

**THE NOMINATION OF HON. JOHN D.
NEGROPONTE TO BE U.S. AMBASSADOR TO IRAQ**

HEARING

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS

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TUESDAY, APRIL 27, 2004

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

The committee met, pursuant to notice, at 10:03 a.m. in room SD-106, Dirksen Senate Office Building, Hon. Richard G. Lugar (chairman of the committee), presiding.

Present: Senators Lugar, Hagel, Chafee, Brownback, Coleman, Biden, Sarbanes, Dodd, Feingold, Boxer, Bill Nelson and Corzine.

**OPENING STATEMENT OF SENATOR RICHARD G. LUGAR,
CHAIRMAN**

The CHAIRMAN. This hearing of the Senate Foreign Relations Committee is called to order.

Today, the Foreign Relations Committee meets to consider the nomination of Ambassador John Negroponte to be United States Ambassador to Iraq. This post in my judgment will be one of the most consequential Ambassadorships in American history. The Ambassador to Iraq not only will be called upon to lead an estimated 1,700 embassy personnel, including 1,000 Americans and 700 Iraqis, he will be at the epicenter of international efforts to secure and to reconstruct Iraq, and to provide the developing Iraqi Government with the opportunity to achieve responsible nationhood.

American credibility in the world, progress in our war on terrorism, relationships with our allies, and the future of the Middle East depend on a positive outcome in Iraq. What happens there during the next 18 months almost certainly will determine whether we can begin to direct the Middle East toward a more productive and peaceful future beyond the grip of terrorist influences. Helping the Iraqi people achieve a secure, independent state is a vital United States security priority that requires the highest level of our national commitment.

With so much at stake, I am pleased that the President of the United States has nominated a veteran diplomat and manager to lead the American presence in Iraq. Ambassador Negroponte has served as United States Ambassador to Honduras, Mexico, and the Philippines. He has also served as an Assistant Secretary of State, and as Deputy Assistant for National Security Affairs under President Ronald Reagan. He has been the United States Ambassador to the United Nations since September 18, 2001, just 7 days after

the September 11 attacks. The context and credibility that he has developed at the United Nations will be invaluable.

If we are to be successful in Iraq, the United Nations and the international community must play a more central role. U.N. involvement can help us generate greater international participation, improve the political legitimacy of the interim Iraqi Government, and take the American face off of the occupation of Iraq. The appointment of an Ambassador who occupies such a high and visible post underscores, for our Coalition partners and the Iraqis, that the American commitment to Iraq is strong and that we mean to succeed.

Last week, the Foreign Relations Committee held three hearings to examine whether American and Iraqi authorities are ready for the transition to Iraqi sovereignty on June 30. These hearings greatly advanced our understanding of the situation in Iraq and helped the committee answer many questions. But we will hold additional hearings in the weeks to come to monitor progress, and to illuminate for the American people, the challenges and responsibilities that we face in Iraq.

The President and other leaders, including Members of Congress, must communicate with the American people about our plans in Iraq. American lives will continue to be at risk in Iraq, and substantial American resources will continue to be spent there for the foreseeable future.

This nomination hearing is part of our ongoing oversight. I am convinced that the confidence and commitment demonstrated by the pronouncement of a flexible, but detailed plan for Iraq is necessary for our success. Such a plan would prove to our allies and to Iraqis that we have a strategy and that we are committed to making it work. If we cannot provide this clarity, we risk the loss of support of the American people, the loss of potential contributions from our allies, and the disillusionment of Iraqis.

During the set of three hearings on Iraq last week, I posed six detailed questions as a way of fleshing out a plan for Iraq. I believe that answers to those questions would constitute a coherent strategy for Iraq. In pursuit of this clarity, we discussed issues surrounding Ambassador Brahimi's efforts, the status of American Armed Forces in Iraq after the transition, the role of U.N. Security Council Resolutions, plans for elections, the composition of the United States Embassy and efforts to provide security for its personnel, and how we intend to pay for the continuing United States involvement in Iraq. The Foreign Relations Committee will be persistent in probing for details on these and many other aspects of the Iraqi plans.

We have taken up Ambassador Negroponte's nomination in expedited fashion. Processing a diplomatic nomination often requires weeks and sometimes months from the time the President announces it. The diligent efforts of the State Department and our own staff on both sides of the aisle, we have accelerated the normal timetable to give Ambassador Negroponte and the administration a chance to stand up the United States Embassy in Iraq as soon as possible. This nomination was announced just last week. With the help of Senator Biden and the other members of this com-

mittee, we intend to vote on it this coming Thursday, along with other nominations that will come before our business meeting.

Under Secretary Marc Grossman testified last Thursday about the importance of engaging the interim Iraqi Government as soon as it is selected. We cannot simply turn on the lights at the Embassy on June 30 and expect everything to go well. We must be rehearsing with Iraqi authorities and our Coalition partners how decisionmaking and administrative power will be distributed and exercised. It is critical, therefore, that Ambassador Negroponte and his team be in place at the earliest possible moment.

Today, we look forward to a thorough discussion with Ambassador Negroponte about his perspectives on Iraq and his plans for providing leadership to our Embassy. We recognize the deep, personal commitment necessary on the part of Ambassador Negroponte and his family to undertake this very difficult assignment, and we are grateful that a leader of his stature and experience is willing to step forward.

Let me pause at this point and to ask if my colleagues might have words of greeting and introduction.

Senator Dodd.

Senator DODD. Well, thank you very much, Mr. Chairman.

And let me thank you as well for your opening comments and underscore the themes behind them. I think that they are very solid themes, and ones which you pursued during these last number of hearings that we've held. And so I congratulate you once again, on having this committee to perform such a very important educational function at this time.

And let me begin by thanking John Negroponte for doing this. And you said well, Mr. Chairman, this is in many ways a thankless task to be taking on. It is a very, very difficult one. But John Negroponte has a very distinguished career, and he's certainly more than eminently qualified to take on this challenge. And so we welcome your willingness to pursue this.

And let me say to you, Mr. Chairman, that from the very outset, I'll do everything I can as well, to see that we expedite this nomination. I know that Senator Biden feels very much the same, as other members of the committee do, and so we can try to get this work done over the next several days.

Having said that, and although the process may be abridged, and with good reason, I certainly welcome today's opportunity to address the nomination briefly.

We all know on this committee that U.S. Ambassadors perform one of the most critical and crucial tasks of our Nation. An effective Ambassador is vital to facilitating the success of American foreign policy objectives. He or she is the bearer of concepts of human rights, of freedom, of free markets, of free press, and the rule of law. And at this moment, there is no more important Ambassadorial post to the U.S. national interests than in Iraq.

In fact, as you said Mr. Chairman, this may be one of the most important post ever held by an American ambassador at any point in time. Our overall measure of success, in that country of Iraq, will in great part be dependent upon the success of our diplomatic efforts. I happen to believe that Ambassador John Negroponte, a

career diplomat with a long, and very large and distinguished career, has the requisite skills for this incredibly important post.

Unfortunately, up to this point, U.S. efforts in Iraq have been plagued, in my view, by a lack of planning on the part of the administration. This lack of planning has seriously jeopardized the security situation in that country. And the lack of security, unfortunately, has lost us the confidence of many Iraqis. It is undermining our mission there.

This isn't simply my observation. I was told so directly, a few months ago, by an Iraqi during my trip to the country in December well before the recent flare-up in violence. This was an ordinary man, a Shiite, a moderate, a forward-thinking individual. He very frankly told me that the lawlessness which followed the war negatively impacted Iraqis confidence in America's intentions, preparedness and capabilities to create a safe and secure Iraq.

Let me be very clear the lawlessness was not a failure, a military failure rather, it was a failure on the part, I believe, of civilian planners and the administration. It will be incumbent upon you, Mr. Ambassador, along with others in the U.S. Mission and administration, and hopefully with the help of the United Nations, to win back the confidence of the Iraqi people.

Given what is happening on the ground there at this moment, it is an understatement to say that this is not going to be an easy task. As Chief of Mission in that country, the U.S. Ambassador will replace Ambassador Bremer and the Coalition Provisional Authority as the U.S. presence in that nation, monitoring and supporting Iraq's transition to self-rule and democratic governments.

It is well-known that Ambassador Negroponte and I had some differences, many years ago, when he was Ambassador in the 1980s in Honduras. Those differences stemmed largely from a lack of candor about what the United States was and wasn't doing in Central America, and the conflict at that time. And although I intend to support, and strongly support, this nomination when it comes to a vote in this committee, and later on the Senate floor, I want to make one point especially clear. That same issue, candor in my view, is going to be critical with respect to continued support for U.S. policies in Iraq.

If the administration's policies aren't working, it will be your duty to the American people to say so, and to say so very clearly, and without any hesitation, so that we can make course corrections before it's too late.

U.S. policy in Iraq must stop being crafted in a reactive and hasty manner characterized by much of the Bush administration's policies up to this point. Instead, the United States must develop a clear, proactive and comprehensive strategy, in cooperation with the international community, and of course, the Iraqis themselves.

I am very hopeful, Mr. Chairman, that this nominee would draw upon his years of diplomatic experience, his senior status, he's a man of candor and he's not afraid to speak his mind. And this is going to be absolutely critical, John, in these days, that you continue to do so. And your contacts in the United Nations, I think you're going to be tremendously helpful to us, as we try to get back our footing in Iraq.

Ambassador Negroponte, you're entering this post at a most critical time. As you know, the June 30 deadline for the handover of sovereignty is fast approaching, and the likelihood is increasing that the interim Iraqi Government will be far from a fully sovereign entity called for in the Law of Administration for the State of Iraq.

Iraq is witnessing a state of unrest and insecurity not seen since the days following the fall of Saddam Hussein, and our troops are in great peril. We have a genuine opportunity, I believe, to transform Iraq from a dictatorship to a member of the family of democratic nations. It is a complex and difficult path, but one that we need to get right. I have several very specific questions, Mr. Chairman, which I will reserve for the questioning. But again, I congratulate you, John, for taking his job.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Dodd, for your opening comment.

Senator Biden has graciously said that he will make an opening statement after other colleagues have been heard. Thus, I will recognize Senator Hagel now.

Senator HAGEL. Mr. Chairman, thank you.

I will withhold my comments as well until the questioning period to give us an opportunity to spend more time with Ambassador Negroponte.

But I would conclude by saying we very much appreciate this preeminent diplomat, his willingness to step forward and take on an immense responsibility, and a very, very large task, as well as his family. And we will help them in every way that we can.

With that, Mr. Chairman, I'll yield back my time and wait to hear from our distinguished witness.

The CHAIRMAN. Thank you, Senator Hagel.

Senator Boxer, do you have an opening comment?

Senator BOXER. I'll wait.

The CHAIRMAN. I thank you, Senator.

Senator Brownback.

Senator BROWNBACK. Thank you, Mr. Chairman.

Welcome, Ambassador Negroponte. Very good to have you here. I will forgo a formal statement. But I would just make a note of the situation that you're going into, which you note, and you know, of us handing over sovereignty to Iraq, and you will be the Ambassador in a period of time when we're going from a role as an occupier, into a role as a supporter of democracy in Iraq.

It is just going to be a critical transition, and I think it is going to be difficult. It is going to be something what we probably should have done months earlier, more along the design of what, perhaps, if we could have, what has taken place in Afghanistan, of having an Afghan face, and an Afghan leadership, but at a very early stage. But, we're getting there now and we're going to do that, and it is important that we do that.

