of humility and determination in the face of the complexities that are certain to await me on arrival. If confirmed, I intend to approach the mission ahead with that same sense of humility and determination.

So thank you very much, and I would be most pleased to take your questions.

[The prepared statement of Ambassador Hill follows:]

PREPARED STATEMENT OF HON. CHRISTOPHER R. HILL, NOMINATED TO BE
AMBASSADOR TO THE REPUBLIC OF IRAQ

Chairman Kerry, Senator Lugar, members of the committee, it is an honor and a privilege to appear before you today as President Obama's nominee to be the next American Ambassador to Iraq.

I am deeply grateful to the President and to Secretary Clinton for the trust and confidence they have shown in me at this crucial juncture in our relations with Iraq.

Mr. Chairman, on February 27, 2009, the President announced a policy to bring the long conflict in Iraq to an end. The essence of this policy is a responsible drawdown of our military forces in Iraq, combined with a strong political, diplomatic, and civilian effort to preserve hard-fought security gains and to strengthen the foundation for lasting peace and security.

Our Nation owes a debt of gratitude to our men and women in uniform and to the thousands of civilians whose sacrifices and accomplishments have brought us to the point where a responsible drawdown is possible. I am honored by the prospect of joining this select group of Americans who have served their country in Iraq with such devotion and courage. I will keep in my mind and heart always the ultimate sacrifice paid by the more than 4,000 of our men and women.

If confirmed, my job would be to lead the political, diplomatic, and civilian effort necessary to make our military drawdown a success, with the objective of normal-

izing our relationship with Iraq based on mutual respect and interests. As the President said, we seek an Iraq that is sovereign, stable, and self-reliant; committed to just, representative, and accountable governance; and integrated into the global economy; an Iraq that denies haven or support for terrorist or extremist groups, and contributes to regional peace and security. The Iraqis seek the same for their country.

To do this, we will need to advance a strong, cooperative bilateral relationship between the United States and Iraq, as envisioned in the United States-Iraq Strategic Framework Agreement, that includes not just security and political cooperation, but also cooperation to assist and resettle refugees and the displaced, educational exchanges, cooperation on trade and investment, telecommunications, energy, and health and environmental protection.

We will aim to build with Iraq the type of normalized relationship we enjoy with other friends and allies around the world. This is a mission that will be replete with challenges, some unique to Iraq, but it is a mission that remains critical to our national interest in the region and beyond.

The Iraqi Government and people have made great sacrifices and great strides toward reconciliation, yet much more remains to be done. We can help, but as President Obama has noted, it is ultimately up to the people and Government of Iraq to take up the task of securing the gains made and building on them their nation. Iraq's long-term success will—and must—depend on the decisions that only the people and Government of Iraq can make. Our responsibility is to support and assist—and, where we can be helpful, act as an honest broker—not to make these decisions on behalf of the Iraqis.

In this context, Mr. Chairman, if I am confirmed, my priorities will include ensuring that we provide the Iraqi Government with the support it needs to conduct successful parliamentary elections; achieve a pattern of peaceful and normal political transition; deepening respect for human rights of all communities, including religious minorities; and strengthen the rule of law.

The majority of Iraqis have embraced the electoral process as the best means for peaceful political change. The provincial elections in January 2009 saw many who felt previously excluded turn out in large numbers to cast ballots. The result was the election of provincial governments that more truly reflect the wishes of the Iraqi people. National parliamentary elections are scheduled for the end of 2009 or early 2010. These elections will be conducted by the Iraqis themselves, but we are prepared to provide valuable support through the work of institutions like the National Democratic Institute (NDI), the International Republican Institute (IRI), the United Nations, and other international partners which provide technical assistance, expert advice, and observer missions.

The same is true of economic development. The responsibility for modernizing Iraq's infrastructure, for developing a legal framework that will attract needed foreign investment, for ending corruption—these challenges should be addressed in the first instance by a sovereign Iraq. If confirmed, I will also focus on capacity-building efforts in Baghdad and the provinces that help Iraqi decisionmakers efficiently and effectively design and implement policy, and use Iraq's resources in a transparent and fair manner to improve the lives of their people.

The President also called for a robust diplomatic effort to normalize Iraq's relations with its six neighbors and the wider region. My objective, Mr. Chairman, will be to work with the Government of Iraq to help create the diplomatic conditions where Iraq will emerge as a partner of the United States that is committed to regional peace and security.

In all of these efforts, I intend to work closely and in tandem with General Odierno and General Petraeus to ensure that there is unity of effort in all that we do in Iraq. I have worked with some of the best military commanders of this generation on some of our toughest challenges—GEN Eric Shinseki in the Balkans, GEN Leon LaPorte in Korea, ADM Tim Keating at PACOM, to name just a few—and I know that maintaining a strong partnership with our colleagues in uniform will be key to progress in Iraq.

If confirmed as Chief of our Mission in Iraq, I intend to coordinate and focus the contributions being made by all participating civilian agencies of the U.S. Government, including USAID, the Department of Justice, the Department of Treasury, the Department of Agriculture, the Department of Commerce, the Department of Homeland Security, the Department of Health and Human Services, the Department of Transportation, and the Department of Energy. Coordinating the work of each of these civilian agencies—and ensuring they have the security protection they need to do their jobs effectively—will be essential to the success of the President's policies.

We must harness the human and other resources available to us and use what Secretary Clinton has termed “smart power” to address priority problems in the most effective way possible. And in this respect I take very seriously my responsibilities to ensure that our taxpayers’ funds are spent wisely and well. Thus, one of the first tasks I would undertake, if confirmed, would be to review our current resources, our personnel levels, and the way we do business to ensure that we are operating at full efficiency and husbanding precious resources, and to move us toward a more normal footprint and posture in Iraq.

The President has charted a course for responsibly ending the war in Iraq and normalizing our mission there.

Mr. Chairman, as I ask the Senate’s support to take up that challenge, I am mindful of the lessons that I have learned over the course of my three decades in public service—from working on microcredit as a Peace Corps Volunteer in Cameroon in the 1970s; to witnessing the struggle for political freedom in Eastern Europe in the 1980s; to being a part of the negotiating effort to end bloodshed in the Balkans in the 1990s; and most recently to working with like-minded countries to try to get North Korea to give up its nuclear ambitions.

For each of these assignments, I made it a matter of course to dutifully consult the smartest experts and the thickest briefing books. But I have found that the most important preparation was to retain a sense of humility and determination in the face of the complexities that are certain to await me on arrival.

If confirmed, I intend to approach the mission ahead with that same sense of humility and determination.

Thank you. I would be pleased to take your questions.

The CHAIRMAN. Thanks, Mr. Ambassador. We appreciate it.

Let me just begin by going straight to some of the questions that have been raised with respect to this. Share with the committee, if you would, how you believe or how in reality the experience that you had in Bosnia and the Balkans, in fact, might prepare you for and, in fact, give you valuable experience with respect to what we see in Iraq today.

Ambassador HILL. Well, thank you.

I think in many respects, Iraq is unique, but the problems that Iraq faces are not unique. We have seen these problems elsewhere, and I did see them in the Balkans.

For example, Mr. Chairman, you spoke of the problems along the Kurdish regional government boundary and the disputes of those territories. I saw a lot of these types of problems in Bosnia dealing with the Bosniaks and the Serb entity there. I also saw them in dealing with how to manage some of the internal issues, some of the internal communities that were in Kosovo, the Serb communities there and the Albanian communities. So these are very familiar issues.

Unfortunately, with these issues, there is no sort of macro approach. There is no sort of wholesale way to deal with them. You have to get to them on a very local level and deal with them and understand the concerns of each community, and you try to put yourself in the shoes of these communities and try to be helpful.

As I said earlier, I think many of these issues are issues the Iraqis are going to have to take up and resolve, but I think we have—and I would like to think that I have, in particular—some experience that I can bring to bear on dealing with some of these internal issues.

The problem of post-conflict, the problem of standing up institutions is absolutely essential. You know, the problems of corruption in Iraq are often a function of the problems of weak institutions and the failure to develop accountability, these sorts of things.

I remember very well dealing with these in Albania. When we came into Albania, when we opened up our Embassy in 1991, it had been closed since 1946. I was the first permanently assigned diplomat there. We brought in experts, interagency people, people from different U.S. Government agencies, to deal with trying to help build the capacities of these ministries.

So I think a lot of what we need to do on the civilian side in Iraq is to build up the capacities, make sure Finance Ministries are making the right—are looking at things in the right way. To make sure that some of the civilian agencies that deal with law and order, for example, police training—this was an enormous issue in Kosovo. So I am very familiar with those issues.

And finally, I think if Iraq is going to be successful, it is going to be successful because it has good relations with its neighbors, but also good relations within the broader international field. I think the work I did with the contact group in Bosnia and in Kosovo that is working with other countries to try to help Bosnia and Kosovo, but also in the six-party talks, getting different countries of very different points of view around the same table to try to achieve the same ends is also going to be very relevant to anything I do in Iraq.

The CHAIRMAN. Do you feel that that six-party talk experience has particular similarities to any of the components of what you are facing in Iraq?

Ambassador HILL. In this case, these were neighbors of North Korea, all of whom had a different history with the Korean Peninsula. And so while Americans may come with a short history, the neighbors come with a long history. So you have to work these issues through.

With respect to Iraq, it is obviously a different mission. It is a different goal that we are trying to accomplish, but I think, clearly, we need to, I think, make sure that Iraq has the opportunity to have normal relations with these countries, but also make sure that these countries respect Iraqi sovereignty. So dealing multilaterally to try to make sure that people understand our position very clearly on this, I think there are a lot of similarities.

The CHAIRMAN. Share with us your sense of the state of play in Iraq now post-election in this transitional moment. How do you see it?

Ambassador HILL. Well, I think there has clearly been enormous progress in Iraq, but I think some real challenges remain. The recent provincial elections were a very good sign that people are prepared to come to the ballot box to deal with their problems, and some of the results of the elections suggested that people really wanted to see some improvements. One of the issues that people were clearly concerned about, we know from various exit polling, is corruption and also getting economic development going.

I would say another key sign was the fact that the Sunnis began to participate.

First, as we move to the parliamentary elections, these will be very key elections, indeed, during this period of our troop draw-down. What we need to make sure is that these elections are perceived by the Iraqi people, and more broadly, as successful elec-

tions. So one of the first issues that I have to deal with is to make sure the political process is going forward.

Second, I think the issues that you raised about the internal boundaries within Iraq and really the relationship of the center to the regions, in particular, the relationship of Baghdad to the region in the north with the Kurds, the Kurdish regional government—that has to be dealt with. There have been some difficult problems there. You mentioned one in Kirkuk. We cannot allow a problem in one area to endanger the rest of the issues, and we have to be really on top of this. I know that Ambassador Crocker spent a great deal of his time monitoring these issues and being involved where necessary, and I see these internal security issues of that kind to be very important and ones that I need to deal with and probably deal with very quickly.

The third issue is the issue of economic development. In particular, the issue of the passage of the hydrocarbons law. This is a very complex matter. When you hear about the hydrocarbons law, you think, oh, this must be about revenue-sharing. Actually it goes much deeper than the issue of revenue-sharing. It is a fundamental question about what type of economy Iraq will be built on. The elements of it have been discussed for some time, but they have not put it together yet. I think if that hydrocarbon law can be put together, if there can be Iraqi consensus on that, I think that will be an enormously good sign for Iraq's future.

And the fourth issue that I attach priority to is something that you discussed in your statement, Mr. Chairman, that is the issue of Iraq's neighbors and making sure that Iraq's neighbors understand what we are doing and what we are not doing. That is, we are looking to help the Iraqis stand up a stable, secure, and sovereign country. And these neighbors, it is in their interest to try to engage with a stable, secure, and sovereign nation and to try to get on with dealing with the process of calming down that region.

The CHAIRMAN. Thank you.

Senator Lugar.

Senator LUGAR. Ambassador Hill, I conferred yesterday with our colleague, Senator Sam Brownback of Kansas. He is not a member of our committee. He is not present today, but he has asked me to raise with you issues that he believes are very important.

And as background for this, I cite an article in the National Journal Online of March 23, 2009, by Kirk Victor in which he says: "President Obama's nomination of Christopher Hill to be ambassador to Iraq has prompted fierce criticism from a handful of senior Republican Senators in what is likely a prelude to a bruising battle on the Senate floor. Critics including Senator Sam Brownback charge that Hill, a career diplomat, misled Congress in testimony last year when he was handling the six-party talks dealing with North Korean nuclear disarmament.

"Brownback charges that Hill failed to follow through on his promise to confront North Korea on its human rights record. The Kansas Republican, joined by four other GOP Senators—Christopher Bond of Missouri, John Ensign of Nevada, James Inhofe of Oklahoma, and Jon Kyl of Arizona—recently urged the President to withdraw the nomination not only because of what they see as

Hill's misleading testimony but also because of his inexperience in dealing with Iraq.

"Obama and Senate Democratic leaders counter that as a seasoned diplomat Hill is well-suited. That is, Hill is well-suited . . . he has a key endorsement from Senator Richard Lugar of Indiana."

But "Brownback adamantly disagrees with Lugar. Last year, the Kansan even held up President Bush's nominee to South Korea until Hill agreed to take steps to make North Korea's human rights record part of the negotiations. But the Senator says Hill went back on his word. In an interview with the National Journal last week, Brownback discussed his determination to do everything he can to kill the nomination."

Edited excerpts follow of Brownback. "We are going to fight hard against Chris. I met with him on March 18 in my office, and he did not allay my concerns. When he was conducting six-party talks, I asked him to involve the Special Envoy for human rights. He didn't want to do it. So I held up an ambassadorial nominee to South Korea. The State Department really wanted that ambassador.

"Former Senator John Warner brokered a deal in the Armed Services Committee where Chris Hill was testifying and Warner had me ask questions. One of them was, 'Will you invite the Special Envoy for human rights to the six-party talks?' He said yes, he would. That didn't happen. On his word of doing that, in front of open committee, I lifted my hold on the South Korea Ambassador. So he misled me." And so it goes.

Now, let me just say, Ambassador Hill, you have tried in your opening responses to the chairman's questions to talk about the experience with regard to diplomacy and Iraq, and I have attempted in my opening comments to indicate what I saw to be regional implications of your forthcoming post, in addition to the shoring up and strengthening of the Iraqi Government.

But for this record, would you respond to Senator Brownback and to others that I have cited personally and from this quote who have raised serious questions that need to be addressed as a part of our moving this nomination forward?

Ambassador HILL. Senator, I would be happy to do so.

First of all, I want to make very clear that I very much respect Senator Brownback's concern about human rights. These are concerns that are deeply felt, and they are well placed. I have said on a number of occasions—and I will say it again here—that the North Korean human rights record is one of the worst in the world. There is no question it is one of the worst in the world, and I have had those conversations with Senator Brownback.

Now, with respect to the specific issues that he raised, or were raised in the Armed Services Committee, I would like to make a couple of points.

What I agreed to do was that as we were going through the phase two of the disablement process and verification of the North Korean nuclear declaration, we anticipated moving on to phase three, or a next phase, if you look in the transcript. And what I told Senator Brownback we would do in that next phase was to—the next phase was to include bilateral normalization talks with the North Koreans.

Now, of course, we were not ever going to normalize with North Korea until it had done away with all of its nuclear materials and nuclear ambitions. However, the plan was to sit down with the North Koreans in phase three for talks aimed at normalization.

I told Senator Brownback that when we got to that stage, I would be prepared to support—and I emphasized I would be prepared to support—because I did not make the decisions. (the decisions were made by Secretary Rice and an interagency group), but I would be prepared to support the creation of a human rights track within the normalization talks.

What did I have in mind for a human rights track? I thought we could, in this track, acquaint the North Koreans with the fact that if their aspiration was to join the international community, which was the whole concept of the six-party talks, they would have to do something about their human rights record. Specifically, we would look at whether we could, for example, give them lists of prisoners of conscience, of whom there are many in North Korea. We would also look to see whether we could stand up some activities, for example, help them with their criminal procedures code or things like that, work with other countries on this. So I told Senator Brownback that we would create, in the context of this bilateral normalization working group, a human rights track.

The second point concerned his concern that the human rights envoy who was envoy from 2005 to 2009, should be made a part of the six parties. I told Senator Brownback that I would support—indeed, that I would invite the Mr. Leftowitz to any negotiations with the North Koreans that did not deal with nuclear matters, that is, anything beyond nuclear, he would be a participant in. In fact, my statement is addressed in a press release that Senator Brownback issued on July 31, 2008.

The problem, Senator Lugar, was that we were not able to get beyond phase two. Although the North Koreans did issue a nuclear declaration, we did not get adequate verification measures to verify the entire declaration, so we were not able to get beyond phase two. We got some verification measures; we got their agreement to allow people to visit sites. We got their agreement to allow people to visit sites that are not already listed on their declaration. We got them to agree to give us documentation on how the reactor operated. That is, we got daily production records from 1986 so that we could track the production of the reactor, and that would help verify whether, indeed, they had produced 30 kilos versus 35.

So we got some verification, but what we were seeking was a fuller international standard verification of the type that one would have in the context of a country that has completely denuclearized and a verification that would be familiar to anyone who has dealt with the IAEA.

We were not able to get that, and we were not able to complete phase two, and therefore, we never got on to having these bilateral talks.

Senator LUGAR. Thank you.

The CHAIRMAN. Thank you, Ambassador.

Senator Casey.

Senator CASEY. First of all, I want to thank you for your willingness to serve again. I think you are going to do a great job, and

I think we should confirm you. I know it is not going to be an easy job, and I know that the assignments you have had over the years have never been easy jobs. You are used to taking on difficult challenges.

I think it is important to point out in this debate about your nomination—there is some debate and we should not shy away from confronting that debate—that you have had a commitment as a career Foreign Service officer. That is important. You did not arrive at these appointments based upon campaigns or sometimes the way decisions are made in Washington. You have had broad experience in different parts of the world, whether it was in Asia or in Europe.

And those who might want to contest or debate or dispute the positions that you were advocating for with regard to North Korea should take their fight to the previous administration. You worked for a President. You worked with and for a Secretary of State, and that is where the debate should be directed.

I wanted to go through a couple of questions principally based upon the role that you will play. Obviously, you are coming into a country that has been torn apart, a country that has been the scene of combat and misery and division over the last couple of years. But our country is going to be redeploying our forces out of Iraq, and that is good news. But I know it will not be easy to do that effectively.

So I wanted to get your sense of what role you play in this new time period, and I know that as Ambassador Crocker was getting ready to leave, he outlined three key challenges in the coming year. One he cited was the holding of national and provincial elections. Two was the Iraqi division of responsibility between the federal and regional governments, and three was maintaining and improving the security situation. Obviously, all of those are critically important, but I just wanted to get your sense: A) of the challenge before you and B) what role you can play in this rather unique security situation in Iraq.