That handoff in that transition, and that handing off the sovereignty is going to be at such a critical phase, I stand ready to provide any assistance that I can and support.

Also, just on one point that is coming up now, I think we are going to have to have to bring back a lot more of the people there

were in the government, even during Saddam Hussein. I know that is a tough thing to do, and you're going to ferret out who is worthy and who is somebody that we can deal with. But we certainly saw that feature when the Communist countries fell, the number of people that were Communist yesterday, and the next day, they're democracy advocates, or free-market advocates, and they made the transition. There are some that are better than others.

But I think that you're going to have to be one that is going to have to be a very shrewd judge of people, and hearts, which is awfully difficult to do.

So I wish you well and God speed. I look forward to try to be of any assistance I can.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Brownback.

Senator Nelson.

Senator NELSON. Thank you, Mr. Chairman.

I think, unanimously, this committee gives you its best wishes. And our hopes and prayers go with you, because I don't think we have any choice. We have to be successful in Iraq for the interests of the United States, for the interests of the free world. That's what's at stake. God speed.

The CHAIRMAN. Thank you very much, Senator Nelson.

Senator Coleman.

Senator COLEMAN. Thank you very much, Mr. Chairman.

Mr. Chairman, I want to thank you for your leadership in expediting this nomination process. I would note that this nomination presents a unique opportunity to rise above some of the partisanship and finger pointing that has characterized the Iraq debate. I hope that we seize that opportunity, and God speed. I look forward to strongly supporting this nomination.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Coleman.

Senator Biden.

**OPENING STATEMENT OF SENATOR JOSEPH R. BIDEN, JR.,
RANKING MEMBER**

Senator BIDEN. Thank you very much, Mr. Chairman.

Mr. Ambassador, welcome. I don't know whether to say congratulations, but I'm glad we have a man of your caliber who is ready to take on this daunting task.

This may sound paradoxical, but I believe that the lower your profile is the more successful you'll likely to be in Iraq. Let me explain what I mean.

The Iraqi people have been promised as we have all known and heard repeatedly, sovereignty on June 30th.

We have yet to define exactly what that means, and it is understandable that is difficult to do so. Yet all of us know that Iraqi institutions are not strong enough to handle their own security on June 30th. We also know that the Iraqis will need a political referee to prevent the country from sliding into a civil war.

The irony here is that, and I know that you know this well, we cannot want a representative government for the Iraqi people more than the Iraqi people want a representative government.

We all know through three decades of absolute brutal repression, that the majority of the Iraqi people, and this is the premise upon which we're basing everything, I am anyway, that the majority of the Iraqi people reject an Iranian style theocracy, and reject the introduction of a strongman as the governing mechanism of their country.

We assume, based on polling data and our knowledge of the region and the country, that the majority of the Iraqi people want some form of a representative government, whether or not it falls into the category of a liberal Western democracy or not, which I think is beyond our reach, maybe not in a generation, but clearly not within a year in my view—or within several years.

And so, we're assuming, I think all of us, that the majority of the Iraqi people want a representative government. But that same majority has been taught by experience for over a generation, to keep their head down because it gets blown off if they rise up. And so we have this daunting responsibility of trying to figure out how to provide security, not just against insurgency, but so that an Iraqi mother or father can allow their daughter to walk down the street and go to the equivalent of a local grocery store, to buy the local loaf of bread, without getting raped, or kidnaped, or sold into slavery, or any version thereof.

And at the same time, there is an ongoing and understandable competition among the Iraqis, not only those who are the insurgents, but among the Iraqi people who want to have a representative government, on who will control that government. It has happened in every single experience in the last 300 years, when any form of a government has been toppled and another one is in the making.

Now, it is either going to be done through some form of a democratic process, or civil war, but, there is a competition. And there is another thing that we know for certain from our experience, not just in Iraq and in the Middle East, but anywhere where we have had experience. And that is that to the degree to which that competition takes place, there is a predictable rise in the appeal to nationalism. The competing forces seeking to become the new governing body are going to appeal to nationalism. We do it in our elections, and everybody does it in every free and democratic election.

And to the degree that nationalism is a factor, there is going to be this second conundrum—the very institution, the very entity most vital to Iraqi success, the United States, is going to be seen as something that cannot be embraced. They are not going to kiss us in public. This is a thing that is going to have to be done very deftly. So the very people that we're putting in place, or Mr. Brahimi is going to suggest we put in place, who are going to be the sort of institutional forerunner of what will become an Iraqi Government—we all know the process, but we don't say enough for the public—are going to be under pressure to distance themselves from us.

They in turn have the responsibility, which is awesome, between June 30 and sometime in January, to hold an election, to put together a group which is going to write a constitution, who in turn then are going to hold an election, between January of this year

and November or December of the following year, 2006, that's going to produce a representative government.

Now, we know how it works to the extent that any portion of that leadership is seen to be relying upon, or taking orders from, or being the handmaiden of a foreign power, it is going to damage their ability to become the party, or the parties, to whom the Iraqi people turn, to say, you lead us in the future.

I know you know all of this, John, better than I do. But it seems to me therein lies the incredibly difficult role that you have to fulfill. The higher your profile, the more you will be seen getting into the automobile and riding to wherever this interim government is meeting to discuss with them plans, the more they're going to want to keep you at arm's length so they don't appear to be doing the bidding, whether they are or not, of the United States.

So the critical question to me is, who is going to be perceived as the Iraqi interim government's primary partner in providing the support we acknowledged that they need—militarily, politically, and economically? Will it be you, the Ambassador of the United States? Or will it be perceived as a much broader coalition, including those countries around the world that have the most at stake in seeing that there is success in establishing a representative government in Iraq.

As Senators Lugar and Hagel, and myself and others in this committee travel the world, we hear constantly and I don't want to get him into trouble, but my colleague from Nebraska was saying he was recently in Europe and I think he heard the same kinds of things again. I may be mistaken, but that (a) they didn't like the way that we went about this. But, (b), they know that if this thing ends up in a civil war—they have a real problem.

And so for the cynics in the press and in other places, and I don't say that in a critical sense, there's a reason to be cynical, who say why would anybody want to help? They didn't like what we did, they didn't like the way we did it, they don't like the way we were doing it now, so why would they possibly come along and help. You at the United Nations understand, better than anybody, they can't afford a civil war either.

Over 10 percent of France's population is Arab speaking, my best guess is that it is closer to 14 percent is Muslim. In Germany they already have an incredibly delicate situation in what I would characterize as their occasional xenophobia. They're concerned about Turkish immigrant workers. If you think we have a problem with being concerned, our country is so much more broad minded in my view about Mexican workers. Not so in Germany.

They are worried about a civil war, and what that would mean to the Kurds, and the Turks, and what would happen in refugee flows. So these countries have a serious stake in the outcome, which I was presuming and hoping with serious diplomacy of the caliber that you can provide, may very well get them in the game, in a way that they haven't been so far. Like you have gotten them—and I credit you—into Afghanistan. Afghanistan is a NATO operation in part. French and German soldiers are in Afghanistan, French soldiers standing side-by-side with Americans in Tora Bora, and heading up into the most dangerous parts of that country.

So the question is going to be, in my view, who is it going to be, you? Right now we have a guy named Bremer, who is a first rate individual, heading up a coalition of sorts, not the coalition most Americans think, but it is a coalition nonetheless. And up to recently Jeremy Greenstock, another serious Ambassador, has been part of his operation. But as a staff member of mine said, I think appropriately, are we going to go from the image of “Clark Kent” to Superman? You know, we’re not wearing our “S” in this coalition.

You’re the Super Ambassador. You are there representing one of the largest embassies we’ll have in the world, allegedly. You’re going to be there, what is your role? And so in a sense, how we generate a much broader coalition of countries, with the most at stake in Iraq, and a representative who speaks in their name, it may be useful for you to have that—and I’ll put it in cynical terms—that foil at least, so that it is not just you, not just the United States.

When Iraqis wake up on July the first, they will see at least 135,000 American forces still there. I support that, I’m not being critical of that. But let’s look at what they’re going to see when they wake up after sovereignty is turned over. 135,000 minimum American forces there, a presence absolutely necessary for their own security.

But as the President himself said, he can understand notwithstanding the fact that they need the forces and know that they have to be there, why that are—and I think I’m quoting him in saying—chafing under occupation forces. He understands that, we understand that. Again, that’s another conundrum here.

But it would be a profound mistake, in my view, to compound our military presence with the perception that the caretaker government to whom we’re handing over sovereignty is taking its political cues from you. You should not become the new proconsul once Ambassador Bremer leaves. Otherwise, we will be continued to be viewed as the occupier. We will continue to be viewed and blamed for everything that goes wrong. We will continue to be viewed as the target of every malcontent of the country.

And that caretaker government, in my view, I predict, will try to distance itself from us. There must be a fundamental change in the circumstance of the Iraqi people on June 30, and that change must be for them to see that we are no longer the only outfit calling all the shots.

We would be wise to work out an arrangement ahead of time whereby the major powers, notice I didn’t say the United Nations, and our Arab allies like the contact group that existed before, like we had in Afghanistan, or like what we had in the Balkans, to bless what Brahimi suggests—which the President is going to bless—and hopefully call for a Security Council resolution that would mandate a Brahimi-like figure to be in Iraq along with you, and not you alone.

We should have this agreement blessed by the United Nations, so that we can, as George Will so aptly put it, and I quote, “usefully blur the clarity of U.S. primacy.” “Usefully blur,” George Will’s words not mine. He’s more articulate and I am. He’s right.

We will be the primary power. But it is important to give everybody a little bit of plausible deniability here, particularly this caretaker government.

I and others in this committee have called upon others to change the model in Iraq so that we can take the American face off the occupation. And there are signs that this is happening. Maybe I am just a cockeyed optimist, but they are signs that the administration is changing course. And I don't say that in a derisive way, I say that in a complementary way. I hope I am reading the signs correctly.

The President has endorsed the efforts of Ambassador Brahimi to establish a caretaker government. The administration has said that it will seek a U.N. Security Council resolution that could get international buy-in that we desperately need.

We have invited back qualified members of the old Iraqi military to try to have them be the prime movers in establishing a new Iraqi military, reversing the indiscriminate implementation of the de-Baathification policy. My staff is looking into this for me, but I don't recall, and my more informed colleagues may, in Germany that we blanketly said that anyone who had been a member of the Nazi party cannot participate in anything. We had gradations. As I understand it, that is basically what is beginning to happen now. We're going back and looking. Anyone that was a Baathist, we said up until now, can't be a teacher, for example. Maybe not such a good idea.

There is, in my view, and actual, and significant, and necessary, and wise reconsideration of the policy initially implemented. And the administration seems to be distancing itself—maybe this is where the wish is the father of the thought, in distancing itself from an unpopular, exile leader like Ahmed Chalabi. I hope to the Lord that is correct, because we need to establish legitimacy.

So there's hope that we can still get this right. But the President has yet to make clear how he sees our role in Iraq after June 30. Will we finally make Iraq the world's problem as well? Or will it remain our problem solely in the eyes of Iraqis, and in terms of the burden we shoulder?

I hope that we can use this hearing, Mr. Chairman, to get some answers to those questions, and to the many questions that we still have about the administration's plan for success.

Here's what I hope we'll be able to find out:

One, what role have you been told, Mr. Ambassador, will be yours to play? Not that I expect you to have all of the answers, but what do you think your role will be? Will it be as a traditional Ambassador in a country, or will it be, in my phrase, and a phrase used by Mr. Bremer in another context, would it be the proconsul role?

Second, how do you plan to interact with the Iraqi caretaker government—I'm having trouble with that phrase, as they are having trouble envisioning what it is.

If it makes a decision that we don't like, what are we going to do? For example, what happens if the deal is cut that the role of the women will be more like that of traditional sharia? Will we call them into account?

Third, how are discussions going in New York on the so-called mega-resolution, not my term? How will that resolution address the questions of balancing Iraqi sovereignty while retaining freedom of action for American forces? For example, if there is another stand-off in Fallujah or Najaf and the U.S. military wants to intervene, but the caretaker government says no, who carries the day? My guess is we're going to have to work and negotiate that as we go. I don't know how you write that absolutely.

Fourth, on weapons inspections. Why are we pressing for the dissolution of UNMOVIC? Why not let you UNMOVIC issue its own report after the Iraqi Survey Group completes its work? It seems to me that we constantly undermine our credibility among our colleagues. Wouldn't it be helpful for UNMOVIC to confirm the ISG's findings. Isn't the continued existence of UNMOVIC a small price to pay if it helps get a consensus on a resolution.

Now, you're more qualified to answer that question than anybody. Maybe we don't need that. Maybe we can disengage UNMOVIC, get rid of it, and still get a consensus.

And fifth, with regard to reconstruction, will you have full control over the reconstruction funds that are granted by us, the Congress, or will a large portion of that be managed by the Pentagon, with only nominal oversight on your part. In other words, who do we hold accountable? Who do we hold accountable on how the money is spent?

My dad used to say when I was a kid, God rest his soul, I was the oldest in the family and he would leave, and I would say, Dad, why am I responsible? He said, "I like to know who to hold accountable when I come back." Well, you know, who do we hold accountable?

And sixth and the last thing, Mr. Chairman, how can we best prevent corruption in Iraq particularly as it relates to our assistance dollars. There are reports now that about 20 percent of our reconstruction dollars have been lost to corruption. At the same time, as much as 25 percent of the reconstruction money is going to pay for security for the re-constructors. That means nearly half of the \$18.4 billion that we've appropriated last year could be lost to security and corruption. Maybe that's a necessary price. But I don't think that it's acceptable.

So, Mr. Chairman, we have a lot a ground to cover and I'm taking a lot of time to indicate what I hope gets covered. But as what was stated by you before I walked in, I am told, and has been stated by the Senator from Connecticut, this is an incredibly important juncture in the history of the beginning of the 21st century for us.

And I think, and it may not be the last chance, Mr. Ambassador, but it may be close to our last chance to get it right in Iraq. We can't squander this opportunity, and in my view, if you are Superman, figuratively speaking, there is no way that you can get the job done—there's no way that you can get the job done. If you're able to have a lower profile, with the significant diplomatic capability that you have, with the rest of the world more engaged than they are now, we have got a shot to deliver for the Iraqi people a circumstance where they will raise their head.

I conclude where I began, we cannot want a representative government in Iraq more than the Iraqi people. If that's the formula,

we've failed. But with you there I think we have got a chance, and I really personally, I want to tell you, it takes political, moral, and physical courage for you to take on this responsibility. We owe you a debt of gratitude. And we owe your family a debt of gratitude. I appreciate your willingness to do this.

Thank you, Mr. Chairman.

The CHAIRMAN. Well, thank you very much, Senator Biden.

Mention has been made of your family, Ambassador. Would you like to introduce Mrs. Negroponte and the daughters who have accompanied you?

Ambassador NEGROPONTE. My wife Diana, my two children, Marina and Alejandra.

The CHAIRMAN. We're delighted that you are here and we appreciate your coming to the hearing.

Ambassador, you have heard expressions of support from all members who have attended the hearing this morning. They have been genuine. My hopes are that you will be encouraged by this. But now we hope to be encouraged by your testimony.

All of the testimony that you have prepared will be made a part of the record in full. You may proceed as you wish. But do not feel a need for abbreviation when the points need to be made. It is tremendously important for your views to be heard, and we're here to have them.

Would you please proceed.

STATEMENT OF AMB. JOHN D. NEGROPONTE, PERMANENT REPRESENTATIVE TO THE UNITED NATIONS, NOMINEE TO BE U.S. AMBASSADOR TO IRAQ

Ambassador NEGROPONTE. Thank you very much, Mr. Chairman, Senator Biden, and distinguished members of the committee.

You took the words out of my mouth, Mr. Chairman. The first thing I was going to say, was how encouraged I was by the expressions of support that all the Senators have expressed as I have prepared to undertake this assignment, if of course, confirmed by the Senate.

I also want to acknowledge the understanding, support and sacrifice that my wife Diana, my two children, Marina and Alejandra, who are here with me today, and my three other children who could not be with us, have displayed as we go forward in this process. I couldn't do it without the support and understanding of my family.

Mr. Chairman, I am pleased to appear before you today as the President's nominee to be the first United States Ambassador to a liberated Iraq. This is, by the way, an abbreviated version of the statement that I have submitted for the record, Mr. Chairman.

I am honored by the confidence shown in me by President Bush and Secretary Powell. I support the fine work that this committee has done, to shape, guide, and inform the United States policy on this most crucial of foreign policy issues. And, if confirmed, I look forward to close consultation in the weeks and months ahead.

Mr. Chairman, in your hearings on Iraq, your committee clearly demonstrated its concerns about the gravity of the situation, and the complexity of the challenges that we face. My colleagues have

addressed many of the important questions that you raise, and shared with you some of the successes achieved thus far in Iraq.

But, these successes will be for naught if Iraqis cannot weave them into the permanent fabric of their society, building on these successes to produce a stable, peaceful and democratic Iraq, our core strategic goal.

The sober reality, Mr. Chairman, is that destructive and divisive forces are working to undermine progress in Iraq. Coalition forces and Iraqi and international civilians are targeted by disparate elements opposed to a democratic Iraq. Our challenge is to establish the conditions by which the Iraqi people can pursue their interests through legitimate political channels, rather than through violence and retribution.

The courage shown by all Americans working on the ground in Iraq, in dangerous and uncertain conditions, to support the principles that we and our Coalition partner share with Iraqis, is humbling. The men and women of our Armed Forces, of our diplomatic service, and from all walks of American life, who have come forward to serve our nation in Iraq have made great—and too often the ultimate—sacrifices. We owe it to them to proceed with the utmost in forethought, resolve, and prudence as we enter the next phase.

A prosperous, stable and democratic Iraq is central to our national interest and to the successful campaign against global terror.

All of our efforts over the past year have sought to ensure that the new Iraq will be a constructive presence in the region, and that its government be at peace with its neighbors, and with its own citizens.

In partnership with the people of Iraq, the United States Mission will support democratization and rule of law. It will promote economic development, and it will support efforts to restore security and eliminate terrorism.

Visionary and courageous Iraqis developed a timetable and program for getting to democracy in the November 15 agreement, which they subsequently reaffirmed in the Transitional Administrative Law. The Mission will fully support, in cooperation with the United Nations, the international community, and independent Iraqi electoral authorities, all aspects of electoral preparation.

In parallel with our support for elections, we will continue to encourage Iraqis, as they establish effective governing institutions in Baghdad and in the provinces.

Mr. Chairman, the United States is providing unprecedented funding and technical assistance to help Iraq achieve a level of prosperity commensurate with its natural and human resources and its proud history. Working with the Iraqi authorities, who best know the needs of their people, the Mission will oversee the vast array of reconstruction projects underway in Iraq, we will ensure that these projects, financed with taxpayers' funds, serve our policy goals and the priority needs validated by the Iraqis themselves.

And we will hold these projects to the highest standards of financial accountability. We will encourage Iraq's new leaders to choose sound economic policies, and to enforce high standards of integrity in public administration, in order to stimulate growth and to create jobs.

As the security situation improves and Iraq's oil production capacity increases, we expect that Iraq's share of reconstruction expenses will gradually increase, and once again private investment will provide opportunities for all Iraqis.

The key to achieving lasting security in Iraq is building and strengthening the capacity of Iraq's security services to deal with both domestic extremists and foreign terrorists. I can think of no more important task. We must do everything within our power to help the government and the courageous people of Iraq develop the capacity to defend themselves, and maintain the kind of peace and tranquility that will permit their nation to go about its legitimate civilian pursuits.

A robust and multinational force presence will be critical, and I will work hard in my current capacity, as Representative to the United Nations, to obtain continued Security Council authorization for such a force.

There are still unanswered questions about the structure, composition and powers of the Iraqi interim government to which I will present my credentials. The process over the next 60 days will have broad implications. In concert with Iraqi political figures and representatives of our government, Ambassador Lakhdar Brahimi has been developing plans for the new government, its structure, selection process, and its ultimate composition.

Later today, in my capacity as our Permanent Representative to the United Nations, I plan to attend Ambassador Brahimi's briefing to the Security Council about his proposals. I would simply note that over the past 2½ years, I have had the opportunity to work with Ambassador Brahimi on the post-conflict situation in Afghanistan. I have a great deal of respect for his ability to engage disparate, even warring groups, and move them toward productive dialog, consensus, and the establishment of viable political institutions. We will remain engaged with Ambassador Brahimi in the critical weeks ahead.

The prospect of legitimacy that the United Nations can bring to the process of political reconciliation is a point of crucial interest in both the region and the broader international community. With an expanded United Nations role in the political arena, I believe that it will be easier to generate the international support that the successful rehabilitation of Iraq requires.

I want to be clear that a vital United Nations role does not come at the expense of United States influence or interest. Our efforts can be well coordinated and complementary. There is ample evidence across a broad range of situations that a strong partnership with the international community, including the United Nations organization, is in our strategic interests.

Mr. Chairman, I am impressed with the work of the Interagency Transition Planning Team, led by Ambassador Ricciardone and Lieutenant General Kicklighter, both of whom are with us today, to structure our United States Mission in Iraq so that it will be prepared to pursue these objectives and carry forward the valuable work of the Coalition Provisional Authority. We anticipate about 1,000 direct hire Americans serving under the Ambassador's authority. Drawing on the resources and skills of all U.S. Government agencies present in Iraq, we will represent United States interests

and offer support to the people and Government of Iraq as they renew their country.

Mr. Chairman, I have the greatest respect and admiration for Ambassador Bremer's accomplishments in Iraq under the most difficult circumstances. He is a personal friend, as well as a colleague, and I value highly his historic contribution to our efforts in Iraq.

However, my role in Iraq will be fundamentally different from that of Ambassador Bremer. Whereas the Coalition Provisional Authority is the ultimate political authority in Iraq, the Embassy will be in a supportive, as opposed to a commanding role. Also, the Mission will be distinctly American, in contrast to the multinational character of the Coalition Provisional Authority.

Nevertheless, we will continue our close relationship with our Coalition partners, multilateral organizations, and non-governmental organizations, which are all vital to the advancement of our common interest.

In regular consultation with the Secretary of State, I will provide policy direction and coordination for all U.S. Government activities in Iraq, with the notable exception of operations by United States forces under the area military commander.

First among the duties of the Ambassador is to provide a safe environment for our Mission staff. I will work closely with the United States area military commander, and our own Bureau of Diplomatic Security, to ensure the security of our personnel.