Ambassador HILL. Thank you very much, Senator. I think we are in a really crucial phase because I think the task of withdrawing forces—of drawing down forces—is always or tends to be more difficult than the task of flowing in forces. When you come in, when forces come in, they bring everything with them. What we need to encourage, as our forces leave, is for them to take with them a sense of a mission accomplished, and that is very important. However, as they leave we want them to leave behind a sense of security within the country as well.

I think we have the capability of getting that done. This plan to draw down our forces was something done very carefully in conjunction with our commanders on the ground and, of course, with Ambassador Crocker. So it is a tough period.

The first thing I will do is work very closely with Ray Odierno, our general on the ground. He and I know each other; we have traveled around Asia together a couple of years ago. In fact, I have already had a very good talk with him in my office. We intend to really work very, very closely. So one team, one mission there.

The second thing is that we need to make sure that we manage this pivot from military to civilian, meaning that these issues that

Ambassador Crocker laid out are absolutely priority issues. That is, we need to make sure these national elections go well. We need to make sure that we assist and support efforts to work out the division between the power of the center and the rights of the regions. We need to work out some of these to stand with the Iraqis as they work out internal issues, namely with these internal border issues, but also, as I mentioned earlier, with the hydrocarbons law. I really do believe that hydrocarbons law is a law about hydrocarbons the way Moby Dick is a story about a whale. There is a lot more going on in that law, and it really will signal what kind of Iraq there is in the future, and it will tell us a lot about what kind of economy they will have, but also what kind of political agreements they are going to reach. So we really need to stay on top of that.

Finally, I think we cannot assume that the security situation will always be as good as it is today. There will be problems, and we need to remain vigilant.

So what I would like to do, if I am confirmed, is to get out there very, very quickly; I would really like to do that within a day, if that is logistically possible, because we have not had an ambassador there since early February.

Then I would like to have a good look at what our assets are then come back here and consult with Washington and, in particular, consult with members of this committee. As you know, we have some 1,000 people in that Embassy now, but we also have 400 people out in the provincial reconstruction Teams, the PRTs and I think a lot of what we have succeeded in doing in Iraq has been through these PRTs. So I would like to get on out there and see what they are doing.

Senator CASEY. Well, I am running out of time. I just will put one commercial in for a subcommittee hearing we are having at the end of the month on Iraqi refugees on March 31. We will talk to you about that and give you whatever feedback we get from that hearing.

But I am going to be supporting you, as so many others are, and we wish you not only best of luck on your confirmation, but god-speed as you head across the ocean to do the work that you have been given the opportunity to do at such an important time in the history of our country but especially with regard to how we transition in Iraq. Thanks very much.

Ambassador HILL. Thank you. If I could just add with regard to the refugees, these are enormous numbers that we are dealing with in the refugee and internally displaced community, and it is very appropriate that we focus very hard on that and see what we are doing and also see what the Iraqi government is doing.

I should also add that really the first thing I am going to do when I arrive is say hello to my son who has been out there since September.

Senator CASEY. Thank you.

The CHAIRMAN. Thank you very much.

Senator Corker.

Senator CORKER. Thank you, Mr. Chairman, and Mr. Ambassador, welcome. I thank you for your many years of service.

I know that previous panel members have asked questions about experience and other kinds of things that have been brought up,

some of the issues in North Korea. So I want to focus on the job when you get there.

I know that contractor abuse, as you know, has been a major issue there, or at least the discussion of it. And I just want to ask you a question as to how you envision eliminating, minimizing that and, at the same time, addressing the security needs of the State Department there on the ground.

Ambassador HILL. Thank you.

It is an enormous mission. I mean, currently they have some 1,400 employees under Chief of Mission authority. That is bigger than anything I have seen. I think it is bigger than anything we have ever had under Chief of Mission authority. So I think it is going to require a real hard look to see whether it is right-sized.

In particular, we have to look at how we are doing with contractors. Now, we are going to need some contractors. We are going to need contractors to handle our perimeter security. We do need contractors to handle the movement of diplomats. We need to keep our people safe and a lot of the contractors work in the area of security.

However, there have been some real problems there, and I think it behooves us to look very carefully because we cannot have more of those problems. We cannot have issues that flare up and that cause problems with the Iraqi Government and frankly with the Iraqi people. So I will take a real hard look at that.

As you know, there will be new contracts with some of these contracting organizations, and as you know, one of them has been declared not eligible by the Iraqi Government, but there are other contractors who are putting in bids. We have had some very talented young people from all over our country who have come in on temporary Civil Service contracts and have done wonderful work.

I want to see how that is all working, with the ultimate goal of looking to make sure we have the right footprint in Iraq. I do not want to make an adjustment with an 8,000-mile screwdriver. I want to get out there and have a look and continue to see whether it is the right-sized mission.

Senator CORKER. What kind of challenges do you envision with the U.S. withdrawals that are going to be taking place? Some even in advance, I know, were being discussed, but right after the parliamentary elections. What kind of challenges? Since I know I will probably run out of time to some degree with this, how will that affect, for instance, the operations of our PRTs on the ground there?

Ambassador HILL. Senator, you put your finger on it. I think the PRTs have been very important, and we are going to lose a number of PRTs as the forces drawdown. So what we need to do is see that other PRTs can extend their reach. And what makes all of this political, economic work—what makes it all possible is the security situation. So, when you are reducing your forces, you need to make sure the security remains. We need to make sure the police training is going well. As you know, the Iraqis will be taking over more of the detainee population. That is ongoing. We need to make sure that is a smooth process and we are not creating security problems for us. So I think the main challenge, as we reduce these forces, in the short run is to make sure the security is still there.

Senator CORKER. What kind of resource adjustment do you envision? I know that we still need to have a positive impact on reconstruction there, and I am just wondering, as we think about these troop withdrawals and as we think about the PRT adjustments you are talking about, how do you envision us continuing to have a positive impact on reconstruction which, in essence, is incredibly important as it relates to the stability of the country?

Ambassador HILL. Right. Well, we envision on these PRTs, which have been the key way to get out to the Iraqi population—we have some 26 now. We are going down to 16, and then we are going to go down to 6. So we need to make sure they are still able to get to the Iraqi communities and do the job they need to do.

Senator CORKER. The math of that would make one wonder, though, with that kind of glide path, how we are going to continue to have that positive impact. And I might add, since I may be running out of time, especially now, as you talk about that and explain that to us, I would like for you to balance that against the fact that I think a lot of people believe—and I am one of those—that Iraq should be spending more of their own money on reconstruction. So if you will, walk us through the declining PRTs, the way we are going to have a continuing positive impact on reconstruction, but at the same time, balance that against the fact that, in essence, Iraq needs to be playing a much larger role in their own reconstruction financially and in other ways.

Ambassador HILL. Well, Senator, with regard to reconstruction, over the course of 6 years the U.S. has spent some \$50 billion on this. We see reconstruction in the future as something the Iraqis will take over. When you look at some of what we envision in terms of assistance in the coming years, we are looking more at capacity-building, that is, working with the ministries to make sure they are stood up and getting the job done.

We do not anticipate having to build things for the Iraqis. That period is coming to an end, and that is when the Iraqi oil revenues and their own capacities have increased such that they can generate their own funds for that.

So I think we are at a pivot point where reconstruction begins to come to an end and then we will do more in terms of the technical assistance and making sure they are making the right policy moves.

A key element, though, of our continued effort with them is to make sure that we are getting the police training module done well because that, again, relates to security, and without security, it is very difficult to make progress. So police training is something that continues. What we need to do on the civilian side is to make sure that as the military leaves, that we are able to take over a role that the military has had in the past. So I would say capacities in Iraqi building and police training are two very key elements of what we are doing.

Senator CORKER. Thank you very much. Thank you.

The CHAIRMAN. Thanks, Senator Corker.

Senator Dodd.

Senator DODD. Well, Mr. Chairman—and thank you, Mr. Ambassador. Welcome. I apologize I was not here for the opening com-

ments, but I will ask consent, Mr. Chairman, that my full statement regarding Ambassador Hill be put in the record.

The CHAIRMAN. Without objection.

[The prepared statement of Senator Dodd follows:]

PREPARED STATEMENT OF HON. CHRISTOPHER DODD,
U.S. SENATOR FROM CONNECTICUT

Mr. Chairman, thank you for holding this important hearing. Ambassador Hill, I welcome you before this committee. I want to thank you for your tremendous professionalism and discipline, and the keen analytical skills you brought to the issue of North Korea. Iraq is a very different challenge, but an equally important and serious one. And you come to this challenge well prepared. So I thank you for your service to this country, and I am pleased that the President has nominated such a skilled and disciplined diplomat for the important post of Ambassador to Iraq.

Let me also take a moment to express my deep gratitude for the thousands of Americans who are serving in uniform in Iraq, and the civilians in the Embassy you will soon lead, as we speak.

It seems to me, Ambassador Hill, that we need to answer fundamental questions about our policy in Iraq. What is the administration's strategic plan for Iraq? How does the administration plan to implement that strategy? And how will you balance the competing factors—withdrawing American forces as quickly as possible without reversing hard-fought progress?

The purpose of the surge was to provide breathing space for Iraqis to engage in political reconciliation, and to jump-start the political process in Iraq so that the government could begin addressing the needs of its people, and rely less on American security forces while doing so. The fact that violence has reduced significantly is a positive sign. It is likely due to several factors.

Perhaps the most important question then is, Have the fundamentals in Iraq changed? Have the fundamental roadblocks to political reconciliation been removed? How real is the progress? How fragile?

And how can you, if confirmed as Ambassador to Iraq, work with your counterparts toward reconciliation, and build an inclusive and responsive Iraqi Government that meets the needs of its people?

Until we have answers to these questions, I'm afraid we'll continue to roam in a haze of tactics. What we need is a comprehensive strategy that will enable us to quickly withdraw American forces in the most responsible way possible.

I would hope that the administration's Iraq strategy would put the Iraqi people front and center. Nothing will do more to advance the interests of the United States. And this should go beyond just reconstruction money and PRTs. We need to more vigorously and dynamically engage with the Iraqi Government to help them build the capacity and the skills to deliver for the needs of their own people.

Ambassador Hill, these are daunting tasks, made no less easy by the blunders and hubris of the last administration. I hope that you can bring some clarity and fresh thinking to these issues and I look forward to your testimony today. I have no doubt that you are up to this task.

Senator DODD. And let me just briefly say I think you did a magnificent job in North Korea. I think we are fortunate to have somebody with your capacity and abilities willing to take on this responsibility. So thank you for doing so.

Let me ask you, if I can, about these "Awakening Councils." One of the strategies, or tactics rather, that the administration—or previous administration engaged in—was, of course, to fund and support various groups out there, including the 90,000 Sunni groups, many of whom were part of the insurgency.

Mr. HILL. Yes.

Senator DODD. And bringing them in. And it worked very, very well. It was very successful, obviously, in achieving some of the results we're seeing today.

The obvious question that others have raised is, at some point we're going to have to stop funding these Awakening Councils, and the danger, obviously, that these very groups that now are part of

the solution, could become part of the problem. And I wonder if you might address that issue—not just to this large group, the 90,000 as part of the Sunni group—but others as well, as part of the ultimate political reconciliation effort that we’re obviously trying to achieve. How much of a risk does that pose?

Tom Friedman and others have raised this point—it’s not an original thought I’m sharing with you, here, but it’s obviously a concern.

Mr. HILL. Well, Senator, I think what happened in Anbar province was, in many respects, one of the key developments that has enabled the situation to get better. And clearly the creation of the Sons of Iraq—there’s almost some 94,000 people have been really, I think, very key. I think we, wisely, took on the task and began to make the payroll of this, and I think it clearly contributed to security. Essentially, they were on our side.

What we have done with the Iraqi Government is to look to see how they can take over this function. And they have been doing so, in terms of taking over the payments that these Sons of Iraq receive, and most importantly—and I think very importantly for the longer run—incorporating them into the Iraqi forces, and in Iraqi security organizations.

We need to make sure this is really continuing, because I think as your question suggests, we’ve got to get this right. We can’t have a situation where these people flip back in another mode.

So, so far we have had, I think real—an understanding from the Iraqi Government of the importance that this has had on the security situation, and so—I think so far so good, but I think we need to keep close tabs on it.

Senator DODD. Thank you for that, and again, it is obviously—the return to sectarian violence is the great fear, here, and if you end up short-changing the funding, the very organizations that have been a part of the solution, here, become part of an ongoing problem.

Mr. HILL. Yes.

Senator DODD. So, I’d be very interested, Mr. Chairman, of being—having the committee kept abreast of how that’s working, because I think it poses some major risks to the ultimate success of the political reconciliation.

Mr. HILL. I think some of this reflects the fruits of our efforts with Iraqi ministries, to get their finances together, and to help the Iraqis stand up a budget that can really handle their own security issues. So, I think the fact that they took over the financing of this, and that it’s been going pretty well is a testimony, frankly, to some of the people who worked with them on these capacity issues.

I think the Iraqis understand the importance of it, but that’s not enough. You have to have people who know how to get the payments out to the people in the field, and I think it’s been working.

The real issue is that you can’t just have people sitting there, receiving a monthly allotment for sitting there, you have to be doing something with them. You have to bring them into the Iraqi forces, you know, you’re dealing with all kinds of different individuals out there in Anbar so, you know, it’s going to take some time, I think, to bring them into the Iraqi forces.

Ultimately, we don't want paramilitaries just out there receiving payments, cash payments, we want them in an institution.

So, again, it goes to capacity-building and also to institution-building.

Senator DODD. Let me just ask you, quickly, as well—we, I think it's been fairly well stated what the strategic mission of the United States is, the President's commitment, obviously, to a patient but speedy withdrawal of U.S. forces, and obviously that will be a major challenge for you. Tell me about our neighbors in the region, there, what is their—how are they reacting to this, and what is their—what strategic plans do Iraq's neighbors have? Are they conforming to our own? Are they hostile to our own, or somewhere in between? How is that shaping up?

Mr. HILL. Well, I think there is a growing interest in the region to normalize with Iraq. And I think there's a growing realization that the Iraqi Government is acting as a sovereign government, and is not something installed by us, but rather is something that is installed by the Iraqi people.

So, I think things are improved there. Frankly, I think Prime Minister Maliki—who has as you know, been taking some tough decisions, and decisions that were of concern to people at various times, but he stuck with them. For example, his decision to send some forces down to Basra, I think really got people's attention in the region.

Now, I think the real problem in the region for Iraq remains its ancient neighbor, Iran. Obviously, we would like that Iraq, in the long run, has a good relationship with its neighbor, Iran, but we believe—and the Iraqis definitely believe—that Iran needs to respect Iraqi sovereignty and needs to respect their internal affairs. And I know there are concerns about that in Iraq, and I think that's something that we need to be very much on top of, and I intend to do so.

Senator DODD. Thank you very much.

Mr. Chairman, thank you.

By the way, just—I should say, as well, and we don't say it often enough—but the civilians who work in Iraq and our military people who are there, that have been there—there's been debate up here for a long time over policy questions, but I think all of us would want you to reflect, I think, our strong appreciation, and deep appreciation for the people who have served under very, very difficult circumstances. And please convey that, as you assume this responsibility.

Mr. HILL. If confirmed, I will definitely convey that. Thank you.

Senator DODD. Thank you, sir.

The CHAIRMAN. Thank you, Senator Dodd.

Senator Isakson.

Senator ISAKSON. Thank you, Mr. Chairman.

Welcome, Ambassador Hill. Thank you for your visit to my office last week, where I took the occasion to ask you what I considered to be the only question I really needed an answer to, and you gave me that answer. I want to repeat the question for the record today, and I hope the answer is somewhat similar. And the question was this. I am a huge admirer of Ryan Crocker, and I think what David Petraeus and Ryan Crocker did in Iraq, through the surge, through

the Provincial Reconstruction Teams, through the stabilization of relations with the Iraqi Government was nothing short of marvelous, and they deserve our praise.

And the question I asked you, which I'll ask you again here today is, given their success, how do you see your role replacing Ambassador Crocker in Iraq?

Mr. HILL. Senator, I told you then and I'll tell you now, I just don't want to screw it up.

Senator ISAKSON. That's just what I wanted to hear. [Laughter.]

I think that was a very appropriate, candid answer, because in your opening statement you made reference to respecting the sacrifice of over 4,000 Americans who died so Iraq could have a chance to be free. Regardless of the politics over how we got in, how we get out, what we did and everything else—those two men did a marvelous job leading our troops under tremendous pressure and I think as we withdraw, the State Department has an enormous burden on its shoulders to not screw it up.

I want to follow up on what Senator Corker was referring to, and Senator Casey with regard to refugees. I think I'm right on this—the microloan program is funded through the State Department's budget, am I not correct?

Mr. HILL. Yes, that's correct.

Senator ISAKSON. When I was in Gazaria in January 2008, as the success of the Awakening and the success of the surge had begun to show, I went out in an MRAP with a Provincial Reconstruction Team, which was made up of a rifle squad of United States Army, two State Department people, myself and my aide. I noticed the commanding officer of the squad, a lieutenant, was the one making the loans and signing the documents with the bakers and the little automobile repair shop, the places that we visited—both of which, by the way, were refugees who had come back into Iraq to reopen businesses. Obviously, if we're reducing troops, and if the microloan program has been as big a success as I think it has been for both the refugees and those who remained in Iraq, will you have the personnel or will you need additional personnel to carry out that function?

Mr. HILL. I think I have the personnel, and Senator, I want to assure you, we're going to carry out that function.

I think what you saw is something that is really the hallmark of our military. I have on my desk a little book—it's only about 14 pages or something—it was given to me by a lieutenant colonel that I knew when I was in Macedonia and the book is called, "Message to Garcia," and it's something that the military—that people read in Officer's School and in Leavenworth.

The point of the book is that a guy is told, "Get this message to Garcia," who's some sort of bandito on the other side of the Cuban Island in the late 19th century. The guy salutes, and he goes out there, and he gets the message to Garcia, he doesn't say, you know, "Where are my travel orders?" You know, "Who's going to do my voucher?" you know, "How am I going to do this? How am I going to do that?" He just salutes and gets the message to Garcia.

I think what you saw out there was a guy who said, "Hey, these people need some loans, to, you know, put a roof on a school, or, you know, get some school books for kids, and I'm going to get this

done. And I'm not going to, you know, run around asking for permission, and you know, seeing if we can, you know, set up some, you know, micro-credit—I'm just going to get this done." And I think that's the kind of mentality—that is what has really made our military very successful, because I'm sure this wasn't done at the four-star level, that they did microcredit out there.

So, I want to make sure we have that same sense in the Embassy, and maybe I'll make them all read "Message to Garcia."

Senator ISAKSON. Well, I appreciate that answer.

One other point on the Sunni Awakening that Senator Dodd was referring to. There is no question that our ability to pay those people \$3 a day was an immeasurable help in having an Awakening, and when I was in Gazaria, actually, two young armed Sunnis were helping to protect us on the points of this little shopping area that we were in. Did you say in your answer that the Iraqi Government had begun to assume some of the financial responsibility for those payments?