Mr. Chairman, as momentous as the transition to sovereignty for an interim government of Iraq will be, we should bear in mind that we are still in the early phase of Iraq's reconstruction and rehabilitation.

The conclusion of the Coalition Provisional Authority on June 30 will mark a vital step toward realizing an independent, democratic and stable Iraq, at peace with its neighbors. I will see that the Mission is working to assist the people and the Government of Iraq to achieve these noble goals, while at the same time seeking to ensure that the resources of the American people, voted by the Congress to support our efforts, are wisely and efficiently utilized.

With our help, the people of Iraq can overcome the trauma of Saddam's brutality and the intimidation of violent extremists seeking to do ill to the progress they have made so far. But, for these policies to succeed, we will need to proceed with resolve, constancy and unity of purpose.

If confirmed, I would do my utmost to serve the administration and the American people to these ends. I look forward to working closely with the Congress in that effort.

Thank you very much, Mr. Chairman.

[The prepared statement of Ambassador Negroponte follows:]

PREPARED STATEMENT OF AMBASSADOR JOHN D. NEGROPONTE

Mr. Chairman, Senator Biden, distinguished Members of the Committee, I am pleased to appear before you today as the President's nominee to be the first United States Ambassador to a liberated Iraq. I am honored by the confidence shown in me by President Bush and Secretary Powell. I support the fine work that this committee has done to shape, guide, and inform U.S. policy on this most crucial of foreign policy issues, and, if confirmed, I look forward to our continued close consultation in the weeks and months ahead. I know that members of this committee share my conviction that we must get Iraq right. I look forward to our discussion today and to sharing my thoughts on the mission of our soon-to-be opened Embassy.

Mr. Chairman, in your hearings on Iraq, the committee clearly demonstrated its concerns about the gravity of the situation and the complexity of the challenges we face. My colleagues have addressed many of the important questions you raised and shared with you some of the successes achieved thus far in Iraq—holding dozens of free local elections, drafting the Transitional Administrative Law, and setting the date for direct nationwide balloting early next year. In addition there have been dramatic improvements in the provision of healthcare, infrastructure projects, and the spread of free media to name but a few examples. But these successes will be for naught if Iraqis cannot weave them into the permanent fabric of their society, building on these successes to produce a stable, peaceful and democratic Iraq—our core strategic goal.

The sober reality is that destructive and divisive forces are working to undermine progress in Iraq. Coalition forces and Iraqi and international civilians are targeted by disparate elements fanatically opposed to a democratic Iraq. These elements are exploiting and seeking to deepen divisions among Iraq's ethnic, religious and tribal communities, exacerbated by many years of manipulation by Saddam's despotic regime, in order to destabilize Iraq. Our challenge is to establish the conditions by which the Iraqi people can pursue their interests—as well as celebrate their differences—through legitimate political channels, rather than through violence and retribution. In short, we must support Iraqis as they build the institutions necessary to do away with Saddam's criminal political system and the winner-take-all attitude that has ruled Iraq for decades.

The courage shown by all Americans working on the ground in Iraq, in dangerous and uncertain conditions, to support the principles we and our Coalition partners share with Iraqis, is humbling. The men and women of our armed forces, of our diplomatic service and from all walks of American life who have come forward to serve our nation in Iraq have made great—and too often the ultimate—sacrifices. We owe it to them to proceed with the utmost in forethought, resolve and prudence as we enter the next phase.

THE VISION

A prosperous, stable and democratic Iraq is central to our national interest and to the successful campaign against global terror. With the overthrow of Saddam Hussein we eliminated a major threat to international peace and security. In the last two decades he invaded his neighbors twice, used WMD against his neighbors and his own people, undertook clandestine nuclear, chemical, and biological weapons programs, and massacred hundreds of thousands of Iraqi citizens. Ending the Saddam regime was the first step. All of our efforts over the past year have sought to ensure that the new Iraq will be a constructive presence in the region, and that its government be at peace with its neighbors and with its own citizens. When confronted with complex and dangerous challenges as we push toward that strategic goal, we must recall that our extraordinary efforts in Iraq are not only for the Iraqi people—but also for our own.

DEMOCRATIZATION AND THE RULE OF LAW

In partnership with the people of Iraq, the U.S. Mission will support democratization and rule of law, promote economic development and support efforts to restore security and eliminate terrorism.

Visionary and courageous Iraqis developed a timetable and program for getting to democracy in the November 15 agreement, which they subsequently reaffirmed in the Transitional Administrative Law. The Mission will fully support, in cooperation with the United Nations, the international community, and independent Iraqi electoral authorities, all aspects of election preparation. Such support is critical if there are to be elections for a Transitional National Assembly no later than the end of January 2005. In this regard, the expertise of the United Nations will be particularly valuable; it is already helping the Iraqis and the Coalition Provisional Authority establish an independent Electoral Commission, an electoral law and a political parties' law. If confirmed, I will work with the Iraqis to facilitate the United Nations' active engagement as Iraq prepares voter rolls, trains election workers, designates polling stations, and distributes ballots.

In parallel with our support for elections, we will continue to encourage Iraqis as they establish effective governing institutions in Baghdad and the provinces. They will also be supported by a number of provincial branch offices, as well as by Foreign Service Officers working in support of Coalition military units and in cooperation with local communities. At the same time, U.S.-funded education programs will help Iraqis recognize and exercise their rights and responsibilities in a democratic system.

ECONOMIC RECONSTRUCTION

The United States is providing unprecedented funding and technical assistance to help Iraq achieve a level of prosperity commensurate with its natural and human resources and proud history. Working with the Iraqi authorities, who best know the needs of their people, the Mission will oversee the vast array of reconstruction projects underway in Iraq. We will ensure that these projects, financed with taxpayers' funds, serve our policy goals and the priority needs validated by the Iraqis themselves, and we will hold these projects to the highest standards of financial accountability.

We will encourage Iraq's new leaders to choose sound economic policies and to enforce high standards of integrity in public administration in order to stimulate growth and to create jobs.

As the security situation improves and Iraq's oil production capacity increases, we expect that Iraq's share of reconstruction expenses will gradually increase, and that private investment will flow into a country once again rich in opportunity for its people.

SECURITY AND COUNTERTERRORISM

The key to achieving lasting security in Iraq is building and strengthening the capacity of Iraq's security services to deal with both domestic extremists and foreign terrorists. I can think of no more important task. We must do everything within our power to help the government and courageous people of Iraq develop the capacity to defend themselves and maintain the kind of peace and tranquility that will permit their nation to go about its legitimate civilian pursuits. While the theater commander will implement these training responsibilities at this time, I can assure him of my full and complete support.

A robust multinational force presence will be critical, and I will work hard in my current capacity to obtain continued Security Council authorization for such a force.

THE NEXT SIXTY DAYS

There are still unanswered questions about the structure, composition and powers of the Iraqi Interim Government to which I will present my credentials. The process over the next sixty days will have broad implications. In concert with Iraqi political figures and representatives of our Government, Ambassador Lakhdar Brahimi has been developing plans for the new government, its structure, selection process, and its ultimate composition.

Later today, in my capacity as our Permanent Representative to the United Nations, I plan to attend Ambassador Brahimi's briefing to the Security Council about his proposals, which will be followed by a discussion within the Security Council. I would simply note that over the past two and a half years, I have had the opportunity to work with Ambassador Brahimi on the post-conflict situation in Afghanistan. I have a great deal of respect for his ability to engage disparate, even warring, groups and move them toward productive dialogue, consensus and the establishment of viable political institutions. We will remain engaged with Ambassador Brahimi in the critical weeks ahead.

The prospect of legitimacy that the United Nations can bring to the process of political reconciliation is a point of crucial interest in both the region and the broader international community. With an expanded United Nations role in the political arena, I believe that it will be easier to generate the international support that the successful rehabilitation of Iraq requires. Secretary General Annan's and Ambassador Brahimi's contributions may well open the door to creative thinking about ways in which the international community, as well as the Coalition, can further contribute to the process of rehabilitating Iraq, both politically and economically.

I want to be clear that a vital United Nations role does not come at the expense of the United States' influence or interests. Our efforts can be well coordinated and complementary; there is ample evidence across a broad range of situations that a strong partnership with the international community, including the United Nations organization is in our strategic interest.

TRANSITION FROM CPA TO EMBASSY

Mr. Chairman, I am impressed with the work of the Interagency Transition Planning Team, led by Ambassador Ricciardone and Lt. General Kicklighter, to structure our U.S. Mission in Iraq so that it will be prepared to pursue these objectives and carry forward the valuable work of the CPA. We anticipate about 1000 direct-hire Americans serving under the Ambassador's authority. Drawing on the resources and

skills of all USG agencies present in Iraq, we will represent U.S. interests and offer support to the people and government of Iraq as they renew their country.

Mr. Chairman, I have the greatest respect and admiration for Ambassador Bremer's accomplishments in Iraq under the most difficult circumstances. He is a personal friend as well as a colleague and I value highly his historic contribution to our efforts in Iraq.

However, my role in Iraq will be fundamentally different from that of Ambassador Bremer. Whereas the CPA is the ultimate political authority in Iraq, the Embassy will be in a supportive, as opposed to a commanding role. Also, the Mission will be distinctly American, in contrast to the multinational character of the CPA. Nevertheless, we will continue our close relationship with our Coalition partners, multilateral organizations, and NGOs, who are all vital to the advancement of our common interests.

In regular consultation with the Secretary of State, I will provide policy direction and coordination for all USG activities in Iraq, with the exception of operations by U.S. forces under the area military commander. First among the duties of the Ambassador is to provide a safe environment for our Mission personnel. I recognize that we are deploying civilians to Iraq in a wartime environment—circumstances from which we normally evacuate our people. I will work closely with the U.S. area military commander to ensure the security of our personnel.

CONCLUSION

As momentous as the transition to sovereignty for an Interim Government of Iraq will be, we should bear in mind that we are still in the early phase of Iraq's reconstruction and rehabilitation. The conclusion of the Coalition Provisional Authority on June 30 will mark a vital step towards realizing an independent, democratic and stable Iraq, at peace with its neighbors. I see my mission as working to assist the people and the government of Iraq to achieve these noble goals, while at the same time seeking to ensure that the resources of the American people, voted by our Congress to support our efforts, are wisely and efficiently utilized.

With our help, the people of Iraq can overcome the trauma of Saddam's brutality and the intimidation of violent extremists seeking to derail the progress they have made so far. But for these policies to succeed, we will need to proceed with resolve, constancy and unity of purpose.

If confirmed, I will do my utmost to serve the Administration and the American people to these ends I look forward to working closely with the Congress in that effort.

Thank you.

The CHAIRMAN. Thank you very much, Ambassador Negroponte, for that very important opening statement.

We'll have a round of questions now, with 10 minutes per member. I would like to proceed with four items. I will endeavor to do so succinctly, so that you will have an ample opportunity to try to address the situation.

First of all, you mentioned that even on this very day, you will be in the presence of Ambassador Brahimi and other members of the Security Council, to hear his plan. Already there are suggestions, and I cite the words of Ahmed Chalabi, on television this Sunday, that he and maybe other members of the Governing Council, are not at all certain that Mr. Brahimi is the right one to name people for an Iraqi Government. They are not certain that the Council of 24 ought to be displaced.

Furthermore, he mentioned the Transitional Administrative Law that the Council has promulgated, which, as you mentioned, presumably serves as the rules of the road for the foreseeable future. Chalabi cited the Transitional Administrative Law as a product of that Council.

My first question, is one that you can't resolve here today, but you will be able to do so after you are confirmed and arrive in Iraq. This emphasizes the importance of getting on with it rapidly. You will be trying to work with the Iraqis to make certain that these

people who have been named are acceptable. The Iraqis in fact are going to see these people as worthy of the sovereignty that we are passing on. The President has indicated that we're prepared to accept Brahimi's suggestions.

Second, mention has been made in the press, even yesterday, in the *Washington Post* in a front-page story, that the Security Council resolution, or resolutions, may be difficult. This brings back to the fore much of the discussion that occurred in previous Security Council resolution efforts, in which you were so vitally involved, and which were successful in the first instance, but which met with difficulty in the second instance, before the war.

Many of the old feelings may be back as we try to find a Security Council resolution undergirding what we are going to do. That is not news to you. You'll be seeing your fellow members, even this afternoon. That's one of the values of this nomination—namely, your hands-on experience with these parties. At the same time, please give us some assurance of how you would work through the Security Council resolution, as well as its importance.

Third, you have outlined what you believe your relationship with United States military in Iraq will be. That is, as is clear from your testimony, you have said that with the exception of operations by U.S. forces, you will provide policy and coordination direction for other activities.

The military side of this, and the security side, are extremely important. It is not that you are attempting to get into the chain of command, but at the same time, what they do, and how they perform, are going to have a great deal to do with your success, as well as the success of the Iraqi Government.

And fourth, what will be the relationship of the Iraqi Government with the United States Armed Forces, and/or other Coalition forces? I raised this question because even over this past weekend Ambassador Brahimi has been quoted as suggesting that we should be very careful, for example, in Fallujah.

Here in our hearings we had one witness after another, and as did the Armed Services Committee, pointing out that security is a necessity, and that nothing proceeds very satisfactory, whether it be new investment, or whether it be Iraqis getting their own oil, as we saw with that surprise attempt to attack their own oil facilities out of the blue over the weekend. To say the least, not everyone wishes the Iraqis well, but we must not deprive them of their money and their oil.

If you will, please discuss these problems. I have offered a context which you may or may not find useful, but to which you might refer as you're coming on stage, early in May, along with the Brahimi nominees, people who are already there, the Armed Forces, the relationship with our Armed Forces and with others. You may be the major organizer of the upcoming discussion regarding what happens when the curtain comes up July 1.

Absent all of these rehearsals offstage beforehand, there is likely to be a great deal of turmoil, and perhaps once again, charges for which we are not well prepared, that we have not planned sufficiently. You have outlined some plans, and I want to get some feel of how you would execute those, especially according to these four guidelines that I have suggested.

Ambassador NEGROPONTE. Thank you, Mr. Chairman.

First of all, and this is not a cop-out, it is just that we have been so expeditious about getting my nomination up here, that it has essentially been 8 days since the President announced his intention to nominate me. So I do not purport to be an instant expert on Iraq.

The CHAIRMAN. I understand.

Ambassador NEGROPONTE. I just want to be clear on that. Although I am doing my best to learn—the learning curve is steep.

Let me, on your first question about the formation of the transitional government and Ambassador Brahimi's comments, and also, the comments of Mr. Chalabi on television, over the weekend.

The plan, as I understand it, of this interim government on the 1st of July, Mr. Brahimi's charge is to help facilitate the creation of that government. He has already been out for extensive consultations. And my understanding is that he intends to return early next month, possibly as early as next week, to continue that process of talking to various political groups, and trying to identify future members of this transitional government.

That is to say, and I understand that he currently visualizes a government that would consist of a Prime Minister, and then a number of cabinet ministers. And it would also be his thinking, his current thinking, that there would also be a President, although the President would not have as much—wouldn't have the kind of operational authority in that government.

So that is the intent. And as I said in my statement, he would engage in this consultative process with the Iraqi political forces, with ourselves, with other Coalition partners as well. He would get ideas from all quarters.

I have no doubt in my mind he is the right person to carry out that job. And he has got that responsibility at the moment. And I think that it is important that he carries through with that responsibility. And, as Senator Biden mentioned, Ambassador Brahimi has had considerable success in Afghanistan, where he helped facilitate the standing up of that government. And he has had other similar successes in the past, as well.

So, I'm sure there are going to be some comments along the way, and some doubts that might be expressed from one quarter or another, because after all this is a difficult and complicated process. And there are all sorts of cross-currents of interests that are at stake here. But the goal is to encourage and do everything that we can to ensure that that government is established. Probably identified earlier—much earlier than the 1st of July, perhaps at the beginning of June I am just saying, for example, so that it can begin to ready itself to take over its responsibilities on the 1st of July.

Where is the Security Council's resolution going? I saw the speculative piece yesterday that appeared in the *Washington Post*. We're beginning that process and I would expect that concurrently with Ambassador Brahimi's efforts to identify—help identify—a transitional government, we are now going to start working on the issue of a Security Council resolution. And I would expect that we're going to have that debate during the month of May. I am reluctant to try to give you a target date for getting the resolution

passed because I have found my experience to be during the past 2½ years that Iraq resolutions tend to be quite time-consuming.

But I also am optimistic that a workable resolution can be achieved. I think after the problems we had a year ago last winter, we have actually experienced some considerable success in passing the other key resolutions with respect to the Iraq question since that time. And that resolution, I think, is going to deal in some way with the question of the transition—the transitional government, the issue of a multinational forces, and perhaps a number of other questions as well.

You asked me about my relations with the United States military. First of all, let me say that I have had considerable experience in that area, going back for years to when I was a junior diplomatic officer in Vietnam. I, of course, had that kind of experience in Honduras. I have had it as a Deputy National Security Adviser, and I have also had it in the Philippines. So I'm no stranger to the question of working on a team-work basis with our colleagues in uniform.

I think it is going to be an extremely important relationship, but they have their responsibilities. The theater commander is responsible for the command of those United States forces, and I am a strong believer in unity of command. But, where issues and problems come up that have political implications, and political ramifications for the people and government of Iraq, I have no doubt that the military commander and myself will be in as close as possible communication.

You asked the question of what will be the relationship of the Iraqis with the United States Armed Forces. And, as you know, initially it is visualized that Iraqi security forces will come under the command of the multinational force. And this approach is rooted in the belief that, at this point in time, the security services and the Armed Forces of Iraq are simply not sufficiently numerous or equipped to take on that responsibility for themselves. But as I said in my statement, we have no more important goal, in my judgment, than to encourage the development of that capacity.

Now, there will be some legal issues with respect to this question. Some of them are already dealt with in the resolution, Security Council Resolution 1511. Some of them are dealt with in the Coalition Provisional Authority's Order Number 17. And some of them are dealt with in the Transitional Administrative Law. But, I have no doubt that this question will also have to be dealt with in the Security Council resolution.

The related question is what happens when situations arise that are of great political sensitivity, and if the Iraqis should favor—the political leadership, for example—should favor one particular strategy and our military might favor another approach. Well, these are the kinds of questions that I think that our diplomacy is going to have to deal with.

And I think that the most important thing, in this regard, is to establish from the outset effective lines of communication between precisely those three entities, the multinational force on the one hand, the Mission on the other, and of course, the Iraqis on the third. And I think that that is going to be one of the principal challenges of our diplomacy, in Baghdad, in the foreseeable future.

The CHAIRMAN. You have made a very important statement. The Iraqi security forces will be under the Coalition forces, that chain of command. Hopefully, as you visit with everyone, there will be the same understanding between the Iraqi civilians and their security forces, as the one that you have forged between our civilians, yourself and our military, if there is not vast misunderstanding among the trainees.

I appreciate very much the detailed answers that you've given to these questions, with an understanding that this has been truncated due to your relatively brief period for preparation. You have been working at these issues for a long time, and your answers revealed that very clearly.

Thank you.

Ambassador NEGROPONTE. Thank you.

The CHAIRMAN. Senator Biden.

Senator BIDEN. Thank you very much, Mr. Chairman.

I'm going to pick up on some of the points made by you and the chairman, Mr. Ambassador.

The doubts expressed about the nature of the transition, from the transition to the transition—and that we have 25 people that are sitting over in Iraq now, including one of the most vocal of those, Mr. Chalabi, sitting on a council that came up with the Transitional Administrative Law, as to how Iraq will be governed between the time it was put in place, until the elections were held and a new permanent constitution is written.

Now, you said that there are cross-currents of interests in Iraq. There are also cross-currents of interests within the administration, as it relates to Mr. Chalabi, the expatriates, and those persons who are now making up that 25-person commission. We don't know who, at least I don't know who Mr. Brahimi is going to recommend in this new caretaker structure. Except that we were told, unless it is changed, that there will be a President, a couple of Vice Presidents, there's a structural mechanism. It is not a 25-person council, which means that of the folks who are now in positions of authority, in this interim government in Iraq, not all of them are going to have a spot.

I am not asking you who, what, or how. Do you know, and you may not know, whether or not within the administration, the American administration, President Bush's administration, if there is a unanimity of views on how we will proceed to this new caretaker model Brahimi is going to present. In other words, is there agreement that if Brahimi says—because the President says he's waiting for Brahimi—today, in New York, at the Security Council, his recommendation is as follows, and it includes the following persons, have we already basically signed on? Or is that something that we're going to attempt to negotiate, in terms of who the actual personnel are, that will make up the President, the two Vice Presidents, et cetera. Is there an agreement in the administration?

Ambassador NEGROPONTE. Well, certainly there's clarity as to who is carrying the ball. In terms of communicating with Mr. Brahimi, Ambassador Robert Blackwell has, in the White House, as the Deputy National Security Adviser, and he is a Special Envoy for Iraq, and he has actually spent a lot of time concurrently with Ambassador Brahimi on trips out there.

And he and I, Ambassador Blackwell, consult very, very closely on these questions. And I think the agreement, is that Ambassador Brahimi—the view is that Ambassador Brahimi has the lead, there is no one else at the moment going out and playing the role of identifying—helping to identify—the transitional administration.

Are you asking me does he have a blank check? I chose my words carefully. I said he has the lead——

Senator BIDEN. Right.

Ambassador NEGROPONTE [continuing]. And he is doing this in consultation with others. Iraqis, the Coalition Provisional Authority——

Senator BIDEN. The bottom line is, if he comes back with a recommendation that we sign-off on that does not include the expatriates as part of this new caretaker government, are you confident that there will be one voice coming out of this administration supporting that? If we decide that, if it's decided?

Ambassador NEGROPONTE. Well, this is a hypothetical question. What I can tell you is, we strongly support Ambassador Brahimi's efforts, and I think we will make every effort to give his recommendations the greatest possible weight.

Senator BIDEN. Well, we're kind of dancing around this, and you're in a tough spot. As we all know, there's a vehement disagreement in the administration, between the CIA, the State Department, and the Defense Department, on the other side, about what role Mr. Chalabi and the expatriates should have played and should continue to play. I hope we get that straight.

And whatever we decide, I hope there will be, for a change, a uniform view that everybody will fall in line once that occurs. And I predict to you, Mr. Chalabi will not go quietly into the night.

But anyway, the second question to have is, and I am not—I don't expect to know the details, but do you envision, if and when Brahimi makes his presentation today, and if the presentation is fleshed out in terms of personnel, when it is fleshed out, and if the President signs-off on that, whatever it turns out to be, do you envision someone within the Security Council, not necessarily us, suggesting that the Council bless that Brahimi proposal, if we have already signed onto it?