Mr. HILL. Yes, they have, and my understanding is they've assumed all of the financial responsibilities with respect to the Sons of Iraq, and it's a crucial mission, and it needs to be accomplished. It's essential and I think we need to make sure that it's going well.

Senator ISAKSON. Well, I want to just echo that. I also supported the funding of the microloan program, and some of the other investments we made in helping to turn this around, and I appreciate your acknowledgement of the importance of that, as well as getting the Iraqis to assume more of the financial responsibility for the good things that were done to help bring about stability in the country, and I appreciate your willingness to serve the country.

Where is your son stationed in Iraq?

Mr. HILL. He's in Camp Slayer.

Senator ISAKSON. And is he in the Army?

Mr. HILL. He's in the Defense Intelligence Agency. I hope I haven't blown his cover. [Laughter.]

Senator ISAKSON. I hope I didn't encourage you to blow his cover, but please extend to him our thanks for his service.

Mr. HILL. I will.

The CHAIRMAN. Thank you, Senator Isakson.

Senator Feingold.

Senator FEINGOLD. Thank you, Mr. Chairman.

I've spent a lot of time in recent years calling attention to the previous administration's sometimes myopic focus on the greatest mistake in the fight against al-Qaeda, and that was the Iraq war.

Over many years, that war was a terrible diversion from our top national security priority, and what should have remained a global fight against a global enemy. The war in Iraq stole our resources, personnel, money and attention that could have been better spent protecting our national security, and countering al-Qaeda and its affiliates in Afghanistan, Pakistan, North Africa, the Horn of Africa, and Southeast Asia, among other places.

Thankfully, President Obama has already begun to move this country in the right direction. The announcement last month of a timeline, the redeployment of our troops is a long overdue step in the right direction. And while I have concerns with the expected size of the residual force the President intends to maintain, there

is a clear shift from a predominantly military presence, to a predominantly civilian one.

During this period of transition, we will need a strong, qualified ambassador in place to help us ensure that that shift occurs as safely and swiftly as possible. We'll need an ambassador who knows how to handle challenging and complicated diplomatic situations, can work closely with our friends and allies, and understands how the bureaucracy works here at home.

I am pleased that Ambassador Chris Hill—a career Foreign Service officer—has been nominated to this post, and I look forward to our discussion today.

Ambassador, as you know, I've been a long-time proponent of redeploying our troops from Iraq, and again, while I'm pleased that the President has set a timeline, I'm concerned about this residual force. I'm concerned that it could undermine some of the positive aspects of redeployment, for example, leading Iraqis to question whether we will, ultimately, leave, and by preventing us from focusing adequately on the serious national security challenges we face around the globe, and I'd like your reaction to that.

Mr. HILL. Well, I think the President's decision was made in careful consultation with the commanders in the field, and I think what the President is very concerned about is, as we reduce forces—and reducing substantial forces in the months ahead—we need to be prepared for the bumps in the road that could come as we go forward.

So, I think the President has put together a very prudent program in consultation with the commanders in the field. I think that once the combat forces are out, and we have some approximately 35,000 to 50,000 troops remaining will be a function of what the commanders in the field believe necessary.

But, we're looking—as we get to that level—that these are going to be advisory and assistance brigades, largely, rather than Brigade Combat Teams, and we'll have to see what the situation is then.

I think it is so important, Senator, that as our troops come back from Iraq, they come back with a real sense of a mission—not only accomplished—but a mission well done. Because our Nation—our Nation, I think—depends on that sense. And we need to make sure that this is a success.

Senator FEINGOLD. What's your assessment of Iran's influence and current role in Iraq, and do you think Ambassador Crocker's initial conversations with his Iranian counterparts were useful? And would you like to revive them? And, if so, what would be, sort of, your priorities when you did that?

Mr. HILL. My understanding is that the Iraqis are concerned about Iranian influence in Iraq—we are concerned about Iranian influence in Iraq. I think, overall, our approach to Iran is now under a policy review. I don't know what the outcome of that policy review will be, but if it does include my having contacts, and following up on those contacts that Ryan Crocker had, I would be most pleased to do that.

I think Iraq and Iran need a good relationship, and a good relationship would be served by Iranian respect for sovereignty in Iraq. And if it's concluded that I should speak to the Iranians, I would

like to make that point, and to hear any points that they have to make to me.

Senator FEINGOLD. Thank you, Ambassador.

Recent press reports bolster concerns I've heard from representatives of the Kurdish regional government that a rise in nationalism has the potential to further disrupt the already-stalled efforts at national reconciliation, and the situation is further complicated by concerns that some in the Kurdish region may seek to sideline the central government in Baghdad, and negotiate oil contracts in and around Kirkuk.

We spoke about this in our meeting last week, but given our long history with the Kurds and our interest in, more generally, in seeking legitimate national reconciliation in Iraq, I'd like to hear your thoughts on how concerned we should be about the rising tensions, and what the role—what role the U.S. Government should play in this situation?

Mr. HILL. Well, I think all along the border of the Kurdish Regional Government the three provinces in the Kurdish regional government—there are disputes, there are flat-out land disputes and Kirkuk is probably the most difficult of these.

First of all, the U.N. has been working on this issue and I think it's very important to support the U.N. on this, and to see if—together with the U.N.—we can work with Baghdad and with the Kurds to see if we can find a resolution to this.

These are, in some cases, just old-fashioned land disputes. I've dealt with these sorts of things in the Balkans, you can't just wave your hand and say, "You do this, and you do that," you have to kind of go through this, and see if you can be helpful, and see if they can get this done.

My understanding is that there are no total deal-breakers there; there are ways to address these things.

With regard to the issue of separate oil contracts, that was a process that got underway and it has not happened—certainly in recent months. I think it does speak to the urgency of getting this hydrocarbons law accomplished.

As I said earlier, I think the hydrocarbons law will speak volumes about the future economy of Iraq, but it will also speak volumes about the internal political arrangements in Iraq.

Iraq is a sovereign state. It is one that, I think, can work through these issues and I will do all I can to help, drawing on a lot of experience I have, in the Balkans in particular.

Senator FEINGOLD. Thank you, Ambassador.

The CHAIRMAN. Thank you, Senator Feingold.

Senator RISCH. Mr. Ambassador, thank you for taking time to come to my office, I sincerely appreciate that.

Just briefly, you—and we had a good discussion at that point. You brought up—you referred to something here that I was interested in, you referred to the fact that you were going to continue to use contractors to protect the perimeter. What—exactly what are you referring to, there?

Mr. HILL. Well, we have—in protecting the Embassy, we have—

Senator RISCH. The Embassy, or the entire Green Zone?

Mr. HILL. No, just—I'm referring to the Embassy. And, Senator, I might say that today is March 25. On March 25, 1999, my Embassy in Skopje, Macedonia, was breached by 10,000 demonstrators who—on this day, March 25, this is the 10th anniversary—burned down all of our out-buildings, and sent our Embassy staff, we had 50 people in the building at the time, down to the basement.

They broke off our flagpole, which was 16-feet long, and used it as a sort of Medieval-style battering ram on the front door, and frankly, Senator, we were kind of worried.

Fortunately, we were able to get help, finally. Even though they had knocked down all of these fences—which were poorly installed—we had a U.S. military contingent, a Marine Fast Team that arrived, and installed razor wire, and kept us buttoned up.

I don't want to do that sort of stuff again, that was in my youth. I think we need to make sure that the perimeter of the Embassy is properly handled. My understanding is that Diplomatic Security has an enormous effort in Iraq, working with contractors and supervising contractors very closely and I have a lot of confidence in Diplomatic Security on this.

Senator RISCH. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Risch, I appreciate it.

Senator MENENDEZ.

Senator MENENDEZ. Thank you, Mr. Chairman.

Ambassador, congratulations on your nominations, we look forward to supporting you.

I do have concerns—and our subcommittee, where we handle all of the foreign assistance—I am concerned about the Inspector General for Iraq Reconstruction's report that said, of the \$21 billion in the Iraq Relief and Reconstruction Fund, roughly \$3 to \$4 billion has been wasted. And he went on to talk about additional millions of dollars of U.S. reconstruction funds have been stolen by Iraqi officials, stating that there is corruption across the board in Iraq's Ministries, high levels of corruption in the Ministry of Oil, the Ministry of Trade, and the Ministry of Defense.

So, the line of questions I want to get a sense from you is, No. 1, why do you think our efforts there, in reconstruction, got so badly off-track, and if confirmed as an Ambassador, what do you consider your responsibilities to be, with reference to overseeing the continuing reconstruction efforts, and mitigating waste?

Mr. HILL. First of all, Senator, I mentioned in my opening statement that I think when the American taxpayers give you money for something, it is essential that we make sure that the money is carefully and wisely spent and there can be no room for corruption.

My understanding is that there has been a real effort over the years to increase our capacity to monitor spending. We've had a number of auditors who were actually in-house, inspectors who are located within the Embassy—this is rather unusual, because we don't usually have this in other embassies, we have auditors who come out from Washington. In this case, we have some 35 auditors in this special Iraq inspector general.

So, I think now we've got a pretty good handle on how the money is spent. My concern is to make sure this continues and there's no slackening of this. Look, I know that we are into a situation now

where a lot of the fundamental reconstruction in Iraq is coming down, but we have other expenditures if we're going to finish the job and make sure our troops are able to come out. I know the importance of being able to tell you that we are monitoring every penny of this.

So, what I can do is assure you this is a priority—this is a very important priority—and I'll continue to follow this.

Senator MENENDEZ. Well, I appreciate that.

Here's our problem. Tomorrow we're going to be marking up the budget in the Budget Committee. There are those of us, like myself, who are strong advocates for the 150 Account. But the reality is, is that it's very hard to go back to New Jersey or any part of this country, when we spend, you know, when we had \$3 or \$4 billion that our own inspector general says is wasted.

So, you know, how we continue—even as we draw down troops in Iraq, I don't get the sense that there aren't going to be continuing demands for U.S. assistance to Iraq, unless you want to tell me that now, in which case we can move onto another—

Senator MENENDEZ. Yeah, OK.

Mr. HILL [continuing]. Continuing—

Senator MENENDEZ. And since there will be, I think it's going to be incredibly important—I understand about all of the auditors—what the auditors end up doing is telling us what's happened.

Mr. HILL. Yeah.

Senator MENENDEZ. And what I'm concerned about, is, ensuring that what we take place, doing prospectively, is going to give us the best results and obviously the use of the taxpayers' dollars in a way that we can stand by, those of us who advocate for greater foreign assistance, because it's in the national security and national interest of the United States.

In that respect, what do you see in regard to dealing with the Iraqi Government as it relates to improving elements of corruption of these ministries or where our moneys are going to, what do you view that as? And what do you see as our role in terms of future humanitarian recovery and development assistance in Iraq?

Mr. HILL. First of all, I think—my sense is that a lot of the corruption problems in Iraq are the consequence of very weak internal controls, and frankly no experience with internal controls and very weak institutions. So I think a lot of what our efforts, what our assistance efforts today are targeted at, are the issue of building capacities within ministries to handle money and to money with proper—proper controls.

I think it is essential to continue these types of programs because I think it is part of making Iraq the success that allows our troops to leave and to leave with a sense that there is success. And I said earlier, I think that's so essential.

So Senator, what I can promise you I can do is, if confirmed, I will get out there and I will meet with the agencies, the sections within the Embassy who are in charge of programs, who are actually dispersing programs. I have been doing some thinking about whether the organizational chart at the Embassy might reflect putting all the money-dispensing offices under one person who could really monitor it, as opposed to offices that are dealing with policy or information, that sort of thing.

But money dispensing—I think we need to have a clear handle on. We've got U.S. AID there, we've got a number of still residual reconstruction money there, we've got refugee and resettlement programs. On refugee and resettlement, we're not going to get much for our money unless we get buy-in from the Iraqis that they really want to deal with resettlement or are going to put some money towards the cause. So, I want to look at all of these things and see how the money is being flowed.

I don't want to see, for example, money for some, you know, 3-month Iraqi seminar if no one really wants to go to the seminar, no one intends to implement something from the seminar. I've seen a lot of these aid programs; I've dealt with them all over the Balkans. I've seen countries graduate, which is a very nice thing, to see a country like Poland where they had all these assistance programs, Korea which had assistance programs, graduate. So I've seen the good news stuff, if you get it right. So, I would really focus on this.

Senator MENENDEZ. Well, I appreciate that. Let me ask one very quick final question, and that is, picking up on Senator Isakson's questioning before, should the military be the face of micro-financing the loans or are we looking to—you know, this is a big debate as we talk about our foreign assistance and how we, in fact, deliver that foreign assistance effectively?

Mr. HILL. Senator, I believe this should be a civilian activity. You know, I am certainly willing to, you know, look at what the individual circumstances were in this case. And as I said, I think it is laudable that our military, you know, moves on things when they see problems, but I think these should be civilian sector activities. I mean, I did that when I did micro-credit when I was in the Peace Corps. Now, alas, we're not talking about the Peace Corps at this point, but I really do believe it's a civilian activity.

Senator MENENDEZ. So do I and I appreciate your answers.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Menendez.

Senator DeMint.

Absolutely. Senator Wicker.

Senator WICKER. Thank you, and I do appreciate Senator DeMint being generous there.

Well, Ambassador, thank you for your testimony, thank you for your service and your willingness to serve.

Let me just follow up on Senator Lugar's line of questioning. He asked a question on behalf of Senator Brownback. As I understand it, this assurance, which Senator Brownback believes he received, took place in public testimony, is that correct?

Mr. HILL. Yes, there's a record—public record of it. Yes.

Senator WICKER. Have you gone back and reviewed the transcript?

Mr. HILL. I have.

Senator WICKER. OK. And, you know, you're a career diplomat, you're a professional civil servant. Words are very important. Did it occur to you that perhaps you needed to get back to Senator Brownback and clear this up when the party was not brought into the talks, as he thought should be done? Did you anticipate that this would be a problem?

Mr. HILL. I said in the testimony that when we get to the next phase, and we did not reach the next phase, which, in July, I thought I thought was going to come some time in the fall. It did not come. And perhaps when we realized that we were having problems and they were—they finally, these problems finally culminated in December when we had a meeting in Beijing and we were not able to get the verification protocol that we needed to do phase two—that meant we were not going to get to phase three.

Senator, in retrospect when I realized we were not going to get to this next phase, in retrospect, Senator, you're right, I probably should have briefed Senator Brownback on the fact that we were not getting to phase three.

Senator WICKER. Because Senator Brownback had placed a hold on a nomination and released the hold based on——

Mr. HILL. Yeah.

Senator WICKER [continuing]. On what he understood your assurance to be.

But let me move on to another allegation that I'd like for you to address, and that—I refer to a Weekly Standard column recently by Stephen F. Hayes, in which he talks about the Bush administration's determination not to have two-party talks with North Korea. And I'll just quote Mr. Hayes and let you respond for the record, because I think it's important to clear this up.

Mr. HILL. Sure.

Senator WICKER. "Secretary of State, Condoleezza Rice, had given Hill permission to meet face to face with the North Koreans, but only on the condition that diplomats from China were also in the room. Although the Chinese participated in the early moments of the discussions, they soon left. Hill did not leave then."

Now, the article goes on to say that Secretary Rice was angry with you, and that CNN reporter Mike Chenoi wrote, "Although Rice remained supportive of reviving the diplomatic process, Hill had held the bilateral discussion with North Korean negotiator Kim Chyguan in defiance of her instructions." And the author, Hayes, of this article concludes that the Secretary of State expressly forbade you from participating in the bilateral talks, but that you thought otherwise.

So, this is an opportunity for you to give us your version of that.

Mr. HILL. Well, thank you, thank you very much.

Actually, what this was—was the start of the—this was in the summer of 2005, and this was an effort to get the six-party process going, because the North Koreans had boycotted.

And so, what Secretary Rice agreed to—to do, was to have bilateral talk—a bilateral meeting—with the understanding that the North Koreans would then announce, at the end of the bilateral meeting, their participation in the six-party process, but she wanted the Chinese to be there.

The Chinese came, but the North Koreans were not willing to carry on the meeting with the Chinese, so I was there in the meeting room, the North Koreans were arriving, and the Chinese were disappearing.

So, the question I had—and Secretary Rice was in the air between Anchorage, where she had a refueling stop—and coming into Beijing. So, I had to make the call at that point, do I continue the

meeting or do I walk out? I made a judgment to continue the meeting.

We had the meeting, and at the end of the meeting, the North Koreans announced that they were returning to the six-party process. Secretary Rice arrived that night in Beijing and in the morning—and I remember this very clearly—she was quite angry, but quite angry with the Chinese for not having remained through the process. She expressed that directly to the Chinese Foreign Minister in a meeting that I attended the next morning.

So that was the incident, with respect to the meeting with the North Koreans.

I know there are some journalists who've tried to make this a rather dramatic moment. Quite frankly, it was a little less dramatic than some of the journalistic retellings of it.

Senator WICKER. Was she angry with you?

Mr. HILL. Not to my knowledge. She was angry with the Chinese for not persevering.

Senator WICKER. You and she did not have a verbal confrontation about your audible that you called?

Mr. HILL. Never.

Senator WICKER. OK. Let me ask you one other thing. There's a letter by—signed by some five Senators—Ensign, Inhofe, Bond, Kyle, Brownback—in which they are urging the President not to choose to appoint you. And they say this, in testimony before the Foreign Affairs Subcommittee, Secretary Hill said, "Clearly we can not be reaching a nuclear agreement with North Korea if at the same time they're proliferating, it is unacceptable," your quote.

Mr. HILL. Yeah.

Senator WICKER. And yet they say that, at a time when Congress was trying to answer key questions about Korea's proliferation to Syria, you were involved in those negotiations, contrary to what they believe was your clear statement to the subcommittee.

Mr. HILL. That we can not reach an agreement if they're proliferating, yes.

Senator WICKER. Yes, well do you see a contradiction there? Congress was still wrestling with the fact that—that North Korea was proliferating to Syria. And yet you went ahead. I'd just ask you to respond to that.

Mr. HILL. Well, yeah. To the best of our estimate—that is other agencies in the U.S. Government, to the best of their estimate—the North Koreans ceased proliferating after this facility was destroyed.

Now, it is very clear, at least it's very clear to me and I think very clear to most people—that unbeknownst to us, the North Koreans had carried on a program to assist Syria in the construction of a nuclear reactor.

We are not aware, to this day, of any transfer of actual nuclear material. We are aware, of course, of the transfer of nuclear technology, or we became aware of this. The North Koreans subsequently stated, and it's part of our agreement, that they have no ongoing proliferation activity. We wanted that statement to be expanded to acknowledge the fact that they were proliferating. So, what they did was they acknowledged our concerns about it, they did not acknowledge their past activities.

Do I think that is an honest reaction from the North Koreans, that it is in the spirit of what we're trying to do? No, it isn't. The North Koreans are a people who try to play by their own set of rules and it is difficult to get things done with them. We felt it was—given that we had assurances that they had stopped, but more importantly we had indications that it stopped. Because frankly, getting assurances or getting any statements from the North Koreans are not what we're after, we're after facts not statements.

When we saw that the activities had stopped, we felt it was worthwhile to continue the effort to disable their nuclear facilities in Yongbyon because at the end of the day, if we can prevent the North Korean nuclear problem from becoming a bigger problem than it is—right now it is a 30 kilo problem. Had we not succeeded in shutting down their facilities and in disabling their facilities, that 30 kilo problem could have been a 60 kilo problem, a 100 kilo problem. I am the first to say, Senator, that the job is not done. They have some 30 kilos and we can not rest until we get the 30 kilos from them.

The issue that I've had to deal with as an implementer of a policy, and I want to stress there was a chain of command here and I was not off on my own. I was receiving instructions pretty much on a daily basis, and during the actual negotiations I received instructions even from Secretary Rice—that our effort was to try to shut down and disable the production of nuclear materials and then to—to continue and get them to put on the table the nuclear materials they had already produced, that is the 30 kilos.

It was at that phase, which did not come, but that was the phase where we anticipated—and where I explained to Senator Brownback—that is that next phase that we would be prepared, and in return for that nuclear material on the table, we would be prepared to launch a normalization effort with the North Koreans.

Senator Brownback, quite rightly, and I fully respect this position, said, "We can't be normalizing with a country with one of the world's worst human rights records." So, I quite—by the way, I really respect that position as someone who's dealt with human rights in my 30-some, 32-year career, I know about that, I know very well about that, so I agreed to recommend, and Secretary Rice completely agreed with this, to create a human rights track. So as we're going forward in normalization—this was not just going to be a normalization, you give up the nukes and we treat you like you're some ally—this is a normalization that would include dealing with some of the issues that, serious issues that stand between us.

So, that is what I—what I supported doing and I regret that we were not able to get the verification agreement that would have allowed us to get onto this next phase.

Senator WICKER. Thank you.

Thank you, Mr. Chairman. Might I put Mr. Hayes' column in the record.

The CHAIRMAN. Sure, absolutely, and I thank you. I think it was an important line of questions to help clarify these issues and I appreciate the—so I gave you a little leeway on the time.

[The article from the The Weekly Standard referred to above follows:]

[From The Weekly Standard, Mar. 30, 2009, Vol. 014, Issue 27]

THE INSUBORDINATE AMBASSADOR

FOR A DIPLOMAT, CHRISTOPHER HILL HAS TICKED OFF AN AWFUL LOT OF PEOPLE

(By Stephen F. Hayes)

On October 11, 2006, three days after North Korea detonated a crude nuclear device, George W. Bush held a press conference. He recommitted the United States to a diplomatic course on North Korea, but ruled out a bilateral meeting with representatives from the rogue regime:

In order to solve this diplomatically, the United States and our partners must have a strong diplomatic hand, and you have a better diplomatic hand with others sending the message than you do when you're alone. And so, obviously, I made the decision that the bilateral negotiations wouldn't work, and the reason I made that decision is because they didn't.

Three weeks later, Christopher Hill, a veteran of the Foreign Service, overruled the president. Then the government's chief negotiator on North Korea's nuclear program, now Barack Obama's nominee to serve as U.S. ambassador to Iraq, Hill didn't much care what the president wanted. Secretary of State Condoleezza Rice had given Hill permission to meet face-to-face with the North Koreans but only on the condition that diplomats from China were also in the room. Although the Chinese participated in the early moments of the discussions, they soon left. Hill did not leave with them.

North Korea had long sought to deal with the United States bilaterally, more for the legitimacy such direct dealings would confer on the thuggish regime in Pyongyang than because they were interested in serious negotiations. Hill granted their wish. According to former CNN reporter Mike Chinoy, in his book "Meltdown: The Inside Story of the North Korean Nuclear Crisis," Hill had "in effect, accepted terms the North Koreans had been putting forward for most of the previous twelve months"—despite the fact that they were "overtures the Bush administration rejected."

Rice was angry. Chinoy writes: "Although Rice remained supportive of reviving the diplomatic process, . . . Hill had held the bilateral [discussion with North Korean negotiator Kim Gye Gwan] in defiance of her instructions."

Think about that. The secretary of state expressly forbade Hill from participating in bilateral talks. The president of the United States was on record opposing bilateral negotiations. Hill thought he knew better.

Meanwhile, North Korea was on the State Department's list of state sponsors of terror, they had just weeks earlier tested a nuclear device, and we now know, at the very time Hill was conducting his rogue diplomacy, North Korea was supplying nuclear technology to Syria—another nation on the State Department's list of terror sponsors.

Hill had done this before. On July 9, 2005, Rice had given approval for a trilateral meeting with the Chinese and the North Koreans in an effort to get the North Koreans to return to the six-party talks on their nuclear program. North Korea had been boycotting the talks in part because Rice had referred to the North as an "outpost of tyranny" in her confirmation hearings. Curiously, the Chinese didn't show up, as they had promised. Hill nonetheless met alone with the North Koreans and gave them an important propaganda victory. According to the official North Korean news agency: "The U.S. side at the contact made between the heads of both delegations in Beijing clarified that it would recognize the DPRK [North Korea] as a sovereign state, not to invade it and hold bilateral talks within the framework of the six-party talks, and the DPRK side interpreted it as a retraction of its remark designating the former as an 'outpost of tyranny' and decided to return to the six-party talks."

Leaving aside questions of Hill's effectiveness—"We clearly have not achieved our objective with North Korea," Vice President Dick Cheney told me just before leaving office—his rank insubordination and cavalier disregard for presidential prerogatives were surely grounds for dismissal. Instead, Bush kept him in place, and now Barack Obama is rewarding him with what is arguably the most sensitive and important U.S. ambassadorship.

That appointment has stirred some opposition among Republicans. Two weeks ago, John McCain and Lindsay Graham sent Obama a letter pointing out Hill's "controversial" diplomacy on North Korea and his lack of experience in the Middle East. The two senators urged Obama to "reconsider this nomination."

Early last week, five additional Republicans—Jon Kyl, Christopher Bond, Sam Brownback, Jim Inhofe, and John Ensign—signaled their opposition to Hill. In a separate letter to Obama they cited Hill's "unprofessional activities" which include

cutting out key State Department officials from policy discussions on North Korea and “breaking commitments made for the record before congressional committees.”

It is that last point that could make things difficult for Hill in confirmation hearings scheduled for next week. Brownback believes Hill repeatedly misled him—in public testimony—regarding Hill’s willingness to make North Korea’s human rights record a component of the six-party talks. In 2008 Brownback placed a hold on the nomination of Hill’s deputy Kathy Stevens to be ambassador to South Korea. Brownback said he would lift that hold if Hill would promise to include Jay Lefkowitz, the special envoy for Human Rights in North Korea, in all further discussions with the North Koreans. Hill made the promise and Brownback lifted his hold on Stevens.

On October 2, 2008, Lefkowitz met with President Bush and several NSC staffers to discuss the possibility of making one last push on human rights in North Korea. Bush was enthusiastic. Hill, despite his pledge to Brownback and despite the president’s enthusiasm, never invited Lefkowitz to join the talks.

When Hill made the rounds on Capitol Hill last Tuesday, he told Brownback that the White House, and specifically National Security Adviser Steve Hadley, blocked him from bringing Lefkowitz to the negotiations with North Korea. Several officials with knowledge of those discussions disputed Hill’s story and said, in fact, that NSC and Hadley pushed to include human rights.

Brownback, for one, isn’t buying. Although Hill has the support of several important backers—former ambassador Ryan Crocker, Republican senator Richard Lugar, and Generals David Petraeus and Ray Odierno—Brownback may still place a hold on his nomination.

“He didn’t follow the law,” Brownback told me, referring to the North Korean Human Rights Act. “He misled me completely. He was very difficult to deal with. And the six-party talks failed.”

Brownback is undeterred by arguments that there is an urgency to fill the post in Baghdad. “People wanted someone at Treasury quickly and looked past [Timothy] Geithner’s problems—tax evasion and his time at the New York Fed. We need to take the time to get the right person in the job. I appreciate what Petraeus and Odierno are saying. But we need someone who will follow the law and the direction of the president.”

The CHAIRMAN. Senator Webb, you’ve been very, very patient and I want to also afford you the same opportunity if you need some extra time.

Senator WEBB. Thank you, Mr. Chairman.

And I would offer my own observation about the thoroughness of Ambassador Hill’s responses. I think he could probably categorize the explanation under the perils of adroit diplomacy, or as we used to say in the Marine Corps, when you’re up on the skyline you get shot at.

I strongly support this nomination. I have been pleased to work with Ambassador Hill regularly over the past couple of years because of the interest that I have in East Asian affairs. And I fully respect the concerns of Senator Brownback and others, you know, with regard to human rights issues, but I hope Chris Hill won’t become the Rorschach Test for what the policy should have been in the last administration with respect to Korea. With respect to North Korea, there are many of us who believe that Ambassador Hill was a bright spot in attempting to bring that matter to resolution.

But if there are concerns, we should have a full debate on the floor. I don’t think this nomination should be put on hold in any way. We have too many things to be doing in Iraq and in that part of the world.

Now that being said, I just burned 2 minutes backing you up here, Ambassador Hill, and I’ve got something I want to get clarified and it’s something that’s been concerning me for well over a year, and that is the nature of the Strategic Framework Agreement

and the SOFA Agreement in Iraq and what our obligation actually is, and have you read those two agreements?

Mr. HILL. Yes, I have.

Senator WEBB. OK. I read them last fall when they were, I think, wrongly categorized as restricted information, where you had to go to a room to read a couple of documents that were not even classified, because the previous administration, in my view, was trying to keep this issue away from the public debate.

I reread them again about 10 days ago, and I'm an old legislative counsel—words are very important to me. You've been through this many times and I also notice in your testimony and in the phraseology that's now being used, you were talking, the administration was talking more about the drawing down of forces rather than the withdrawal of forces. And I think that's a pretty important distinction when we're looking at the verbiage in this agreement.

And, my concern is this, I was among a number of people, the chairman I believe also was—I know Vice President Biden was one—who was saying that an agreement of such magnitude should have had the approval of the United States Congress. Whether or not it was raised to the level of a treaty, it certainly should have had the approval of the United States Congress. It required the approval of the Iraqi Parliament, and yet because of all of the machinations, the Presidential campaign, and the business of the Congress, this agreement was basically done through executive signatories. It wasn't brought before the Congress at all.

Now, if you go and read this agreement—and if you're not familiar enough in detail to give me an answer today, I really would like to hear what the administration thinks—if you read this agreement in total, if you take articles 2, 24, 27, and 30, and read them with the definitional phrases against each other, there really seems to be quite loose language when we're talking about a full withdrawal by the end of 2011.

Just very briefly, and I appreciate the—if the chairman will allow me possibly a couple of minutes here in the definition of terms, “a member of the United States Forces means any individual who is a member of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard,” any individual.

Now if you read that against article 24, I'm not going to go in detail through all the phraseology, it says, “All United States Forces shall withdraw from Iraqi territory no later than December 31, 2011.” I am of the understanding, although I was not a participant, that it at one time said all United States forces must withdraw, but now says shall withdraw, “all United States forces shall withdraw no later than December 31, 2011.”

If you then look at article 27, there are two very lengthy paragraphs that I'm not going to quote in total. But they basically talk about if there is any external or internal threat to Iraqi sovereignty, political independence—very loose language—that we will take appropriate measures. And it also says that there will be close cooperation and training, equipping, et cetera.

And finally, if you read all that against article 30, it says—and this is important because of the way that we came to this agreement, it's important to me, anyway, as a legislator—“this agreement shall be amended only with the official agreement of the par-

ties in writing and in accordance with the constitutional procedures in effect in both countries.”

Well, the argument can now be made, since the Congress was not a part of the approval of the document, that an Executive agreement, a signature—in the same form as the way this agreement was signed—could basically say, “OK, we’re not going to be out of there by December 31, 2011.” And, in listening to the discussions with respect to residual forces, and this sort of thing—I’m not really hearing clearly that it’s the intention of the administration to have a complete withdrawal of all United States Forces by December 31, 2011. Would you comment on that?

Mr. HILL. First of all, with respect to commenting on the specifics of the agreement, I would rather get back to you with a considered answer—words matter on this.

Senator WEBB. Yes.

Mr. HILL. This is a fundamental document that is the basis for our having forces in Iraq today.

Senator WEBB. So, the question, really, to come back to us on is, is it the position of the administration that we will withdraw all American military forces from Iraq by December 31—all?

Mr. HILL. That is the position, as I understand it.

Now, I understand, too, that this will be in continued consultations. But, my understanding is that it is the position that we will withdraw all forces by December 31, 2011.

Senator WEBB. I very much appreciate that answer. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Webb.

Are there any other questions? Senator DeMint.

Senator DEMINT. Thank you, Mr. Chairman.

Thank you, Mr. Hill. I know you’ve had a long sit this morning in front of the committee and I appreciate your questions.

I very much appreciate you coming by yesterday, and a conversation I shared with you, I feel like I’m asking questions on behalf of many constituents. And I find that when people are nominated that there are hundreds of experts about those nominees that call and demand that we ask certain questions, and I shared some of those with you yesterday, and I appreciate the openness of your answers.

I particularly appreciate the fact that in a role with Iraq that it was very important to honor the bravery, the sacrifices of our troops over many years, and that the resolutions there demand that we come away with a sense of accomplishment and victory for those who’ve given so much. And I appreciate that perspective that you share.

There’s this one question that I would like to ask, because it’s something that is coming through on our phone lines, and the experts on you—it really gets back to a concern that, during the negotiations with North Korea, that there was a flow of information, not just inside government, but outside—outside information related to politics back here in American. And specifically, what I’m seeing in the media, and some of the requests are a concern that you were communicating with Ambassador Holbrooke, during those—but prior to him being Ambassador. And that, in some way, was involved with politics.

And I don't know of which I'm even asking, but again, there are a number of people who——

Mr. HILL. I know what they're talking about.

Senator DEMINT. OK, well, then you know more than I do, and I'll just leave it to——

Mr. HILL. I'll explain it.

There was a——there was a plan, and I believe this was—we're talking January 2007 at this time. The plan was that the six-party talks had been in abeyance for some time. When we tried to meet—when we tried to have a six-party meeting in December 2006, the North Koreans would not participate, because this went to the issue of their—of the fact that we had intervened to try to hold some of their financial holdings at a bank in Macao.

So, at the end of this unsuccessful session in Beijing, the North Koreans had a plan to—or told us—that they would be prepared to meet us in a third country, to try to make progress on the nuclear issue, even though they had stated, as a principle, they were not going to talk about anything until this financial issue—but they agreed that they would meet us in a third country on the nuclear issue.

I took that back to Secretary Rice, she discussed it, as I understand it, with the President, and with Steven Hadley, and so it was agreed that I would go to Berlin and meet the North Koreans.

I was also under very strict instructions to keep this completely quiet, that is not to have any press leak that I was going to have a meeting with the North Koreans.

Now, why in Berlin? There were a number of reasons, including the fact that Secretary Rice was going to be coming back from a trip to the Middle East, and I could brief her immediately in Berlin.

So, the issue was—I'm the Assistant Secretary over Asia, why am I going to Berlin? Unless it's to meet the North Koreans. So, what I did was, I talked to Ambassador Holbrooke, who is affiliated with something called the American Academy at Berlin, and asked if I could be invited to give a speech at the American Academy at Berlin.

So, the answer was, "Yes, no problem," so we put out the word that I was going to give a speech at the American Academy at Berlin, which I did.

In so doing, no one ever knew that the real purpose was to meet the North Koreans and make progress on the six-party talks. That didn't come out until after we had had the meeting. I think it was referred to by the Japanese press as "The Berlin Shock," because no one knew it was happening.

That is the sum total of Ambassador Holbrooke's involvement in this matter and a lot of people—knowing that I'd worked with Ambassador Holbrooke in the Balkans—then assumed that he must have had some role in the negotiations, and that was not the case.

Senator DEMINT. That's all I need.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator DeMint.

Senator Kaufman.

Senator KAUFMAN. Thank you, Mr. Chairman.

The CHAIRMAN. Batting wrap-up, here.

Senator KAUFMAN. Yes.

The—I've been struck by, I mean, I know there's some questions been raised about your Middle East experience, but I—ever since this thing started, I've been struck by the similarities between the Balkans, and our involvement in Iraq, and lessons learned in Balkans were never applied to Iraq, and I think could have helped things.

Just to go over your record, you were a member of Ambassador Holbrooke's team, you were deeply engaged in the success of the Dayton Peace Accords, you were Ambassador to Macedonia, you helped to ensure refugee camps were established for the Kosovo refugees, and special negotiator for Kosovo, you were the architect for efforts to secure human rights for the population. When those negotiations failed, you recommended NATO intervention to prevent ethnic cleansing. That's a great record for you to have, and I think it shows that the kind of experience you have there will be invaluable in Iraq.

Can you talk a little bit about community organization training of police and things like that, because a number of questions have been raised about the PRTs and how that's going to work, lessons you learned in Bosnia and the Balkans that you think will be helpful?

Mr. HILL. Oh, I think—yes I can—because I think some of the things we learned in Kosovo in standing up a police force have actually been very applicable in Iraq because before Kosovo—I remember when we started to do this—it was not easy. We had had some experience earlier in Haiti dealing with police training, but getting, you know, establishing the bureaucratic mechanisms, getting the police trainers out there was a big task.

When I was—even after I came back from Macedonia in the summer of 1999, I was in the National Security Council as Senior Director for this Balkan group—and we had to coordinate interagency on getting police trainers out there and getting prisons built, too. That was another big problem in Kosovo.

So when I see some of this, some of these problems we've had in Iraq, again, I'm looking at it from afar, I need to get my boots on the ground and see what it really looks like, but it does have a, sort of déjà vu all over again feel to it.

I will say however, that I think things have gone more smoothly in Iraq than they did, as we tried to stand it up in Kosovo at the time.

Senator KAUFMAN. Good. Just a couple questions on Iraq. One is the—it seems the proper consensus is that the elections really established the idea of a strong central government in Iraq. Is that how you feel things came out?

Mr. HILL. I think the elections will help establish the relationship of the central government and the regions, and therefore I think they are very important to Iraq's future status as a democracy, and therefore something that we need to keep a close eye on and be as helpful as we can.

Senator KAUFMAN. Good.

And the final thing is oil and gas legislation. Are you concerned about the fact that the Kurds and the central government haven't been able to come up with an agreement on the oil and gas legislation?

Mr. HILL. Yeah, you know, I am concerned about that because I think it's so important. In fact, just the other day, I asked for a special briefing on it from our experts on it, because I couldn't understand if all the elements are there, why haven't they cut the deal?

Well, I had the briefing and it turned out it is a very complex issue, and as I said earlier, it is an issue that's going to—it goes beyond just the issue. For example, managing a profit, how to divide the profits between the center and the regions.