Is that a process? I mean, I'm not looking for exact steps in diplomatic terms, but I mean, is that what we're kind of looking for as part of the process of giving the United Nations a larger role?

Ambassador NEGROPONTE. Yes.

Senator BIDEN. OK. Second question I have is that in whatever form a new U.N. Security Council takes, and you have indicated the elements it will encompass, at least in part, a blessing of the transitional governance body, as well as the multinational military force, authorizing it, in effect. And some other pieces.

Do you envision that if we successfully accomplish a new U.N. resolution one of the by-products of that resolution will be an individual, a name, a person, a Brahimi-like figure, serving in Baghdad? Not with you in this sense of the American Embassy, but serving with you with a sense of a designated role, so that there's someone to go to, there is someone to look to, who represents whatever role the U.N. agrees to take on. Is that part of what you would envision?

Ambassador NEGROPONTE. Yes, and let me elaborate a bit on that. Yes, I do envision it. I think that once the transitional government takes office, I would hope that by that time, the Secretary General would have already named or identified a special representative of the Secretary General to represent him in Baghdad. I hesitate to venture a prediction as to whom.

Senator BIDEN. Oh, I'm not asking that.

Ambassador NEGROPONTE. Whom that might be, but yes, I think there would be a classic SRSG U.N. operation as there has been in Afghanistan, and in these other hotspots around the world.

The other point, if I could add, Senator Biden, I mention the resolution dealing with the issue of transition, possibly with the multinational force. I think it would also likely deal with the endorsement of Ambassador Brahimi's efforts, as you mentioned. I think it would also touch on the question, this question of United Nations role. And I think also, importantly, it would reaffirm appeals for help from other countries, for international assistance for Iraq.

Senator BIDEN. Well, that to me—I mean, I am encouraged. First of all, I am encouraged by you not engaging in diplo-speak with us, and answering not only exact questions, but you know what we're driving at, what we're trying to flesh out. And it has been relatively rare of late, and I truly appreciate it. And I know that nothing is certain. I know this is a fluid proposition.

It is important for us, in my view, and the American people, to know what the goal is, what the objective is, to sort of outline it for them.

And the last point that you made, and my time is almost up, relates to, as I understand it, essentially more than merely an invitation for other countries to participate. Providing a vehicle that they can, if we are able through bilateral diplomacy with our NATO friends, if we're able through bilateral diplomacy with our friends in India, and if through bilateral diplomacy with others, we're able to convince them that they should participate for their own safety's sake, as well as our need, that this resolution would be a vessel that they could drop their request in, that they would be able to go back to their people and say, no, no, our sending x number of troops to a multinational organizational force, is not us responding to the United States alone, it is within the context of a broader U.N. mandate as to how to proceed.

Which as all of us have traveled around the world, everyone, the leaders who have told us separately, together, that they want to participate, have indicated they need—and I don't mean to make it sound trite—that cover, they need that structure in order to participate.

I'll conclude by saying, Mr. Ambassador, I truly appreciate you not engaging in what has occurred in the recent past in these hearings, and that is that we're waiting for others to respond. You have been a skilled diplomat for 40 years. And your skills have been honed. You and I both know that in any circumstance that we've ever got NATO to participate, or any other group of people, it's that we have had a plan that we have gone and sold, as opposed to suggesting that, hey, NATO, we sure would like you in, what do you think guys, we're inviting you.

That's never how, in my experience, other than the spontaneous invoking of Article 5, which was never done before, anything has ever happened in NATO, and/or with any of our allies.

It's not likely that the Indian Prime Minister is going to pick up the phone and say, hey, Mr. President, I'd like to get engaged here, we're prepared to send, which has been discussed at one point, up to 30,000 forces. It comes as a consequence of an internal decision made by a President, led by a President, and given to incredibly skilled people like you.

And it is encouraging and I don't want to read too much into what you said, but I believe you're moving in a direction that gives us the opportunity, for the first time in the last year the opportunity to actually put together a genuine, multilateral, multinational fighting force, because remember the numbers, America 135,000, Britain 6,500, Spain gone, Honduras gone, others gone, others talking about going, so this ain't much of a coalition.

I know that you have to say that it is, but it ain't. And so this gives us the opportunity, I believe, if we back it up, unrelated to the United Nations, with bilateral, intense negotiations with a plan, to actually flesh out this force in a way that is not only an American face. That's my hope. I'm not suggesting that it is yours or not. But I hope that last sentence, which is—"this then creates the opportunity to invite people to come in." I think it will. I hope we followup on that.

I thank you for your testimony, and if you want to comment, please do. You don't have to, I don't want to put you in more of a spot.

Ambassador NEGROPONTE. Just one point, because there is a— one thing that we have done is to go out to a number of countries appealing to them to think about providing forces, or to offer forces, for the specific purpose of protecting United Nations activities in Iraq. We haven't yet got any affirmative or positive response.

Senator BIDEN. We have also gone to NATO, because I personally was there. I happened to be bracketed the week that I was there speaking to the perm reps. The Secretary of Defense came, I spoke, and I don't put myself in this category, and then the Secretary of State came, and they asked for NATO to consider participating.

This is very different than if you have a plan to go to NATO, as General Jones indicated we have the capacity to do. I'm not putting him on the spot. He said, the capacity, to say that this is a plan, we'd like the proffer this, we have written this plan. Our military guys have sat down and said this would work. This is what you can do, and this is what we would like you to do. And it is all done behind closed doors. But I hope that were going to be aggressive in that effort.

And again, I thank the chairman for—I've gone over. I thank the chairman, and thank you, Mr. Ambassador. I genuinely look forward to working with you, I feel you have given me a ray of hope here.

The CHAIRMAN. Mr. Ambassador, let me mention that a bit earlier in our hearing, we were joined for a little while by Senator Domenici, the distinguished chairman of our Energy Committee. He has given to me a note in which he simply indicates that he is very hopeful of visiting with you.

I'm going to ask a staff member to convey this note to you. You may want to give it to a staff member who is helping you today. I have no idea of your schedule, and you have already mentioned a return to the Security Council. As a courtesy to my colleague, because he is deeply interested in visiting with you, I wanted to mention that.

I now recognize Senator Hagel.

Senator HAGEL. Mr. Chairman, thank you.

John, I again express my thanks to you and your family, for agreeing to take on this critically important assignment. As the chairman has noted, there is little question about the support you will get, certainly from every member of this committee, and I suspect very many members of the U.S. Senate.

I want to add a point that Senator Biden made in your last exchange, regarding the United Nations.

John, I am particularly impressed, pleased, hopeful with one of the things that you said here in your statement, and I quote, you say, as you go along into the middle of your statement, "there is ample evidence across a broad range of situations, that a strong partnership with the international community, including the United Nations organizations, is in our strategic interests." Many of us have argued for that for some time, long before we invaded Iraq. It is my opinion, the only option that we have for success, not only in Iraq, but in the Middle East, is to work closely with our allies, the United Nations, forging alliances, that includes as you know so well, our Arab allies, our Middle East allies, our Muslim allies.

And we have for too long shelved that dynamic and that reality. So I'm particularly pleased that you would come before this committee this morning and address that as specifically as you have addressed it.

Now, a question. You, I'm sure, saw this and there has been some reference to this piece in the *Washington Post* yesterday, and I will quote exactly so I can frame my question precisely. The *Post* reported, "in order to gain the support of Ayatollah Sistani, and ease the transition to an interim Iraqi Government, the U.S. is considering compressing or scrapping much of the interim constitution known as the Transitional Administrative Law, so that only pivotal provisions on human rights and dates are retained U.S. officials say."

My question, John, is that true?

Ambassador NEGROPONTE. Senator, first of all, it is an unidentified source, and it says that "the U.S. is considering," so I don't take that to be some kind of gospel here. As far as I'm concerned, my marching orders are to work toward the achievement of a transitional interim government, and with all the different authorities, and documents that have already been agreed up until now.

I think, frankly, the Transitional Administrative Law sets forth some very, very, important elements. First—

Senator HAGEL. Let me ask you this, John, you're not aware of any exchange going on on the inside, in fact, to make this an accurate report—

Ambassador NEGROPONTE. Well, it's certainly not to make it happen. It may be that somebody in the administration is thinking of it, but I'm not—

Senator HAGEL. Well, you and I both know that it has to be somebody, not a clerk.

Ambassador NEGROPONTE. Right, right.

Senator HAGEL. It has to be somebody at a fairly senior-level position. But in your—what you can tell the committee is that you know of no senior administration official now engaging in this consideration that was represented in the *Washington Post* report.

Ambassador NEGROPONTE. I know of no such decision.

Senator HAGEL. Thank you.

Back to the interim Iraqi Government, they have powers, what are their powers? As you know, Under Secretary Marc Grossman was here last week, and he was answering a number of questions about sovereignty, and acknowledged it would be limited sovereignty. And the particular question that I have comes—and I want to range into this a little bit, a little wider and deeper.

But, specifically, would your understanding of a limited sovereign Iraqi Government have veto authority over proposed military action like going into Fallujah, for example, Fallujah?

Ambassador NEGROPONTE. Let me step back a second here, Senator.

On this whole question of sovereignty, we've even passed a resolution, I believe Resolution 1500, that said that the Governing Council of Iraq was the embodiment of sovereignty of that country. And what has been restricted here during this occupation phase, has been the exercise of that sovereignty. As far as I'm concerned, when July 1 or June 30 rolls around, the exercise of sovereignty is going to be restored to the government and the people of Iraq.

It happens to be an area where they are not yet in a position to fully exercise their powers, and that is in the security area. But I don't want to use any kind of terminology that would in any way belittle the responsibilities that are going to be taken over by the newly appointed sovereign government of Iraq.

Senator HAGEL. I understand what you have said. However, to answer my question—the question that I have asked you, the answer to that would be no, that in your terms the sovereign Iraqi Government, July 1, would not have veto authority over military involvement in Fallujah?

Ambassador NEGROPONTE. I think you're asking for a yes or no answer in a particularly difficult circumstance.

Senator HAGEL. But if they have sovereignty—

Ambassador NEGROPONTE. Sorry.

Senator HAGEL. If they have sovereignty, Mr. Ambassador, what does that mean? Do they have sovereignty or don't they have sovereignty?

Ambassador NEGROPONTE. On a specific issue like that, which could obviously be widened and be applied to any military exercise or national security issue, and that is why I use the term "exercise of sovereignty."

I think in the case of military activity, their forces will come under the unified command of the multinational force. That is the plan, and I think that as far as American forces are concerned, Co-

alition forces, I think they're going to have the freedom to act in their self-defense, and they're going to be free to operate in Iraq as they best see fit.

But when it comes to issues like Fallujah, as I discussed earlier, I think that that is going to be the kind of situation that is going to, in addition to everything else, be the subject of real dialog between our military commanders, the new Iraqi Government, and I think the United States Mission as well.

The CHAIRMAN. Please, let's have order in the hearing room.

[Pause.]

The CHAIRMAN. Please, let the Ambassador testify. I would appreciate the helpfulness of our audience.

I apologize for that interruption, Mr. Ambassador. You were responding to Senator Hagel's question. Had you completed your response?

Ambassador NEGROPONTE. I believe so.

Senator HAGEL. Well, I've just lost 2 minutes, of course.

The CHAIRMAN. Your equity will be restored.

Senator HAGEL. Well, as the fair chairman that you are, I appreciate that.