In fact, relative to some of the other issues, that's not a major issue. So it does need to be addressed. The longer it goes on unaddressed, I think is not good news for the Iraqi economy, it will not help get Iraqi—foreign investment into Iraq and I think—I'd like to see if we can pick up the pace on that.

Senator KAUFMAN. I'm looking forward to visiting you in Iraq.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator.

Someone had mentioned that Senator Shaheen might be on the way, but we're going to wrap up, I think, unless Senator Lugar had additional questions.

Let me just say, on behalf of the committee, and I think Senator Lugar would agree with me, that I think you've shown here today why you are qualified and the right person for this job. I think you've answered questions that were raised by colleagues and all of them are legitimate, and in this business people have a right to respond to general questions and inquiries and sometimes conspiracies that circulate.

But I think you've answered them very directly with candor and comprehensively today. And I hope that those people who have raised the questions have listened carefully to your answers, because I think the record which you have referred to, and you've gone back and reviewed, is very clear with respect to never having gotten to the other phase.

I thought one of the most important things you did say was that you had almost daily instructions that you were working under, as most negotiators and diplomats do. This was not a freelance operation. And I've heard any number of questions raised that this is not an area where you've spent most of your career.

Well, the fact is that the skills one learns in many of these other places are what are important. The experience of the judgments you make, the puzzles you sometimes have to put together have great similarities in whatever part of the world.

And the mark of a great diplomat and of an expert, whether it was, you know, Henry Kissinger or Jim Baker or others, they didn't always approach every place with the greatest amount of experience in that place. But like a good lawyer, when they got their brief, they studied it and they knew it, and when they appeared, they were as skilled and capable as anybody else.

I think the President's confidence in you, the Secretary of State's confidence in you, Senator Lugar's confidence, General Odierno and the Pentagon's confidence, and others, speaks volumes. And it is critical to get you in place. These are critical weeks. The Congress is about to go out for the Easter recess. It would be uncon-

scionable, I think, to leave this post in its current state of transition during that period of time.

And so for all those of us who—and that's everybody in the Congress and the Senate who cares enormously about the outcomes—I think people need to review this record today and expedite this nomination next week.

So we will leave the record open for 24 hours so that any additional questions can be submitted, if they need to be, in writing. We'll have a business meeting next week. General Eikenberry will appear before the committee tomorrow, and we hope to proceed rapidly next week, to be able to confirm these nominees.

Senator Lugar, do you have anything to add?

If not, then we thank you very much for appearing today, and we look forward to proceeding forward.

We stand adjourned.

[Whereupon, at 11:39 p.m., the hearing was adjourned.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

REPOSSES TO ADDITIONAL QUESTIONS SUBMITTED FOR THE RECORD TO AMBASSADOR
CHRISTOPHER R. HILL BY SENATOR RICHARD G. LUGAR

Question. Your statement contained scant details about the mission of the Embassy going forward through this very significant drawdown period. The civilian institutions have been playing catch up for much of the last six years, and finally appear to be in step. The next two, if not the next six years are no less important than the last six and a robust planning effort is absolutely necessary.

- Please share with us details of the State Department's aspects for the drawdown and post drawdown phase that will reassure us that this planning is in advanced stages and being pursued rigorously.
- What are your top worries? What worse case scenarios have been planned for?
- How prepared is State for any continued counterinsurgency demands?

Answer. The President made clear in his February 27 speech that we must maintain a strong political, diplomatic and civilian presence as we draw down our military forces. Civilian agencies across the board—from State to AID, Agriculture, Justice, Homeland Security, Treasury, Commerce and more—have staff on the ground in Iraq and are making significant contributions. Maintaining a strong civilian presence with secure and effective engagement will be my top priority.

Planning for this effort in light of the drawdown is underway, both in Washington and at Embassy Baghdad. Extensive interagency consultations have been held under the direction of the National Security Council to identify the most appropriate civilian footprint as we draw down military forces. Our plans are furthest along regarding Provincial Reconstruction Teams, where we will need to consolidate the 10 PRTs embedded with combat brigade teams as those brigades draw down. As I noted in my testimony, we plan to consolidate the number of PRTs from 16 to six by the end of 2011. In implementing this, we will take into account political factors as well as security conditions.

In addition, there are ongoing efforts to examine Embassy-based staff to ensure that we have the right size and mix of officers and staff. I intend to focus on those efforts along with members of my Country Team to ensure we have the best mix to carry out the President's policies.

One of my chief concerns or worries will be to ensure that our civilian teams are provided the protection they require to accomplish their missions. The President has stated that providing such protection will be among the primary missions of our military transition force so I am confident that we can maintain a robust civilian presence in the field. Civilian agencies have worked effectively with our military colleagues on counterinsurgency issues throughout Iraq. In looking at our PRT footprint, we will seek to retain those PRTs that have been most active in provinces still plagued by violence and instability and those that are strategically most significant. I will ensure that our presence remains such that we can continue this cooperation throughout the drawdown period.

Question. The latest quarterly report on Iraq Reconstruction (2207 Report) was issued in October 2008. Is there a more recent one available?

Answer. The latest 2207 quarterly report on Iraq was transmitted to Congress on January 14, 2009.

Question. The President seems to have removed conditions on the withdrawal and yet Prime Minister Nuri al-Maliki said in a March 15 interview that the U.S. would not withdraw troops from areas of Iraq that are not "100 percent secure and under

control.” What is your sense of this? In preparing for this assignment, what have you understood about our planning? What other than the request of the Government of Iraq, would slow or reverse the withdrawal of forces, first from population centers and then from the country as a whole?

Answer. The President’s plan to draw down our military forces in Iraq was the result of a comprehensive review by all national security agencies in the U.S. Government and has their concurrence. The review also respected the Security Agreement between the United States and Iraq that calls for the withdrawal of U.S. combat troops from cities and populated areas by June 30, 2009 and the withdrawal of all U.S. forces from Iraq by December 31, 2011. In the course of preparing for this assignment I have spoken extensively with the senior officials, including those in the military, involved in these decisions and been fully briefed.

An important part of the President’s strategy calls for regular interagency reviews of our military and civilian presence and missions in Iraq. These will help ensure that we have the flexibility to respond quickly and effectively to changing conditions. In addition, U.S. military forces in Iraq consult closely with their Iraqi counterparts to ensure that no actions are taken that would undermine safety or security in Iraq. The plan chosen allows for significant flexibility for General Odierno to adjust his forces on the ground to address “hotspots” that Prime Minister Maliki referred to.

It would be for the President to decide what factors might alter our drawdown plans. It is important to note that the Embassy and MNF-I are also in daily contact with Iraqi political and military officials about security conditions so that adjustments can be made as we draw down.

Question. Are there plans to leave large remainders of forces in the region? If so, what will be the makeup and role of these personnel? Do you sense that they will be necessary to reassure our allies and serve warning to our adversaries that US interests in regional stability and security are not on the wane?

Answer. The President has made clear that U.S. combat forces will depart Iraq by August 31, 2010 and that all U.S. Forces will depart by December 31, 2011. It would be inappropriate for me to comment in an unclassified setting on the disposition of military forces in the region except to say that the plan allows significant flexibility for our military commanders during the timeframe noted above. Our drawdown strategy for Iraq was reached after considerable analysis and consultation with military commanders responsible for our forces in Iraq and the region. Our friends and allies in the region as well as our adversaries can be certain that we will continue to protect our interests in Iraq and the region.

Question. President Obama said during his speech at Quantico that the training and equipping of Iraqi forces will continue as long as they “remain non-sectarian.” Are they judged to be non-sectarian now? How is this measured? What efforts are taken to ensure that they remain this way?

Answer. The Iraqi Security Forces have made great progress over the last few years in becoming a more professional and disciplined force representing the people of Iraq rather than a particular sect or element. Through our training and advising programs throughout Iraq we judge there has been significant progress on addressing previous sectarian issues in the Iraqi Security Forces. Prime Minister Maliki and the military and civilian security leadership have acted to remove officers in all services believed to have been involved in sectarian activity. The Prime Minister is also committed to maintaining capable security forces that reflect the ethnic diversity of the country and that are subordinate to civilian leadership. MNF-I personnel work closely with Iraq security personnel to assist them in realizing their goal of a professional, capable, and non-sectarian force.

Question. You have currently 29 PRTs of various types. How many will you have after troops withdraw from population centers after June 2009?

Answer. Recent adjustments have left us at this time with a total of 26 Provincial Reconstruction Teams (PRTs) of various types (16 PRTs and 10 embedded PRTs). Our plan is to begin in September 2009 to begin to draw down all 10 ePRTs in tandem with the drawdown of the combat brigade teams with which they are embedded, leaving 16 PRTs by August 2010. As noted in my testimony, the plan then calls for consolidating the 16 PRTs into six PRTs by the end of 2011. It is worth noting that, even as combat troops withdraw, the Security Agreement allows military forces on civil support missions to continue to operate inside the cities.

Question. Judicial intimidation continues to thwart advances in Rule of Law and Criminal Justice. How will the drawdown affect our ability to protect Iraqi judges?

Answer. Our efforts have shifted from the direct provision of security for judges to helping the Iraqis build their own capacity to do so. We are now teaching Iraqis to conduct their own courthouse vulnerability assessments and developing a train-the-trainers program for the Facilities Protection Service. The Iraqi Higher Juridical Council and the Ministry of Interior (MOI), working together, have developed a plan that will enhance the Government of Iraq's capacity to protect Iraqi judges from physical threats. MOI's dignitary protection service will create a new wing to provide security for judges. This plan, in the process of implementation, is intended to eventually eliminate the need for a U.S. role in the protection of judges.

Question. In this election year, Prime Minister Maliki is making savvy moves to broaden his appeal, reaching out to Sunnis and Shiites alike. This seems to be calming intra-Arab tensions, but is he provoking the Kurds?

Answer. Prime Minister Maliki's efforts to work with all ethnic groups are a welcome development. We took particular note of his recent public statement calling for reconciliation with former elements of Saddam Hussein's regime, primarily Sunni Arabs. The sustained reintegration and participation of Sunni Arabs in Iraq's political process is essential to sustaining stability and fostering reconciliation.

Maliki's continued effort to reach out to Shi'a political entities reflects his desire to build upon and secure gains his State of Law list made in provincial elections. Having won a plurality of votes in nine of 10 Shi'a-majority provinces, State of Law is working to develop coalitions to successfully meet the upcoming challenge of provincial governance.

We do not interpret these actions by the Prime Minister as an effort to provoke the Kurds. Different understandings of the role and relative power of the central government and of the regional and provincial governments are issues that need to be worked out peacefully through the political process. The Kurds have worked closely with Sunni Arab and Shi'a political parties in the Council of Representatives, especially with the Iraqi Islamic Party and Islamic Supreme Council of Iraq, or ISCI. We see an emerging effort by political entities—including by Maliki, the Kurds and others—to reach across ethno-sectarian lines, thereby promoting the gradual development of issue-based political coalitions.

Question. How will Iraq's political factions react to the withdrawal of US forces? Are they positioning for advantage? If so, which factions should be watched as they make adjustments in their positioning? What level of confidence do you have in your assessment?

Answer. The current political dynamic appears to be being driven more by the outcomes of recent provincial elections and the prospects of national elections than by the plans for the drawdown of U.S. forces.

Provincial elections saw the ousting of most incumbent candidates, as well as a major shift in the balance of political power among parties on provincial councils. This shift has led to an ongoing process of forming post-election governing coalitions. Coalitions may continue to shift through the year as political entities address the dual challenges of governing their provinces and campaigning for national elections. If confirmed, I intend to closely follow these political dynamics, including whether emerging provincial coalitions lead to the formation of any national governing coalitions. With respect to the drawdown of U.S. forces, some Kurdish leaders, such as Massoud Barzani, perceive an effort by Prime Minister Maliki to increase power, and see the U.S. as a guarantor of security and stability. The Kurds will likely continue to work with both Shi'a and Sunni Arab partners in the Council of Representatives to secure their political interests. For example, on March 24, KRG Prime Minister Nechirvan Barzani met with Prime Minister Maliki in Baghdad in a first step towards resuming a dialogue. If confirmed, I will work to diminish Kurd-Arab tensions as U.S. forces draw down.

Question. A lack of cooperation between the MoI and MoJ continues to undermine the judiciary's authority and independence. Is this a partisan issue or is it a capacity problem? What solutions should be offered by State and GOI in order to address this issue?

Answer. Three different entities are involved in administering criminal justice in Iraq: the Ministry of Interior (MOI) oversees police and security forces; the Ministry of Justice (MOJ) oversees corrections; and the Higher Judicial Council (HJC) oversees courts, judges, and prosecutors. Iraq's constitution established the HJC as an independent branch of government; however, the constitution did not fully address the separation and roles of the various judicial entities. For example, the Judicial Training Institute was left under the control of MOJ instead of HJC although judges fall under the control of the HJC.

To assist the Government of Iraq in addressing these issues, the U.S. is providing technical assistance to the HJC and the Council of Representatives to draft legislation that clarifies these roles. The U.S. also supports a justice integration program that identifies procedures, policies, and processes where the GOI could encourage greater interagency coordination and information-sharing. U.S. legal experts have brought together judges (HJC) with police investigators (MOI) and corrections officers (MOJ) to discuss improvements in the judicial process. We are facilitating an agreement on a common “data dictionary” to facilitate interagency information-sharing.

Question. How are Iraq’s NGOs developing? What is the status of the NGO law? Please provide the latest translated draft to the Committee staff.

Answer. Iraq’s NGO sector is extremely nascent and underdeveloped. The 2008 draft NGO law was approved by the Council of Ministers (the Cabinet) in late March 2009. The Parliament must approve it next. According to the independent NGO Coordination Committee in Iraq, the latest draft contains significant improvements on previous drafts, but international and local NGOs are concerned that the GOI seeks to control NGOs’ activities rather than to support the development of an autonomous and vibrant civil society. A copy of the latest translated draft of the national NGO law is attached.

In addition to issues regarding the content of the legislation, NGOs have continuing concerns about the NGO registration process in Iraq, which is time-consuming, onerous, and often lacks transparency and consistency. One positive development in this regard is that the Iraqi NGO Registration Directorate has set up a functioning website, which solicits NGO registration applications and renewals, with explanations of the procedure. The website address is <http://www.ngoao.gov.iq/>.

According to the State Department’s latest Human Rights Report, more than 6,000 NGOs were registered in Iraq at the end of 2008. According to the director of the Cabinet Secretariat’s NGO Assistance Office, approximately 1,800 were operational, including 235 that focus on human rights and 181 that are dedicated to women’s rights. The majority of human rights NGOs were affiliated with political parties or with a particular sect, and frequently focused human rights efforts along sectarian lines. Exceptions were branches of international NGOs and NGOs serving women, which were generally nonsectarian.

Question. How are Iraq’s press and civil society developing on the whole? Will these developments be sustainable during and after the drawdown?

Answer. President Obama stated in his February 27 speech that “we will help Iraqi institutions strengthen their capacity to protect the rule of law, confront corruption, and deliver basic services.” In this context, we see a major role for strong civil society organizations and a free and independent media. This has been a focus for the U.S. government (and Iraq’s other international partners) since the removal of the former regime. There are numerous programs underway to build the capacity of civil society and media institutions, and we have been encouraged by their progress.

Civil society organizations and the press are affected by the fragile security environment as well as gaps in legal protection. According to the Committee to Protect Journalists (CPJ), in 2008 eleven Iraqi journalists were killed because of their work, making Iraq the most dangerous nation for the press for the sixth consecutive year in the CPJ listing. At the same time, however, this was the lowest yearly toll since 2003, and two-thirds lower than in 2006 and 2007. Many major media outlets are under the control of political parties and follow party lines in their coverage. Some journalists practice self-censorship in the face of anti-defamation laws and possible reprisals. Nevertheless, there is a clear determination among many journalists to establish themselves and their profession as credible forces in Iraq’s budding democracy.

Like journalists, civil society activists have been the victims of targeted killings. As noted in the 2008 State Department Human Rights Report, activity and advocacy by the country’s relatively new NGOs remained weak overall. At the end of 2008, there were 6,000 registered NGOs, but less than one-third were operational. There have been gradual improvements in the ability of citizens to register their organizations and in the protection of financial assets from arbitrary freezing by the government. These changes, plus the passage of an NGO law that adheres to international standards and practices, would enhance the prospects for civil society. U.S. assistance will be very beneficial. For example, USAID’s Community Action Program is helping many hundreds of community action groups across the country work with local governments to plan and allocate provincial budgets—thereby encouraging citizen involvement in a key government function.

The positive growth of civil society and the emergence of a free and independent press depend in large part on further security improvements, accompanied by better legal protection. On the security side, it is our assessment that the Iraqi security forces will provide increasingly higher levels of protection to the public as U.S. forces withdraw. U.S.-funded programs will emphasize capacity-building within the media and civil society organizations and work with the Iraqi authorities to improve legal protection.

Question. Is the lack of serious action within or leadership from the Iraqi Ministry of Displacement and Migration a factor of capacity or will? What solutions should be offered by State and the GOI in order to address this issue?

Answer. The Iraqi Ministry of Displacement and Migration (MODM) requires increased resources and additional capacity-building to adequately meet the needs of displaced Iraqis. Moreover, it lacks the status of a full ministry. The Basic Law, which would make MODM an official ministry, was submitted to the Iraqi parliament last year but has not yet been passed.

Despite its status, the Ministry has taken steps to address displacement issues inside Iraq. In July 2008, MODM hosted a national returns conference in coordination with the UN. At the conference, the Ministry launched its National Strategy on Displacement, which outlines its day-to-day operations. A month earlier in June, the Iraqi government budgeted \$200 million for MODM in its supplemental for programs to assist returning Iraqi refugees and internally displaced persons. Due to the drop in oil prices last year, we anticipate a smaller budget for the Ministry in 2009.

The USG, through the Bureau of Population, Refugees and Migration (PRM) and the U.S. Agency for International Development's Office of Foreign Disaster Assistance (USAID/OFDA), has maintained a capacity-building program for MODM since the ministry's inception. PRM contributed \$4 million to the International Organization of Migration to provide technical and organizational capacity-building assistance to MODM from October 2004 through March 2008. This assistance consisted of developing and refining MODM's institutional mandate and organizational structure, designing departmental functional statements and standard operating procedures, and training key MODM staff.

USAID/OFDA has provided more than \$3 million to support a humanitarian capacity-building program in Iraq. As part of the program, USAID/OFDA implementing partners help build the capacity of MODM to improve mechanisms for monitoring population movements, assessing the needs of Internally Displaced Persons, and preparing for the return of displaced Iraqis to their area of origin through support to MODM returnee assistance centers.

The USG, along with the office of the UN High Commissioner for Refugees and international non-governmental organizations, plans to continue to build capacity at MODM and provide support for its initiatives. For example, MODM has opened three returnee assistance centers in Baghdad to assist returnees with property claims. The centers' lack of resources and bureaucratic procedures have led to inefficiencies. In an effort to streamline operations, USAID-funded International Medical Corps is working with one of the centers to improve operations. This center will likely be the model for others in Baghdad and Iraq. Recently, UNHCR developed a proposal to open 16 new returns assistance centers across the country, in coordination with MODM.

Question. What progress is Iraq making on EITI?

Answer. The Government of Iraq formally committed to implement the Extractive Industries Transparency Initiative (EITI) on April 3, 2008 and reiterated its commitment at the Iraq Compact Annual Review Conference in Stockholm, Sweden on May 29, 2008. The EITI Chairman and the Regional Director for Anglophone/Lusophone Africa and the Middle East went to Baghdad on October 6, 2008 to meet with Deputy Prime Minister Barham Saleh and Oil Minister Hussain al-Shahristani. The Oil Minister appointed a Director General, Nihad Moosa, to lead the effort. The Deputy Prime Minister appointed her as the National EITI Coordinator. The Oil Minister and the National EITI Coordinator attended the EITI Global Conference in Doha in February 2009.

The National EITI Coordinator has undertaken efforts to prepare Iraq for implementation. The EITI is providing assistance and training. DG Moosa is also in discussions with the World Bank to assist in the development of an implementation work plan. She is planning outreach to stakeholders within the oil and gas sector including federal and regional entities using mass media, public events, and workshops.

To develop the implementation work plan, the Government of Iraq faces the challenge of customizing the EITI framework to Iraq's context, taking into account state-owned operating and marketing companies, the Ministry of Finance, the Central Bank, other federal ministries, and regional entities, in particular, the Kurdistan Regional Government. Once the work plan is developed and approved, it may become necessary to develop legislation, regulations and instructions for its implementation. It will also be necessary to ensure that current contractual and regulatory activities do not contradict EITI implementation requirements. Iraq's National EITI Coordinator is looking for support from other countries and international organizations for technical assistance and capacity building. The U.S. will be working with the Oil Ministry and other Iraqi stakeholders to support EITI implementation through the Oil & Gas Working Group established under the bilateral Strategic Framework Agreement.

Question. How robust is the IMF and World Bank Staff presence in Iraq? Are there any areas in which their presence could be improved?

Answer. Despite repeated urgings from the U.S. Executive Director as well as various agencies of the U.S. Government, the IMF has not stationed a representative in Iraq and does not send missions to Iraq, citing security concerns. In order to accomplish its important work for economic reforms and stability, the IMF meets often with senior Iraqi officials in Amman, Jordan and Washington. Although these arrangements are less than optimal, Iraq has performed well under its Emergency Post Conflict Agreement (EPCA) and successive Stand-By Arrangements (SBAs).

The World Bank has a small international staff stationed in Baghdad. They are supported by a much larger local service agent that fields more than 60 Iraqi and other Arabic speaking experts and consultants to handle the World Bank's day-to-day business with Ministries and in the provinces. The World Bank's new Third Interim Strategy Note (ISN) anticipates increases in World Bank international staffing in Iraq. At working-level meetings and during the World Bank Board of Executive Directors meeting when the ISN was adopted, the U.S. strongly urged the World Bank to increase its staffing and strengthen its organization in Iraq.

Question. What effect is the world economic crisis having on Iraq and what effect do you estimate it will have in the longer term?

Answer. While Iraq's economy has improved in recent years, the world economic crisis has had a significant impact. Because Iraq's economy is heavily dependent on the oil sector—over 90 percent of government revenues come from oil exports—the most severe development for Iraq has been the precipitous drop in crude oil prices, from \$150 per barrel in July 2008 to around \$50 per barrel currently. Lower oil prices, combined with stagnant oil production and export levels, will constrain government spending and likely slow economic growth in the near term.

The world economic crisis has had a limited effect on Iraq's financial sector because it is underdeveloped and largely disconnected from international financial markets. Nevertheless, the contraction of global trade and investment may deprive Iraq of some much-needed outside investment. Lower world prices for commodities such as food and fuel have reduced inflationary pressures on Iraq's economy and the fiscal pressures on the Iraqi government, but have also reduced the incentive for policy and subsidy reforms in these areas.

A prolonged period of budget austerity could force the Iraqi government to reduce efforts to improve essential basic services, and could force disruptions in subsidies and public sector payrolls. Over the medium term, expanding opportunities and creating jobs, especially within the nascent private sector, will help solidify democracy, ease reconciliation, and underpin security.

Question. What is inhibiting private sector growth and job creation in Iraq? Beyond petroleum sector, what areas do you think are ripest for such growth? How are US programs being helpful in particular?

Answer. Though the Government of Iraq has taken some steps to improve the business climate, much remains to be done. Security has improved, but the perceived fragility of the situation still causes firms to delay potential investment plans. Corruption also remains a significant impediment. Unclear or unhelpful regulatory requirements are also among the most challenging obstacles to carrying out business in Iraq. These requirements include cumbersome procedures for commercial registration, unclear land and property titling, unreliable dispute resolution mechanisms, and the absence of key legal measures to assure investors.

Certain sectors of Iraq's non-oil economy have proven attractive to outside investment interest, including financial services, construction (including housing), hospitality, telecommunications, industrial materials, transportation, consumer products, and agriculture and agricultural processing.

The U.S. Government has a number of programs across agencies to help address such private sector development efforts. The Overseas Private Investment Corporation (OPIC) provides political risk insurance and financing for both large structured transactions and small and medium-sized enterprises. USAID provides sustainable microfinance, bank lending for small and medium-sized enterprises, and business development services and training at Small Business Development Centers throughout Iraq.

DOD's Task Force to Improve Business and Stability Operations (TFBSO) has strived to restart state-owned enterprises to increase employment, attract foreign direct investment, and modernize Iraq's private banking sector. The USG also encouraged the GOI to undertake reforms aimed at improving private sector development at the Dialogue on Business and Investment Climate held in Baghdad in November 2008, co-chaired by the U.S. Treasury Deputy Secretary and GOI Vice President Abdel Mahdi.

Question. How will the Embassy's role change as the MNFI draws down? PRTs? Civilian partners?

Answer. The Embassy and its component PRTs will play an increasingly important role as our military forces draw down. The President has made clear that as we shift our military forces, it is essential that we maintain a strong political, diplomatic and civilian effort in Iraq. I will be coordinating closely with General Odierno as we make this important transition.

More than one-third of our PRTs are embedded with combat brigades, so the number of embedded PRTs we maintain in the field will necessarily drop as the draw-down proceeds. I will ensure that as we consolidate these ePRTs with regular provincial PRTs we maintain engagement in all crucial areas.

More broadly, I am committed to maintaining robust engagement throughout Iraq even as we adjust our physical presence. The vast majority of our PRTs are co-located with military forces and rely on them for movement and life support. Careful planning with the military is required to ensure that this support continues in areas where we require continued presence. The formation of new Advisory and Assistance Brigades could provide one such means of support. I am optimistic, too, that improved security conditions will allow our civilian officers to travel more frequently and extensively throughout the country.

Civilian partners ranging from the United Nations, to the National Democratic Institute and the International Republican Institute, to NGOs involved in humanitarian assistance to displaced persons, all play an important role in Iraq. They are truly partners. I intend to continue supporting their efforts and to welcome new NGO and other civilian partners as security improvements permit them to establish or expand their programs in Iraq.

Question. Will State resume responsibility for the police training mission?

Answer. With the President's announcement of a timeline to end the combat mission in Iraq by August 31, 2010, and his support for a strong political, diplomatic, and civilian effort, we are working with DOD to assess and identify the best way forward for State to assume responsibility from DOD for the Iraqi police development mission. The Secretary of State and the Secretary of Defense will jointly decide on the transfer of these functions to an appropriate organization under the authority of the Chief of Mission. While no decisions have been made regarding the timing, modalities, or scope of this transition, planning for the transfer of responsibility has begun and a State-led interagency assessment is underway now in Iraq.

[SUPPLEMENTAL INFORMATION RELATING TO THIS RESPONSE FOLLOWS:]

In the Name of the People
Presidency Council

Based on the decision of the Representative Council and approved by Presidency Council and the basis of the provisions of item (1) of article (61) and provision (third) of article (73) of the Constitution issued the following law:

NO () for the year 2009
Non-governmental Organization Law
Chapter One
Definitions and Goals and Entry into the Force

Article- 1- means the following terms and terminology for the purpose of this law the meaning set out towards them:

First- the non-governmental organization: a group of natural persons or moral registered and has legal personality in accordance with provisions of this law, seek to achieve a non- profit purposes.

Second- the foreign non-governmental organization – the branch of - the non-governmental organization organized under the law of another state, and is the work of the organization of the republic of Iraq and recorded in accordance with the provisions of this law.

Third- the non-governmental organization net- is the non-governmental organization registered under the provisions of this law, and consists of a number o incorporated f non- governmental organizations, each of which has a moral personality.

Fourth- ministry- ministry of state for civil society affairs.

Fifth- service- service of non-governmental organization.

Article 2- this law aims at:

First – strengthening the role of non-governmental organization and support, develop and maintain their independence in accordance with law.

Second- the promotion of free citizen in the establishment of non-governmental organization and join them.

Third – establish a central mechanism to regulate the registration of non-governmental Iraqi and foreign.

Article 3 – organization seek to achieve their goals through sound and democracy.

Article 4- regulation of this law does not apply on political parties, trade unions, vocational associations, incorporated under special law.

Chapter Two
Organization

Article 5- First – Every normal Iraqi has the right to establish a non government organization, be a member of one or withdraw from it according to the rules.

Second-The organizer must be:

- A. Iraqi citizen
- B. Adult. 20 years old for normal person
- C. Clean criminal record

Third- The underage persons are exempt of the item B of the second section. They are allowed to form a non- government organization that can exercise their activities with written approval from one of the adult organization. The adult organization must be:

- A. Registered according to the provisions of this law
- B. It's internal system must be interested at the underage people

C. Integrity of its legal position supported by the office.

Article 6 – First – A Founding application, signed by at least 5 of the founders, is to be submitted to the office. The application should include the following:

- a. Name of the organization in Arabic or Kurdish as well as English.
- b. Address of the organization approved by a competent authority.
- c. Names, phone #s and e-mail addresses of the founders (if any).

Second– The following should be attached with the founding application:

- a- Founding statement.
- b- The organization rules of procedure.
- c- A copy of the certificate of nationality and the identity of the Iraqi civil status (jinsiya) of the founding members.

d- names of legally authorized persons who represent the organization, receive official communications as well as answering all inquiries pertinent to founding and registration and the means of contacting them.

Article 7- The rules of procedure of any organization should include the following:

First- The official name of the organization in Arabic or Kurdish as well as English.

Second- Address of the main office of the organization.

Third- A detailed statement of the organization's goals and the means of achieving them.

Fourth- A copy of the logo and seal of the organization.

Fifth- Membership and termination provisions, as well as the members' duties.

Sixth-Statement of the organizational structure of the organization, election procedures and powers of each of the bodies.

Seventh- The specification of the body that is authorized to make up decisions within the organizations.

Eighth- The specification of the body that will put their hands on the property and the personal property of the organization at its dissolve or liquidation, taking into consideration the text of item (4) of article (24) of the provisions of this Law.

Ninth- The procedure of hiring and the estimation of their pay.

Tenth- Financial resources of the organization and the amount of the monthly or annual membership fees (if applicable).

Article 8- The organization is exempted from founding application and registration fees.

Article 9- First- The office will study the founding application within (7) days from the day of its registration in the office of the director of the office; otherwise, the request is accepted.

Second- The organization is to submit the registration file to the office within (60) days from the day the registration application is accepted; otherwise, the request is rejected.

Third- The documents attached with the registration are:

- A- The Form Record that had been prepared by the office, which includes the required information.
- B- The Figure of the budget to submitted the request.
- C- Conduct meeting to select the Management Council Members or order of hiring.
- D- List of the Organization's belongings.

Fourth – the office would issue a registration certificate of organization for the period of 60 days from the date it receives the registration file containing all the required information and documents.

Fifth- the organization acquires its physical identity from the registration certificate is issued.

Sixth- in case of rejecting the registration requested , the office has to state and clear the reason of the rejection and it has to notify in writing the pertinent people.

Seventh- the office's rejection can be appealed with the administrative judicial court in accordance with the law.

Eighth – the registration certificate issued by the office is valid for two years and it can be renewed.

Article 10: the directorate will start a special track record for the non government organizations, nets and their foreign branches registered on their record, included name of the organization ,net or branch with their activities and full address, and any other procedure have been taken about it or any penalty against it.

Article 11: the organization will be restricted as follow:

- 1st: adopting discordance goals that effect independence and patriot unity of Iraq and its democratic, republican parliament system.
- 2nd: to sow division and discord among the nationalities, religions or mixed doctrines.
- 3rd: to encourage violence against the republic of Iraq, its constitution and its democratic system.
- 4th: adopting targets that violated Iraqi law or constitute a threat to the national security, or public safety, public order, or the pursuit of military activities or materials, purchase or sale of weapons, military equipments, personnel military training with special techniques to engage in war or terrorist acts, support or instigate or contribute to the financing, or cultivation, production, handling, storage, possession, or trafficking of drugs.
- 5th: establishing businesses for the purpose of distributing funds to its members for personal benefits, or exploitation of the organization for the purpose not paying taxes.
- 6th: nomination of any person for office, or collecting money to support candidates for public office, or providing material and moral support to candidates.
- 7th: providing any benefits private or personal, directly or indirectly to its members, affiliates, founders, members of the management board or their relatives and any other person related to the organization including the donors to the third division.
- 8th: include in its rules of procedure refers to the distribution of funds derived from grants and endowments to its members at the dissolution of the organization.

Chapter Three Membership

Article 12:

1st- organization membership must be:

- A – Iraqi nationality
- B - A full-fledged and completed eighteen years of age.
- C – Not sentenced to a non political crime or misdemeanor involving moral turpitude.
- D – Accepted the organization rules of procedure.

2nd: member will loses his membership in the event of death, resignation, dismissal in ordinance with the rules of procedure of the organization or in the event of dissolution of the organization

3rd: member or member who lost his member ship, has no right to in the organization funds unless in the cases if the organization has an assistance joint treasury box mentioned in its rules of procedure.

4th: exceptionality the provisions of paragraph (b) of the item (first) of this article of the events belonging to the organization and be an honorary member, is not entitled to attend meetings of the general assembly or the votes on its resolutions

5th: the organization might accept the foreigner member ship if he live in Iraq, in a condition of not to exceeds 25% foreigners from organization members.

B – Foreign members must not exceed 25% in each assembly of the organization assemblies.

6th, a foreigner he/she is not allowed to be the head of organization or firm or the head of one of its boards.

7th, any individual who are involved in number of organizations he/she is not allowed to be a leader in more than one organization.

8th, Subject to the conditions set forth in the first item of this article for the organization to determinate its own membership requirements that would not violate the rules of this law, public order and public morals.

9th, the members and the founders of the organizations and the members of the board are not liable for the obligations of the organization's law and no right to demand the staff members to pay the organization's debts out of their own funds.

Article 13- The members and employees of the organization committed on the flowing:

- 1) Avoiding any actual or potential conflicts between their personnel interests of the organization and inform the management board.
- 2) Detecting any actual or potential conflicts between their personnel interests of the organization and inform the management board.
- 3) Stepping down to attend the meeting and actually making the things that serve their own interests
- 4) The contracts between the them and the organization, and her members in accordance with the rules of procedure of the organization.

Chapter Fourth Financial Provisions

Article 14-

Resources of organization shall consist of the following:

- 1- The contributions of members
- 2- Contributions ,grants and guides
- 3- The profits due to the organization's activities and her projects

Article 15- First – The organization committed to spend her resources on the activities that achieves its goals

Second – Participating of the organization in the tenders announced by the government to entered the materials and the required services in the tender within the scope of competence of the organization

Third- According to the office permission the organization can own properties in the extent necessary to take the center and the center for its subsidiaries, or a place of meeting for its members or to achieve its goals

Fourth –The organization can sell with permission of the office any property no longer necessary to its goal in accordance to the law with consent of the service and restrict the price of its revenue of real estate

Article 16-The organization presents to the office every year the following:

First – One financial report includes a detailed description of the organization sources of funding and financial transactions

Second – A report about the organization's activities includes the brief idea about the projects that has been conducted through the year.

Article 17- First- The organization is doing its financial process by the bank account

Second - Not allow to frozen the organization's bank account but by court decision.

Article 18- First –The organization can receives the donations and grants and guides from inside the republic of Iraq and from outside with the office permission.

~~Second-~~ Anybody who wants to make donation to the none government organization should inform this office.

Article – 19-

- (1 Public benefit organization exempt from income tax and value – added tax , tariffs and customs fees and sales tax .
- (2 Required in that public benefit organization that aims to achieve the public interests.
- (3 Granted the status of public benefits to the origination and the decision to withdraw them from comes by the council of Ministers on the proposal of the Minister of Ministry of civil society affairs.
- (4 The council of Ministers has the rights to grants the organization of the public benefits the rights and privileges not stated in this law that will help her to rich their colas in the other hand, shall take special measures for the control and supervision of.

**Chapter Fifth
Records and Audit**

Article 20 –The Organization and its branches should keep the following records:

- 1) Member's record, record the names of the organization's members and their address, nationality, ages, and their professions
- 2) Decision's record, record the decisions of the General Board and the decisions of the Administration's Board.
- 3) Account's record , record all the revenues of the organization and its expenses
- 4) Property record, record all the personal properties and property of the organization and the description and the value.
- 5) Activities and the project's record, record the type of the activity and the project and the site of sponsored and the benefits from it.

Article 21 –

- 1) The organization keeps their properties documents and their reporters and the records for (10) years.
- 2) The organization is committed to be in conformity with the accounting principles adopted legally.
- 3) The organization is conducting the internal audits of their accounts each year by a certified licensed accountant.

Article 22-

- 1) The organization coordinated with the office of Financial supervision audits the accounts of the organization
- 2) If the office finds that the organization's records are inaccurate or the manipulation , they have to check directly to the accounts and records of the organization's activities in her office and branches by a certified licensed accountant.
- 3) The Organization should provide all the information required for the purpose of audit
- 4) The office must not disclose the information to be found during the audit process to non-government concerned agencies

**Chapter Sixth
The Combining and Solution**

Article 23-

First: The organizations with close or similar goals should merge and make a single internal system of procedures in accordance with their internal rules.

Second: integration procedure and the establishment of the new organization must obey this rules.

Third: The alike benefits organizations should not merge.

Fourth: The organization can be affiliated with, or can participate in other clubs and network based outside the republic of Iraq with the consent of the Office.

Fifth: The new organization acquires its new identity when it receives the registration certificate and becomes the successor of the merged organizations with regards to their rights and obligations.

Article 24

First: the dissolution of the organization can be optional dissolution with the consent of its members and in accordance with its internal regulations or through a judicial decision.

Second: if the organization decided to dissolve, it must inform the Office within 30 days period of the dissolution date or to approach the Office in order to choose the liquidator.