Well, let me move on, Mr. Ambassador, because it is my sense that the sovereignty is an issue that is still being played out, and if a country doesn't have the sovereignty to make national security decisions for itself, and military commitments, then I am not sure that I would define it as a sovereign government.

But recognizing what you have stated about the unknowns and uncontrollables, I appreciate that. All that I'm trying to do is to get to some definition here as to, as to really, in fact, honestly, if that's sovereignty—

Ambassador NEGROPONTE. Well, it's certainly going to be a lot more sovereignty than what they have right now.

Senator HAGEL. Well, that's the—

Ambassador NEGROPONTE. And it is the degree in size, No. 1.

No. 2, I think it is important to say, that we are doing and we're putting a lot of effort behind helping the government and people of Iraq develop their own security capability. There are some 200,000-plus Iraqi security forces. I don't know whether the position has been created or is about to be created of a national security adviser. The different offices required to enable the government and people of Iraq to take over their own defense are being established.

And now with this modification that we've just seen in the implementation of the de-Baathification policy that was discussed by Ambassador Bremer the other day, that too can help accelerate that process.

So I would say, Senator, that we're going to work toward the day, and hope that it comes as early as possible, that the Iraqis can take greater and greater responsibility for their own security. But they are not in a position to do that at this particular moment.

Senator HAGEL. Well, my point here in spending a little time with this issue, because I think it is important, not because it is, technically, is some definition that we need to come to within this committee, but it is an expectation issue for the Iraqi people, as you know. And the Iraqi people I suspect, are going to expect some-

thing on July 1. I don't know if they're going to expect or will expect a so-called sovereign nation making decisions for itself, as sovereign governments do.

But my point in pursuing this a little further is because you know better than anyone, this is going to be an issue, and it is going to be an issue that ties back to the United Nations, and that's where I want to go with my last question.

In your opinion, to get some of the members of the U.N. Security Council committed here, what do we need to do in your opinion, the Russians, the Chinese, the French, all have had private conversations with you, had private conversations with their senior members of their government, with Members of the Congress, obviously with the administration on where they can participate, how they can anticipate.

What kind of U.N. statement that would be codified in a new resolution which you had acknowledged earlier this morning, would need to be written in order to get the enthusiastic, not only support, but involvement of those U.N. Security Council members?

Ambassador NEGROPONTE. Well, I did discuss or describe earlier the kinds of elements that I think will be covered in such a resolution. I can't think of any particular element that would be decisive with respect to their—I don't think it's a resolution in and of itself that is necessarily going to bring about participation by France, or Russia, or Germany, or others. They have some other concerns as well.

But I think that once sovereignty has been restored, once that transitional government has been established, these governments have signaled that they will be more open and more amenable to looking for ways to be helpful to the interim government in Iraq.

Senator HAGEL. Well, that's what I was driving at. What do we have to do in order to get them into that position which you have just said, more amenable to help which specifically means what? Troops? Or, what would that mean?

Ambassador NEGROPONTE. Well, I think among others would be economic assistance. None of them have signaled yet that they have a readiness to deploy troops to Iraq, whether it is because of the occupation or because of the security situation. I wouldn't hold out great hope for it, an immediate initial contribution—

Senator HAGEL. Well, that's what I'm trying to get at.

Ambassador NEGROPONTE [continuing]. Of troops from the countries that you mentioned.

Senator HAGEL. What would they bring to the effort then if troops are off the table. Economic meaning aid, meaning what?

Ambassador NEGROPONTE. Well, I think economic assistance, I think support for a United Nations efforts. Perhaps they may be willing to provide some troops to support U.N. operations in Iraq. I think help with the neighbors of Iraq in ensuring and encouraging them not to engage in behavior that undermines what is happening inside of Iraq. There are a number of different ways that they can be helpful.

Senator HAGEL. My time is up. Mr. Ambassador, thank you.

Ambassador NEGROPONTE. Thank you.

The CHAIRMAN. Thank you, Senator Hagel.

Senator Dodd.

Senator DODD. Thank you very much, Mr. Chairman. And again, welcome.

Ambassador NEGROPONTE. Thank you.

Senator DODD. And to your family as well. It is good to see them with us.

In the sense that this is a very nontraditional confirmation hearing, I was trying to recall, Mr. Chairman, any similar kind of a hearing. We haven't gone quite to the extent the Finance Committee did a number of years ago when our former colleague Lloyd Bentsen was nominated by President Clinton to the Secretary of the Treasury. And as I recall, Pat Moynihan actually moved the nomination in the committee, and then they pursued with the questions. They actually voted him out before they started the questions. But we are not going that far, John, here.

But in a sense, what I am getting at here is quite obvious, this committee is going to confirm your nomination, and so in the traditional sense the normal question-and-answer period, it is not really appropriate here because nothing you're going to say here is going to dissuade us that you shouldn't be the choice to get this job done.

So I say that as a background because I think that you've been very candid in your response to Senator Biden, and the chairman and Senator Lugar. And I'm going to pursue a couple of these things.

Let me first of all just pick up on Senator Hagel's first question to you, because I have a similar line of questioning, and that is a *Washington Post* story about scrapping. I have the article here, but I think the word is scrapping—a good part of this law of administration in the State of Iraq for the transitional period. And you said that there has been no decision made. The article doesn't suggest one has. It suggests that senior people are discussing this at a very high level. And I think it is very important that we pursue this, at least briefly.

Can you share with us to what extent that is being considered, to scrap this or at least significantly truncate it. There are 62 provisions or articles in this document, and I have read through it and I find some of them so interesting, banning guns and guaranteeing a right to education and health care, things that we don't find in our own Constitution. But I'm not going to pursue the line of questions about specific provisions, but are we walking away from this in order to get the kind of support we need of the U.N. Is that a serious discussion that is ongoing in the administration?

Ambassador NEGROPONTE. Well, Senator, if it is, I don't know about it.

Senator DODD. OK. All right.

A second line of questioning that I want to pursue with you. Contrary to what many people may think, these 62 articles here is not—this will take effect when the elected government takes over. So that the 62 articles don't apply on July 1 through January 2005. As I read this, going into the first Article 2, it says that “the first phase shall be given the formation of a fully solvent Iraq interim government that takes over on June 30. This government shall be constituted in accordance with the process of extensive deliberations in consultations with cross-sections of the Iraqi people con-

ducted by the Governing Council and the Coalition Provisional Authority, the CPA, and possibly in consultation with United Nations.

“This government shall exercise authority in accordance with this law”—accordance with it, “including the provisional principles, and with an annex that shall be agreed upon and issued before the beginning of the transitional period, and shall be an integral part of this law.”

I haven’t been able to get an answer as to where this annex is. What’s in it? Who is writing it? Is anyone being consulted in Iraq about it? The annex seems to me is going to be the pivotal document between July 1 and the January date. And I need to know what’s in this annex, and who is writing it, and how it is different, because I think a lot of people are working under the assumption that the 62 articles in the Coalition Provisional Authority are really going to apply. And it seems to me reading Article 2 that it is this annex that is going to apply, and I would like to know how that works. Can you share or shed any light on that at all?

Ambassador NEGROPONTE. I’m afraid I can’t. I am just not, at the moment, not clued in as to the discussions about the annex. It is conceivably because they haven’t taken place yet. But I’ll have to get you the answer on that one for the record. And obviously, it’s an issue that I myself am going to have to get into.

[The following responses was subsequently provided.]

The Transitional Administrative Law (TAL) was drafted by a subcommittee of the Iraqi Governing Council (IGC). It is the product of an Iraqi-led process. In addition to enshrining fundamental freedoms and human rights, the TAL also defines the structure and selection process of the Transitional Government, which will be elected no later than January, 2005.

The TAL annex will define the precise structure and authorities of the Interim Government, which will take power on June 30 and guide Iraq toward elections. Article 2 of the TAL says that the provisions of the TAL (including those pertaining to fundamental freedoms) will remain in effect throughout the transition period. We expect that the IGC will conclude the Annex after UN Special Advisor Brahimi completes his consultations in Iraq.

Senator DODD. Yes, and it will be recorded. And Mr. Chairman, I might suggest that under the appropriate circumstances since it—if the annex is going to be potentially a vehicle for compressing the transitional law, I think it might be important for the committee to find out what is in this annex. I think it is going to be a very important document it seems to me. And having access to that is going to be critically important as to how this transitional period works between July 1 and December. And I know you don’t know clearly what was involved in it, and I understand that. But it is also important for the committee to be well briefed on what is in this. We might want to do a hearing on it at some point, if we—

The CHAIRMAN. If I may make a quick response to the Senator.
Senator DODD. Yes.

The CHAIRMAN. It might be appropriate for a future hearing. I indicated, with the cooperation of both sides, that we will have additional hearings to monitor what is going to happen during these critical months of May and June. That certainly is a very important element.

Senator DODD. I appreciate that, Mr. Chairman.

Ambassador, would you also share with us what your role is apt to be here. Obviously, we're all talking about this new position, but a critical position is going to be who is going to be managing the U.N. operations here. We're all talking about the significance of this.

What is your plan? Will you continue to be at the United Nations, and working that side of the agenda here? Can you share with us how the administration intends to proceed with the function, obviously, with getting an embassy up and running, doing that job, and the critical role the U.N. will play, who will take on that responsibility?

Ambassador NEGROPONTE. Senator, subject to further guidance from Secretary Powell, what I am doing at the moment is that I am working on identifying a team, I have already identified a Deputy Chief of Mission who will be going out to Baghdad in the middle of May.

Senator DODD. Yes.

Ambassador NEGROPONTE. We have already identified most of the key counselor positions at the Embassy. So we will have a forward cell, if you will, or base of that Embassy. As Marc Grossman mentioned the other day—identified—I think about 80 percent of the positions that we intend to fill. They were waiting for my nomination before identifying the senior-most levels of the Embassy, but that now is in the process of happening.

I am spending half—at least half—of my time here in Washington now, leading into this job. But I also am shuttling back and forth between here and New York. And I expect certainly to play a role in the question of the negotiation of a Security Council resolution.

Senator DODD. Right.

Ambassador NEGROPONTE. Last, as to when, in fact, I will actually go out to Baghdad, I would at the moment estimate that's going to be some time around the time of the transition. But the details as to when exactly I would arrive there have yet to be worked out. But it would be some time around the 1st of July.

Senator DODD. I read into that then, that you're not trying to specifically allocate a time, but you're in involvement with this mega-resolution, whatever you want to call it, at the U.N. is where you're going to be spending at least a bulk of your time here trying to get that right, rather than on the ground in Iraq.

Ambassador NEGROPONTE. As far as my involvement at the United Nations is concerned, yes, that will be my priority.

Senator DODD. OK.

Let me ask you, if I may, as well, about the security. What is the plan, very briefly. And again, this is a little specific, but are we going to rely on private contractors for security at the Embassy, or are we going to go the more traditional method?

Ambassador NEGROPONTE. Well, there is a major effort underway to deal with the question of security for the Embassy. Ambassador Frank Taylor, our Assistant Secretary for Diplomatic Security, has been out to the area. We have some 30 diplomatic security agents already there, preparing and laying the groundwork. We expect to have at least 50 diplomatic security agents in Baghdad. Plus, we

expect to continue some of the contracting arrangements that have existed with the CPA for protective details and so forth.

And in addition, of course, we will have to work extremely closely with the Coalition forces, with American forces upon whom we will be relying for our fundamental protection.