Third: In the event of the jurisdiction solution, the court appoints the liquidator.

Fourth: The organization provides a statement of the transferred and non transferred funds for the purpose of the dissolution. This statement adopts the fulfillments of the obligations and the distribution of what's left according to the internal rules of the procedures of the organization, unless those funds derived from aid and grants then it should be transferred to another organization that has similar objectives that has been set by the Office.

**Chapter Seven
Penalties**

Article 25

The organization gets penalized if it violates the provisions of this Act by the followings:

First: By suspension, imposed by the Office:

- a- By informing the organization to remove the violation within 10 days of the date of the warning

- b- Suspension of the Organization's work for a period not exceeding 30 days if the violation is not removed within the period provided for in paragraph (a) of this item or if the same violation is repeated.
- c- The Organization has the right to complain to the Minister about the suspension within (10) days from the notification day.
- d- The Minister is to examine the appeal request within (10) days from the day of the appeal registration in his office, and his decision is subject to appeal before the court within (10) days from the day of the notification of the Organization.

Second- Solution. It is determined through a judicial decision at the Office request in one of the following cases:

- a. If the Organization has passed its one year anniversary without proceeding its works prescribed in its rules of procedure, or if it cuts off its work for that period without a reason.
- b. If the Organization practiced activities that contradict with its planned, rules of procedure's goals, or it doesn't fulfill its obligations prescribed under this Law.
- c. If the Organization has become unable to fulfill its obligations and commitments.
- d. If the Organization has allocated its capital or its capital gain for purposes other than those the Organization was founded for.
- e. If it has been proved that the organization is involved in gambling activities or other activities that violate the public order or the morals.
- f. If it has been proved that the organization has stored, in its HQ or in any of its branches, any weapons or fire arms or any explosives or drugs.
- g. If the Organization doesn't remove the cause of the violation despite the warnings, suspension of its works and the exhaustion of the appeal at the suspension decision.

Article 26-

First- Each of the following is punished by imprisonment for a term not exceeding (3) years:

- a- Anybody who was a member in an organization founded in contrast with the provisions of this law.
- b- Anybody who practiced an activity with an organization whose founding application was rejected or an organization that was dissolved in accordance with the provisions of this Law.

Second- Anybody who has been a member of any banned organization and has participated in its activities is punished by imprisonment for a term not exceeding (6) months.

Chapter Eight Non- Governmental Organizations

Article 27 – The foreign Non-Governmental organization's branch is to be registered in accordance with the provisions of this Law.

Article - 28

First- able- The branch of the Organization is for the purpose of the following information registration and documents:-

- a- The name of the Organization
- b- The Main Office address of the Branch of the Organization in Iraq authorized by designated official source.
- c- Detailed statements of the activities which the Branch of the Organization seeks to implement them in Iraq.
- d- Names and address and phones number for affiliates of branch of the foreign NGO who live in Iraq.
- e- Copy of the certificate of Iraqi nationality and civil status identification for Iraqi affiliated and copy of the passport and residency document for the foreign affiliate.
- f- Internal system for the Organization-the mother
- g- Authorized document according to the provisions support the foreign Organization-the mother to be register in its own country as non –Government and nonprofit Organization.
- h- The report of foreign NGO activities-the mother outside Iraq

Second- The foreign information and documents that provided in (first) item of this article to be translated in Arabic Language authorized from designated official source in proper translation form.

Article-29 – For foreign NGO to establish its branch in accordance with the provisions of this law

Article-30- The foreign NGO is prohibited to participate in political activities and groups in republic of Iraq.

Article 31-

First- The Provisions of this law apply to the foreign branches of NGO registered in Iraq unless provided otherwise.

Second- The foreign NGO branches that are operating in Iraq are subjected to Iraqi law provisions

Chapter No 9

NGOs Network

Article-32

First- For any tow Governmental Organizations or more registered in republic of Iraq according to provisions of this law to establish NGO Net-work.

Second- The Network submit a request to the Office for establishment and registration in accordance with provisions of this law.

Third- The Network gains independent moral character of the Organizations that involve.

Forth- For the network to be Organize to one net-work or more

Fifth - The net can accept membership from foreign NGOs registered according to this law per the following conditions:

- a- The foreign NGO representative should not be president of the net.
- b- The branches of the foreign NGO in the net and in every of its authorities should not exceed (25%) twenty five percent of the members quantity.

Sixth - Whatever regulations are valid for the net are valid for the organization regarding establishment, registration, acquisition of personal moral, incorporation, disbandment, rights, responsibilities, and retributions, and forbids it what is forbidden on the organizations.

Chapter Ten General and Final Regulations

Article - 33 - The NGO can open branches inside and outside Republic of Iraq after the office's approval.

Article - 34 - The organization should not be named similar to governmental agencies, parties, political regimes, union, or syndicates.

Article - 35 - The organization should abide to inform the office with any data and documents changes presented to the office within (30) thirty days from change occurred date.

Article - 36 - The NGO registered according to this law cannot register in another part.

Article - 37 - The foreign NGOs branches can own movables according to the law.

Article – 38 –

First – Regulations of this law are implemented for all registered NGOs in the Republic of Iraq before it is expired except established by special law.

Second – The NGO covered under paragraph (First) of this article will abide to regulate its statuses according to this law through (90) ninety days from its expiry date.

Article – 39 –

Disband NGO office attachment with its rights, responsibilities, members, and properties from Ministers Council General Secretariat and be attached to Ministry of State for Civil Society Affairs, and will assume registration and follow up of the NGOs.

Articles – 40 – Terminate the following:

First – Associations law that is related to the foreigners number (34) of the year 1962.

Second – Associations law number (13) of the year 2000.

Third – Coalition Provisional Authority (disbanded) order number (45) of the year 2003 (NGO).

Forth – Order (16) for the year 2005 (Disband NGO Aid Bureau liaison).

Article – 41 – The minister will issue instructions to facilitate implementation the regulations of this law.

Article – 42 – This law will be implemented from the date issued in the official newspaper.

Reasons

To insure establishing and joining to the NGOs that the constitution guarantees it and to facilitate registration of the Iraqi NGOs and the foreign NGOs branches.

This law was legislated

Question. Do the Department of State and other civilian agencies continue to rely on the DoD LOGCAP contract for care and feeding and other logistics functions? What is the State Department share of that contract?

Answer. The Department of State and many other civilian agencies continue to rely on the DOD LOGCAP contract for essential life support and operational support services. While the move to the New Embassy Compound (NEC) has reduced the range and level of services required, critical support services are still provided by LOGCAP to the NEC—notably food services, fuel delivery and waste removal. The Department has moved to a competitively awarded State Department contract for maintenance services on the NEC. The Department currently funds 40 percent of the Chief of Mission LOGCAP task order under the contract.

The Mission and the NEA bureau, in conjunction with the Acquisition Office at the Department of State, are actively reviewing what additional services can be provided directly in the future in our continuing plan to move off of LOGCAP contract service where it is in the best interest of the Department. We are also communicating our plans with the office that administers the LOGCAP contract, DOD's Rock Island Contracting Center (Rock Island, Illinois). The Rock Island Contracting Center has been an invaluable partner in supporting the operational needs of our Mission in Iraq, and the communication between the Department and the contracting center has been excellent.

In addition to the LOGCAP support in Baghdad to the Mission, the Department's Regional Embassy Offices in Hillah and Basrah continue to receive the majority of their life support and operational support from the LOGCAP contract.

Question. In the hearing you mentioned that institution building remains a key mission. MOI's maturation has been a particular challenge. Have we sought contributions of European partners to help the MOI?

Answer. Yes. Most significantly, the NATO Training Mission-Iraq (NTM-I), to which 12 NATO members and Partnership for Peace member Ukraine contribute, has had an extensive and highly successful training program with the Iraqi National Police, with plans to train other elements of the Ministry of Interior. With the assistance and mentoring of the Italian Carabinieri, the National Police of Iraq have become a substantially more effective and professional paramilitary counter-insurgency force. UK forces have also trained Iraqi police personnel in Basrah. In addition, the UK has a leading role in developing the forensic capability of Iraqi law enforcement.

The European Union is focused on strengthening the rule of law in Iraq and assistance is channeled to capacity-building programs in Iraqi ministries, including the Ministry of the Interior. In particular the European Union's "EUJUST LEX" mission is aimed at training police officers, judges, and prison staff. For example, the police program includes training on leadership, homicide investigation management, public order management, human rights, and major critical incident management.

Question. What can the U.S. do to help Iraq turn the corner on corruption and Rule of Law issues?

Answer. The U.S. provides assistance to the Government of Iraq (GOI) to promote a society in which clear rules are codified in law, and fair, capable, accessible, and transparent institutions and systems enforce those rules. U.S. Rule of Law programs to achieve this goal include training corrections officers in humane treatment of prisoners; training police in how to effectively serve the community; technical advice in the development of legislation to support an independent judiciary; and guidance on how to improve efficiency and transparency in the administration of the courts.

U.S. anti-corruption efforts are handled by the Anti-Corruption Coordinator's Office at Embassy Baghdad, headed by Ambassador Joseph Stafford. Efforts largely focus on providing support and technical assistance to the GOI to promote compliance with its numerous obligations under the UN Convention against Corruption (UNCAC). Specific actions include assisting Iraq's Council of Representatives (COR) in reforming Iraq's existing legal framework to comply with the UNCAC; engaging with Iraq's three principal anti-corruption bodies (the Board of Supreme Audit, the Commission on Integrity, and the Inspector General), as well as the Joint Anti-Corruption Council, the judiciary, and the COR's Integrity Committee to provide technical assistance and build capacity; promoting anti-corruption efforts at the provincial and local levels; and assisting the GOI in conducting a multi-pronged public education effort to raise Iraqis' awareness of corruption's negative impact on the country's politics, economy, and society.

Question. What's the trajectory for CERP funding? Will these accounts be civilianized?

Answer. The Commander's Emergency Response Program (CERP) has been a valuable tool for military commanders to foster stability and foment economic development in Iraqi communities. However, it was foreseen at the inception of the program that the Government of Iraq would some day bear the full burden of providing security and essential services for the country and its people. Already Iraqi CERP funds have been used in coordination with U.S. commanders to foster stability as other Iraqi funding mechanisms are used for economic development and humanitarian relief. As our responsible drawdown of forces continues, we will continue to shift funding obligations for security operations and provide essential services from U.S. Forces to the Government of Iraq.

Question. On Sunday March 22nd, the New York Times reported that the GOI held a scholarship fair for international education, and that Prime Minister Maliki is sponsoring 500 students this year and envisions expanding to sponsor 10,000 Iraqis per year to study abroad. How many visas were issued to Iraqis last year to travel for cultural or educational purposes to the United States? How does this compare to the number of visas issued to Syrians and Iranians? What is the goal for 2009? What will you do to increase this number?

Answer. The U.S. Embassy in Baghdad directs an active educational and cultural affairs program. In 2008, Iraqis were issued a total of 795 student and exchange visitor visas, Syrians a total

of 331, and Iranians a total of 1,434. These totals do not include spouses or children.

In the fall of 2009, up to 35 Iraqi Fulbright Master's degree candidates and up to five Fulbright Foreign Language Teaching Assistants are expected to travel to the U.S. under the Fulbright program. This is in addition to students who travel under Iraqi government or other sponsorship. According to the Institute of International Education's Open Doors survey of international student enrollments, in the 2007/08 academic year, 307 Iraqi graduate and undergraduate students were enrolled in accredited U.S. colleges and universities, along with 3,060 Iranian and 517 Syrian students.

We welcome Prime Minister Maliki's intention to increase his government's scholarships for Iraqi students. Our Embassy cultural section will work with Iraqi education officials to encourage many of the proposed 10,000 students to apply for admission to U.S. institutions.

Professional and cultural exchanges are another important focus for the U.S. embassy. In 2009, approximately 140 Iraqis will participate in the International Visitor Leadership Program, in fields ranging from rule of law to water resource management. Summer 2009 programs for young people include scholarships for high school students (14 Youth Exchange and Study participants) and the Young Leader Exchange Program for university and high school students (140 participants). Iraqis participate in a variety of other exchange programs, such as the Hubert Humphrey Fellowship program for mid-career professionals (six participants in 2009).

Question. Please share information regarding our own Fulbright program in Iraq. How many scholars have we sponsored in the past 5 years, and how many have returned to Iraq to teach and work?

Answer. Since the resumption of the Fulbright program in 2004, 140 Iraqis have traveled to the United States under Fulbright auspices. Of that number, 45 are currently enrolled in academic programs and 26 have returned to Iraq to work and teach. We are concerned that a number of Fulbright grantees have asked to remain in the United States—often by applying for asylum—or have traveled to third countries rather than return to Iraq. This is a significant issue with implications for the future of the Fulbright program in Iraq. However, as conditions in Iraq improve, we expect to see a much higher return rate.

Question. I sponsored legislation to improve the Special Immigrant Visa program for Iraqis who have worked for the US government, particularly for translators and interpreters. What are the statistics on that program?

Answer. The Special Immigrant Visa (SIV) programs have been essential to the ability of the USG to provide protection and safety to Iraqis who have helped USG efforts in Iraq. As you are aware, there are two distinct SIV programs authorized for Iraqis who have assisted the United States in Iraq. Section 1059 of the National Defense Authorization Act (NDAA) for FY 2006 authorized a program for Iraqi and Afghan translators and interpreters and Section 1244

of the NDAA for FY 2008 authorized a program for Iraqis who have been employed by or on behalf of the USG.

Through these two programs, we have been able to bring to the United States almost 2,000 Iraqis and Afghans who have worked with the USG in Iraq or Afghanistan to the United States. Including family members, the total number of Iraqis and Afghans who have immigrated to the United States under the two SIV programs is over 3,800.

Question. What is the incidence of post traumatic stress among officers who have served in Iraq? Are personnel screened before and after their tours in Iraq?

Answer. Because there remains a perception among many of a stigma associated with treatment for mental health problems, as well as fears that treatment may jeopardize security and medical clearances, we believe that there is significant underreporting of stress-related symptoms in personnel returning from high stress, high threat, and unaccompanied tours like those in Iraq. Such underreporting makes an exact measurement of the incidence of Post-Traumatic Stress Disorder (PTSD) nearly impossible to achieve. In the summer of 2007, the Office of Medical Services (MED), in collaboration with the Family Liaison Office, did an anonymous email survey of approximately 2,600 Department of State (DOS) employees who had completed unaccompanied tours in 24 locations worldwide (including Iraq and Afghanistan). Of the 2,600, 826 responded, with the following results:

- Over half of the total reported stress related symptoms (e.g., sleep disturbances, irritability, memory and concentration problems, relationship difficulties).
- Two percent of the total could be diagnosed with PTSD based on the results of the survey.
- An additional 15 percent may have had PTSD, but would require further evaluation to make a diagnosis.

Pre-deployment evaluation of mental health issues is currently done as a part of the medical clearance process. As part of the Deployment Stress Management Program, voluntary screening for psychological stress and baseline neuropsychological function of Diplomatic Security Officers is conducted during their pre-deployment training. Plans and procedures are in place to require screening of all personnel with the Primary Care-PTSD—a four-question PTSD screen used in the Department of Veterans Affairs health facilities—at check-in at the Health Unit on arrival at post, at check-out from the Health Unit on departure from post, and when clinically indicated during the deployment. A positive screen will be further assessed with the PTSD Checklist-Civilian, which will be followed by an evaluation by the Regional Medical Officer/Psychiatrist (RMO/P). If PTSD is diagnosed, the RMO/P will formulate a treatment plan. If the patient elects treatment, it will be provided, either locally as resources permit, or with medical evacuation to the United States to be treated by Department of State (DOS) mental health providers.

The DOS also requires that all personnel departing an unaccompanied tour attend a High Stress Outbrief. This outbrief is training provided by the Foreign Service Institute, covering commonly en-

countered issues experienced by DOS personnel reintegrating into new assignments and personal lives. As part of this outbrief, MED provides information about PTSD and resources available for treatment, and offers voluntary screening and consultation for stress-related issues.

The Deployment Stress Management Program is currently working with the Family Liaison Office and the Foreign Service Institute to develop Web-based resources to allow DOS personnel and their families to take self-assessment screens for PTSD and other deployment stress-related issues. These self-assessment screens would be confidential and anonymous, but would provide links to mental health resources for those desiring help.

Question. Will you continue to use civilian contracted security details, will you rely more on military protection, or is there a way to "Iraqify" the protection of US diplomats, as we have done in Lebanon and elsewhere? Will DS be opening the WPPS contract up to outside bids, or will DynCorps and Triple Canopy compete for Blackwater's Iraq task orders?

Answer. Diplomatic Security (DS) expects to continue to use contract protective security details in Iraq for the foreseeable future. With the drawdown in U.S. military forces, relying solely on military protection does not appear feasible. DS is pursuing the integration of Iraqi police personnel into the Embassy's static security and protective security details. This concept has been well-received and fully supported by the Iraqi Minister of Interior and local officials throughout Iraq. DS plans to train 400-500 Iraqi National Police in the next 24 months. Training began in March 2009 in the Kurdistan Regional Government area and is scheduled to begin in Baghdad in May 2009. These Iraqi security forces will supplement, but not completely replace the private security contractors currently being used.

The Department is competing Blackwater's Iraq task orders (Baghdad, Al-Hilla, and Aviation Services) among all three WPPS companies (DynCorp, Triple Canopy, and Blackwater). Federal acquisition regulations require that Blackwater be permitted to submit a proposal. We expect Baghdad to be awarded during the week of March 30, 2009. Al-Hilla will be evaluated and awarded in April 2009, and the aviation task order will be competed during April and awarded in May. The transition timeline will be centered on the task orders' expiration dates: May 7 in Baghdad, August 4 in Al-Hilla, and September 3 for Aviation Services.

Question. How much does it cost to train an Arabic speaker to 3:3 capability? What percentage of Arabic speakers in the Foreign Service have served at least a year in Iraq?

Answer. The State Department provides Arabic training for either one or two years. For one-year training in Washington, DC, the cost is approximately \$45,000 for language and area studies. Students who go on for a second year of studies are generally sent to our overseas language school in Tunis. The cost for one year in Tunis is approximately \$35,000 to \$40,000 depending on the length of study. These costs do not include salary or the cost of supporting an overseas position in the case of the language school in Tunis.

At this time, we do not have the exact figures, but we estimate that more than half of all Foreign Service Officers who speak Arabic at a 3/3 level have served at least one year in Iraq, with additional 3/3 speakers having served in Iraq for less than one year. We will continue to research this question and will provide a full answer as soon as we have gathered the data, which involves cross referencing data from several databases.

Question. Often locally engaged staff are the eyes and ears of the Embassy into the local community. What is the mix of third country nationals versus Iraqis working in the Embassy today? Will you be working to employ more Iraqis in the Embassy?

Answer. Over the past two years the number of Iraqi employees working in the Embassy has dropped significantly from approximately 194 in August 2006 to 34 now. This can be attributed to two factors: (1) the danger faced by Iraqis because of their association with the USG and, (2) the Special Immigrant Visa (SIV) program that was instituted this past year (to date 47 LE Staff have left the Embassy to take advantage of this program which will continue until 2013). To fill the gap left by the departure of Iraqi employees the Embassy has instituted a program to recruit LE Staff from other U.S. Embassies around the world for TDY service in Baghdad. They serve anywhere from 6 months to a year. At present there are 70 TDY LE Staff from other embassies serving in Baghdad. As such, the ratio of Third Country Nationals to Iraqi employees working in the Embassy is roughly 2:1. As conditions in Iraq improve and become more stable over the next several years the Embassy's goal is to return to a completely Iraqi local workforce.

Question. Iraq has yet to deal with claims American citizens and others have against the former regime. What is our policy on this issue? Where is the Iraqi government in beginning to deal with this matter?

Answer. We are working to facilitate an effective approach to resolving this issue with Iraq, which includes making the claims of U.S. victims of Saddam Hussein's terrorism a priority. The Department has engaged a range of involved parties, including officials in the Iraqi government and the claimants' counsel, and will continue to engage with Iraq to encourage it to resolve these victims' claims.

Iraq committed to settle existing claims and debts from the Saddam era, which would include claims from victims of acts of terrorism, in its December 2008 request to the Security Council to extend protections for the Development Fund for Iraq (DFI) and Iraqi oil and gas exports and revenues, including protections from legal attachment. Prime Minister Maliki's request for continued UN protections stated they were needed "until such time" as Iraq is able to "take the measures necessary to settle those debts and claims inherited from the previous regime." Foreign Minister Zebari stated upon adoption of resolution 1859 (2008) that Iraq was fully committed to resolving all legitimate claims. We expect Iraq to live up to these commitments and have attached a high priority to working with them in order to reach just and fair resolutions.

Question. Will you institute a formal FMS process, and a traditional security cooperation organization, operating under Chief of

Mission Authority? How soon do you expect to have this accomplished?

Answer. Yes. Security cooperation and security assistance are already well-coordinated between Defense and State, and the Multi-National Security Transition Command—Iraq (MNSTC-I) and the Embassy. In accordance with the Arms Export Control Act, the State Department already approves all Foreign Military Sales (FMS) and works in close coordination with the Defense Security Cooperation Agency. The Department is working with DOD to assess and identify the best way forward for State to assume responsibility from DOD for this mission. At the appropriate time, the Secretary of State and the Secretary of Defense shall jointly decide on the transfer of security assistance functions to the authority of the Secretary of State and the Chief of Mission.

Question. What is the GOI's vision for their own military in terms of equipment and modernization? What will be the primary mission of their force (i.e. interior defense, counterinsurgency, territorial defense, etc.)? Does this match our vision for the Iraqi Military? Are Iraq's neighbors supportive of this vision? Does the implementation of this program have any impact on our own ability to withdraw forces? Do we have a sense of whether the goals the GOI is laying out for its force modernization are ones that represent a Maliki view, or an Iraqi view?

Answer. The Iraqi Ministry of Defense has developed a three-phased approach to modernizing Iraq's military. This plan, endorsed by Prime Minister Maliki, is well underway.

Iraq's military modernization program is a 10-12 year approach designed to first develop the ability to conduct counterinsurgency (COIN) operations. Once COIN force generation is complete the plan is to transition the COIN force into a full spectrum force capable of providing internal security and territorial defense.

We believe this program will align Iraq's military more closely to the U.S. and the West. It is only prudent to acknowledge that the program may be modified over time based upon budgetary realities, which may be affected by issues such as changes in the global price of oil.

Congress was officially notified of the first two phases as of January 9th of this year, due to the plan's substantial reliance on U.S.-origin equipment.

Iraq's neighbors were briefed on the plan in September 2008 and all expressed support for an Iraq capable of providing for its own security and territorial defense.

Question. What is the cost associated with this [military modernization] program, and what is the timeline for implementation? How much of these costs will be borne by the GOI? The American taxpayer? What is Iraq's defense budget, is it at the appropriate level given Iraq's other needs?

Answer. Iraq has assumed responsibility for equipping its security forces, but a total cost of its three-phased, 10-12-year Force Modernization Plan is difficult to calculate given decisions about suppliers and delivery times have not yet been made. The Force Modernization Plan is based on the Iraqis' ability to buy equipment.

The 2009 Iraqi defense budget is \$10 billion. This accounts for 17 percent of the \$58 billion 2009 budget. U.S. Government funding for Iraq's military and police has diminished from 50 percent in 2006 and 2007, to 25 percent in 2008.

For 2009, cuts to the Iraqi defense budget are expected. The decline in world oil prices has presented a number of challenges, forcing the GOI to adopt a more conservative fiscal approach and seek additional efficiencies.

Question. What is the long term vision for the security cooperation relationship between Iraq and the United States? How will Iraq fit into region and gulf security architectures? Is there an air defense component?

Answer. As called for in the Strategic Framework Agreement, we will work to strengthen security and stability in Iraq, and thereby contribute to international peace and stability, and to enhance the ability of the Republic of Iraq to deter all threats against its sovereignty, security, and territorial integrity. We will continue to train and advise the Iraqi Security Forces, and work with them on their effort to properly equip these forces, with the goal of Iraq becoming self-reliant for both its internal and external defense.

We will work with the Government of Iraq as well as with our regional partners in the Middle East to promote a region of secure, stable, independent, and responsibly governed states at peace with each other. We also envision an Iraq that is on equal footing with its neighbors and able to participate in the open global market of goods and ideas, cooperating with the United States and rejecting extremism. We support the inclusion of Iraq in regional joint exercises, and will work to encourage Iraq to collaborate with friendly regional militaries in a constructive manner.

In accordance with the terms of the Security Agreement, surveillance and control over Iraqi airspace transferred to Iraqi authority on Jan 1, 2009. Also per the terms of the Security Agreement, at Iraqi request, we provide temporary support for these functions. The Iraqis have articulated potential requirements for air defense systems, but to date, there have been no formal requests for these systems.

Question. Is Iraq building any of its own military equipment or seeking any other suppliers?

Answer. Iraq lacks the capability to produce advanced military equipment. The U.S., through the Foreign Military Sales program, is the primary supplier for the Iraq military modernization program. In broad terms, the Iraqi Security Forces are in the midst of a transformation from their historical reliance on former Eastern Bloc equipment and doctrine to an approach that maximizes interoperability with U.S. forces. U.S. manufacturers provide the Iraqi Security Forces with the highest quality, most reliable equipment for most of their needs. On occasion the Government of Iraq selects another nation's manufacturer to fill a specific niche.

Question. How many Iraqi officers are studying at US military academies and other training programs?

Answer. As of March 27th, 2009, there were 15 Iraqi officers in formal training in the United States. The total number of Iraqi officers formally trained in the United States since 2004 is 213.

Question. What are the keys to greater positive cooperation by Iraq's neighbors, particularly Saudi Arabia?

Answer. We have witnessed over the past 12 months greater engagement by most of Iraq's neighbors with the Government of Iraq through the exchange of ambassadors, initiation of high-level visits and the signing of bilateral agreements. Bilateral engagement between Iraq and Saudi Arabia, however, has lagged. Given the desire to reintegrate Iraq into the region, Saudi-Iraqi relations are of particular importance considering Saudi Arabia's leadership in the Arab and Muslim world and the Kingdom's close partnership with the United States. We believe that, with our continued encouragement, both Iraq and Saudi Arabia can improve their bilateral relations in a number of ways, including discussing Iraq's debt to Saudi Arabia and facilitating cooperation on issues of mutual interest such as border security, trade and energy. Saudi Arabia, a member of the Gulf Cooperation Council (GCC), can also play a positive role in reintegrating Iraq into multilateral organizations.

The key to fostering closer ties between Baghdad and Riyadh will be continued improvement of security within Iraq and greater participation by Sunnis in the Iraqi political process. Iraq has appointed an ambassador to Saudi Arabia, and we understand he will soon take up his post. We will continue to urge Saudi Arabia to appoint and post an ambassador to Iraq to facilitate dialogue on outstanding issues and build confidence.

Question. How do you think your experience with the Six Party talks translates to the situation with Iraq's neighbors? Are you being prepared to open a line of communication with Iran? Have you been given direction?

Answer. As lead negotiator in U.S. efforts to end North Korea's nuclear program, my goal was to work with North Korea and its neighbors—each with a unique history and resultant set of interests—to identify common interests and forge a shared way forward. This was a task that required a judicious balance of persuasion and pressure.

While our mission in Iraq is different from that on the Korean Peninsula, both depend on the active, positive engagement of regional neighbors and sustained U.S. commitment. If confirmed, I intend to make it a priority to promote an Iraq that sovereign, stable, and self-reliant, and has normal relations with its neighbors.

As I said in my testimony, our Iran policy is currently under review. If upon the conclusion of that review I am asked to make direct contact with Iran, I would be prepared to do so.

Question. Just a year ago, Turkey had forces on the ground in Northern Iraq fighting the PKK. The relationship has changed fundamentally, to what do you credit that change and where do you see Iraq-Turkish relations headed?

Answer. We have long encouraged Turkey and Iraq to work together on the shared threat of PKK terrorism and to improve bilateral ties more broadly. Since November 2007, we have been pro-

viding significant military and intelligence assistance to help Turkey fight the PKK. This assistance and an increase in dialogue between Turkey, Iraq, and the Kurdistan Regional Government led to significant progress and a fundamental shift in their relationships in 2008. Leaders on all sides made new commitments to dialogue at all levels, starting with Iraqi President Jalal Talabani's March 2008 visit to Ankara, an important opening just weeks after Turkey's February 2008 ground offensive against PKK forces in northern Iraq. In April of that year, Turkey's National Security Council voted to start engagement with all parties in Iraq, opening the way for direct Turkish contact with KRG leadership. Turkish Prime Minister Erdogan visited Baghdad in July 2008; he and Iraqi leaders agreed to start a strategic dialogue on all bilateral issues, including energy and trade. Recently, President Talabani made public statements calling for PKK to lay down their arms or leave the territory. These various exchanges culminated with President Gul's March 23-25, 2009 visit to Iraq, the first visit by a Turkish President in 33 years. In November 2008, senior representatives of the governments of Iraq, Turkey, and the United States met in Baghdad to renew trilateral arrangements to share information and develop strategies for countering the PKK. We are hopeful that this frequent contact will continue to lead to concrete results, for example, in increased cooperation on countering the PKK and expanded economic ties.

Question. What assurances can you and the Department of State give the Committee and my colleague Senator Voinovich that the Melanson child abduction case will continue to receive urgent attention by principals in the Department at the highest levels?

Answer. One of the highest priorities of the Department is safeguarding the welfare of U.S. citizen children. Parental child abduction is a tragedy that has long-term consequences for both the child and the left-behind parent. Both federal and most states' criminal laws make international parental child abduction a crime in the United States. When a child is abducted across international borders, however, the case is complicated by the need to operate within the national laws of the country of destination. That country may not be party to international agreements covering parental child abduction. Such is the situation in South Korea.

U.S. Ambassador to the Republic of Korea Kathleen Stephens and I have engaged personally to ensure that Mr. Melanson's case is and will remain a high priority for the Department of State. As I have mentioned to Senator Voinovich previously, the Department has engaged at high levels with the Korean Government on behalf of Mr. Melanson and we will continue to do so. Our Embassy in Seoul will also continue to follow this case closely and provide Senator Voinovich with frequent and regular updates.

Question. Moreover, what steps will the Department take to ensure that this case be included in State's talking points during each and every bilateral meeting with the Republic of Korea—from desk officers all the way up to Secretary Clinton?

Answer. State Department officials—at all levels—understand the significance of this case and will continue to raise it vigorously and consistently in all settings that can contribute to the resolu-

tion. The Office of Korean Affairs and our Embassy in Seoul, including Ambassador Stephens personally, will do their utmost to raise this case in their dealings with the Korean government.

Question. On April 13, U.S. Permanent Representative to the United Nations Susan Rice, in discussing the Security Council's Presidential Statement on North Korea, stated "First of all, the United States views presidential statements, broadly speaking, as binding." Do you believe that presidential statements of the UN Security Council generally create legally binding obligations on UN Member States under the UN Charter?

Answer. As a nominee, I have not participated in discussions around this particular matter. As a general matter, however, I would note that under Article 25 of the United Nations Charter, UN Member States are legally required "to accept and carry out the decisions of the Security Council in accordance with the [UN Charter]." There is nothing in the Charter that specifies the form in which the Council's decisions must be recorded.

Question. In response to Question #1 of my pre-hearing questions for the record, you declined to indicate whether you would recommend any changes in the historical U.S. position that the International Covenant on Civil and Political Rights does not apply to U.S. actions outside the territory of the United States. While you indicated that it would be premature to suggest what interpretation you would recommend until you have had the opportunity to review fully the U.S. Government's rationale for its position, you are likely generally familiar with the issue from your prior service as Assistant Secretary of State for Democracy, Human Rights, and Labor.

In response to Question #2 of my pre hearing questions for the record about when it might be appropriate for the Executive Branch to change its interpretation of a treaty, you indicated that, "In all cases, I would apply a presumption that an existing interpretation of the Executive Branch should stand, unless a considered examination of the text, structure, legislative or negotiating history, purpose and practice under the treaty or statute firmly convinced me that a change to the prior interpretation was warranted."

In light of this standard and your general familiarity with the issue, are you aware of any present circumstances that you believe would warrant a reexamination of the historical U.S. position that the International Covenant on Civil and Political Rights does not apply to U.S. actions outside the territory of the United States? If so, please indicate what circumstances you believe would warrant such a reexamination.

Answer. It is true that I am generally familiar with the issue discussed in this question, including the views expressed by former Legal Advisers Conrad Harper and John Bellinger, both from my academic work and from my prior service as Assistant Secretary of State for Democracy, Human Rights, and Labor. That said, I have not yet had the occasion to conduct the kind of considered examination of the text, structure, negotiating history, purpose and practice under the treaty that I believe a Legal Adviser should give to an issue before reaching a conclusion on a question of this importance,

nor have I had the opportunity to review fully the U.S. Government's rationale for its existing position. For those reasons, I believe that it would be premature to suggest what interpretation I would recommend. If confirmed, I would seek to review thoroughly all of the past legal memoranda by the Legal Adviser's office and other government law offices on this issue, to examine the various fact patterns to which this interpretation might apply, and to consult with policymakers, other government attorneys, and members of this Committee and other interested members of Congress on this question.

Question. If confirmed, would you intend to conduct any such re-examination of the U.S. interpretation of the ICCPR?

Answer. For a number of reasons, I believe it is advisable for the Legal Adviser's office to avoid giving its legal advice in the abstract, but rather, to provide that advice when asked a real-life question, based on a concrete set of facts and an anticipated policy choice. If I were confirmed, and asked to apply the existing U.S. interpretation of the ICCPR, I would determine at that time whether such a decision posed an occasion to conduct the kind of considered legal examination discussed in my prior answer.

Question. In Question #21 of my pre-hearing questions for the record, I asked what U.S. interests you believe are implicated by efforts of foreign courts to assert criminal jurisdiction over sitting or former U.S. officials for acts undertaken in the course of their official duties. In your response to this portion of the question, you indicated that "There can be no doubt that very important U.S. interests are implicated by" such efforts, but you did not specify what you believe these interests to be. Please indicate what U.S. interests you believe are implicated by efforts of foreign courts to assert criminal jurisdiction over sitting or former U.S. officials for acts undertaken in the course of their official duties.

Answer. As I suggested in some of my answers to your Pre-Hearing Questions, prosecutions against U.S. officials in foreign tribunals for acts undertaken in their official duties raise a number of issues that are of very serious concern to U.S. interests. Of course, the United States has a vital and pressing interest not just in enforcing its own laws, but also in protecting U.S. officials and soldiers from baseless or unwarranted charges and prosecutions, and from the chilling effect that possible foreign charges and prosecutions might cast over daily decisionmaking. Such actions may implicate doctrines relating to immunity, overly expansive assertions of foreign criminal jurisdiction, and efforts by political opponents of particular U.S. policies to seek leverage by invoking foreign jurisdictional provisions to initiate criminal complaints against United States officials. If confirmed, I would become a U.S. government official working closely with other U.S. officials who must daily make difficult and sensitive decisions. I therefore intend to follow such cases very closely, in coordination with the Department of Justice and other U.S. agencies, and to work with our foreign counterparts to determine how best to deal with these cases.

Question. You have raised questions about the legality under international law of the 2003 invasion of Iraq, largely on the

ground that the UN Security Council did not pass a resolution specifically authorizing the use of force in advance. In responses to Questions #34-35 of my pre-hearing questions for the record on the separate issue of whether states may use force without Security Council authorization to protect populations from atrocities, you appear to suggest that there may be some appropriate scope for such action.

Against this background, please discuss your views on when states may use force without specific prior authorization from the UN Security Council. Are the considerations different when states seek to use force to address threats such as terrorism or weapons of mass destruction than they are when force is proposed as a means to address wide scale atrocities?

Answer. Under Article 2(4) of the Charter of the United Nations, all UN member states have agreed to refrain from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations. However, under Article 51 states are permitted to use force without prior Security Council authorization when exercising their inherent right of individual or collective self-defense if an armed attack occurs, including to use force to protect their own nationals. As I noted in my answer to Senator Lugar's Prehearing Question 33, I agree with the 2004 report by a high level panel convened by then U.N. Secretary General Kofi Annan that states that "a threatened State, according to long-established international law, can take military action as long as the threatened attack is imminent, no other means would deflect it and the action is proportionate." Cases involving the possible use of force as a means to address widespread atrocities present a different set of issues insofar as the rationale for using force in such cases is not based on the right of self-defense. There are in fact widely differing views regarding whether using force for humanitarian purposes is permissible under international law. As I state in my answer to a question from Senator DeMint, I believe that the U.S. use of force in Kosovo was both lawful and the right thing to have done. The Kosovo intervention was expressly premised on humanitarian intervention grounds and had broad multilateral support. There was no reasonable alternative to the use of force. As Assistant Secretary of State for Democracy, Human Rights and Labor during that period, I read extensive reports indicating that forces from the Federal Republic of Yugoslavia and Serbia were engaged in massive and sustained repression against the Kosovar Albanian population, they had acted in flagrant contravention of resolutions that the UN Security Council had adopted under Chapter VII, and a humanitarian catastrophe was unfolding that threatened not only the people of Kosovo but the security and stability of the entire region. The intervention was supported by a multilateral NATO decision, and significantly, shortly after NATO commenced military operations, a resolution introduced in the Security Council would have called NATO's use of force unlawful, but that resolution was soundly defeated by a 12 to 3 vote.

If confirmed as Legal Adviser, I would similarly want to look carefully at the specific facts and circumstances of any particular proposed use of military force involving such humanitarian considerations before rendering a legal opinion regarding its permissibility under international law.