Senator DODD. Very good.

And last, if I may just quickly, I wonder if you would agree that under existing U.N. resolutions the United Nations is monitoring, a Verification Inspection Commission still exists, and in your view still has the authority to complete its mission to make a final report to the U.N. with respect to Iraq's WMD program. Is it going to be allowed to do so?

Ambassador NEGROPONTE. It certainly still exists. The Iraq Survey Group has supplanted it, if you will, in the current situation with respect to searching for and verifying the existence of WMD in Iraq.

I think the issue of the final disposition of UNMOVIC is something that we ought to put off into the future and not seek to resolve now. And I would not subscribe to the notion that it—I think it was mentioned earlier that we might be recommending that it be abolished, and I do not believe that we should address any such action at this time.

Senator DODD. Very good. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Dodd.

Senator Chafee.

Senator CHAFEE. Thank you very much, Mr. Chairman. Welcome, Ambassador.

I think there's a sense in the American public that anybody who wants this job is welcome to it. And on the other hand, as Senator Biden said, and we're looking for somebody who can get into a phone booth and come out with an "S" on their chest. But I know you have talked about it is a steep learning curve, and you're moving into this capacity. I guess you said, 8 days ago you were nominated.

This is probably a technical question, but I will give a shot anyway. We're seeing inside Najaf that a shadowy group, according to the papers, attacking Al-Sadr's militiamen under the heading of the Al-Afaker army. Are you up to speed at all on what that dynamic is, and with the ramifications of warfare inside Najaf.

Ambassador NEGROPONTE. No, I am not. I did see the report, Senator, but the only thing that I would add, I think it is important to make the point, and I didn't make it in my prepared statement but Ambassador Bremer has been hammering away at this, is that these uncontrolled armed militias have no place in the future of Iraq, and strong steps have to be taken to bring those kinds of situations under control.

[The following additional response was subsequently provided.]

The Coalition is committed to bringing Muqtada al-Sadr to justice. At the same time, we are highly sensitive to the sanctity of the holy cities. We welcome the recent public statements from Iraqi clergy and political officials calling on al-Sadr to leave Najaf. The Iraq people are also mobilizing against al-Sadr—a coalition of Shi'ite moderates, led a peaceful protest march against al-Sadr's presence in Najaf on May 11.

We have seen reports of localized armed groups that may at times clash with al-Sadr's forces. These reports demonstrate the critical need to return law and order

to the holy cities. We are working to build the capacity of Iraq's political institutions and security services to counter armed groups who seek to use violence to influence political outcomes.

Senator CHAFEE. And even if it means another, as it says in the paper, a shadowy militia rising up, is that to our advantage?

Ambassador NEGROPONTE. Well,——

Senator CHAFEE. Ambassador Bremer is advocating—it sounded like, and as you said for Iraqis to rise up, but is that a positive development?

Ambassador NEGROPONTE. I honestly don't know anything more than what's in that story. But certainly we will look into it.

Senator CHAFEE. Very good.

As we look at this Superman position you've been nominated for, what in your long career will be helpful as we look ahead? You certainly have had a distinguished career in Vietnam, at the Paris Peace Talks, Ecuador, Honduras, hot spots around the world, the Philippines, as you said earlier. Anything in particular, just in general, as you look back on your career to help prepare you for this difficult task?

Ambassador NEGROPONTE. I think that my most recent assignment in many respects could be extremely helpful, Senator. The fact that I have been our representative to the United Nations, and I have dealt with representatives from countries that are interested in Iraq at the Permanent Representative level, many of them who are high-level diplomats from their own countries. And I have also had a chance to interact with Ambassadors from the region surrounding Iraq, and of course I have worked on the Iraq issue in the United Nations for the past 2 years. So I think that probably has been the most immediate preparation.

I have referred to my past experience in dealing with our military, and of course I have had the opportunity to run a couple of pretty large missions.

Senator CHAFEE. Yes, that might beg the question, will our allies look on this considering the many mistakes that have been made, that the past position might be a liability in building bridges?

Ambassador NEGROPONTE. Well, I'm a great believer in diplomacy. And I haven't done this for more than 40 years because I didn't enjoy it. I enjoy reaching out to people of other countries and nationalities, the representatives, their peoples. That's been sort of the bread and butter, if you will, of the kind of work that I have enjoyed doing throughout my life.

I also don't see myself as being some kind of super—running some kind of super embassy, Senator. I see it more as—obviously not as a traditional embassy. It is just going to be an embassy operating under very challenging circumstances. And I guess that's what I would say about it.

Senator CHAFEE. My last question is, it was a long time ago, but the Paris Peace Talks, what did you learn from that? And is there any opportunity here, as we see things deteriorating for more, as Senator Biden said, jaw, jaw, jaw.

Ambassador NEGROPONTE. Well, I certainly don't see analogies between the Iraq situation and Vietnam because I think we're talking about a cold war versus a post-cold war situation. I think we're

talking about some much more contemporary kinds of threats and difficulties.

I suppose the main thing that the Paris Peace Talks experience gave me was just the exposure to negotiations about issues that are of intense interest to the people of the United States.

Senator CHAFEE. Thank you. Good luck.

Ambassador NEGROPONTE. Thank you.

The CHAIRMAN. Thank you very much, Senator Chafee.

I want to express appreciation to Senator Sarbanes for yielding temporarily to Senator Boxer who has been present for a while. Then I will recognize Senator Sarbanes. Then Senator Corzine.

Senator Boxer.

Senator BOXER. Thank you, Mr. Chairman. Thank you, Senator Sarbanes.

Senator BOXER. Ambassador, you and I have had our past differences, and we were very open about that. Speaking about human rights abuses in Honduras, we approached it differently. I brought that up at your U.N. confirmation hearing, and what I greatly respect about you is that you got past it, and we have worked together on child soldiers and other matters. And I wanted to just say that I appreciate that. I am supporting you, strongly for this. I will do anything that I can to protect you, and to make sure that your family can rest easy, because we need to do that.

But whether you succeed or not depends on, obviously, the policies that we put forward and the people at the other end of those policies. How do they see those policies? You know, will we continue to do it alone? Will we be able to get this resolution through, will our friends in NATO help us?

The expectations of a people are so important. You know my mother always said to me when I was a little girl, that if you work hard this is what will happen at the end of the day. There will be rewards there. And I think that when statues fell, expectations were high, there was going to be an end to the dictatorship, there was going to be the beginning of freedom, and instead those expectations weren't met. There are a lot of reasons for that. And I don't want to reiterate it except to say that a lot of us on this committee on both sides said, where is the plan, where's the plan?

But that's not to be discussed today, because we are where we are. Expectations weren't met. There was an occupation, increased violence, the terrorists moved in. I have a Department of State brochure that list the countries where al-Qaeda operated. This was done right after 9/11, it was printed in October. Iraq is not on the list.

They operated in our country, more cells here than in Iraq. Iraq wasn't on the list. Now we know there was a void and we've got the former Baathists, and we have the terrorists moving in, and more troubling than that, because I think in a sense that had to be expected because we didn't have a plan. But more troubling than that is that seven out of ten people in Fallujah say that it's OK to kill Americans, Mr. Chairman. Can you imagine?

People that we want to free, we want to give them freedom, and economic justice, and so on and so forth. They say, oh, it's not right to burn the bodies and hang them from the bridge. That they didn't like. But it's OK to kill Americans. So, to say that you have a chal-

lenge is just understated. But you're not alone because we all want this to work now. As some say, this is the last opportunity. So today you have a clear chance to define what Iraqis can expect on July 1. And you said some of it today.

But I think what Senator Hagel was trying to get from you is the reality of what the Iraqis can expect, when he kept saying when you say it is full sovereignty isn't it limited sovereignty? Isn't it? And I'm not sure that it got the right answer. So I have two questions.

The first is, and I will pick-up on Senator Hagel's point, what will this new entity have to say in it, if the American military says, look we have to do some very unpleasant things in order to gain security, and gain control. So just a step back, and in the loftiest terms you want, and I think that's fine, tell us today what you expect the reality to be on the ground.

My second question is really a tougher question, and the first one is tough. But the second one is this, I am very disturbed to read an article by William Safire yesterday, I don't think it has been brought up. And I don't even know if it's totally accurate. But William Safire said that Lakhdar Brahimi said on French radio the great poison in the region is the Israeli policy of domination and the suffering imposed on the Palestinians, as well as the equally unjust support of the United States for this policy. And then he went on to call the Israelis brutal repressive Israelis, that they are not interested in peace, no matter what you seem to believe in America. This is extremely disturbing to me.

And so you've got a man out there who the administration has put its faith in, and we have all called for greater U.N. participation, and these are his comments. So could you please comment first, this is your opportunity, as if you were on the radio to the Iraqi people right now, what do you hope their circumstance will be after they get this power returned to them on July 1?

And, by the way, I've been one of the people who has said you can't back off the date because you promised it, you got to keep it, and so I feel that you need to go forward. What can they expect? And two, do you know about this Brahimi comment, and have you discussed it with him?

Thank you.

Ambassador NEGROPONTE. Thank you, Senator Boxer.

First on the question of what can they expect, and following up on Senator Hagel's question. The discussion always zeroes in on perhaps the most difficult and challenging question, i.e., what happens if there should be a difference of view on how to deal with a particular security situation?

But for a moment, let's just step back and recognize that on the 1st of July this transitional government will be in charge of however many ministries that they are—25 ministries. They will be managing their own revenues; they will be able to conduct international relations; they will have Ambassadors around the world. They will be exercising all of the normal attributes of sovereignty, and in fact there are models around the world of countries that might not fully exercise sovereignty, but exercise the great preponderance of attributes of sovereignty.

And that's going to be the situation with respect to Iraq. But it's going to be a work in progress, and it is going to be evolutionary.

On the security issue I think that we have already—you're going to followup.

Senator BOXER. Yes, just to say, your message is not to the people in the ministries, it's to the other people. What do you have to say to them about these ministries?

Ambassador NEGROPONTE. What I'm going to say is, that up until now, you have technically been under—in an occupation status. But, from July 1 forward, you, the people and government of Iraq, are going to be taking responsibility for your own affairs. But that this is the way forward. This is the way to resolve—

Senator BOXER. And who picks the people who will be now in charge?

Ambassador NEGROPONTE. Well, this is the process that Ambassador Brahimi, in consultation with others, is involved in, and we are hoping that sometime between now and the 1st of July, those individuals will be identified. I gave an estimate of about the 1st of June. I don't know when exactly this new government is going to be identified.

But that—the planning—

Senator BOXER. Well, just to finish off—

Ambassador NEGROPONTE. Sorry.

Senator BOXER [continuing]. That part of the conversation.

That's a good message, but the very important part of it, which you really haven't addressed because you can't, you don't even know how this is going to come down, and it's the end of April. You have to convince, and we have to convince, the people in Iraq, that these new ministers have some substance to them, and that they are not handpicked by anybody else.

And that's something that I hope you'll work for in the interim, for them to have any credibility, and for the people to embrace what they do. It will take a belief by the people that they are just not handpicked by America, or someone else. Because that is the key to this whole deal. And now—and so in this interim time, if we can help in any way, we can help you in any way push that forward, please let us know. But please continue on Mr. Brahimi.

Ambassador NEGROPONTE. Second, I would just like to say that no one has been a stronger supporter of Israel in the United Nations than the United States delegation to the United Nations. And I have been deeply involved in all aspects of that question during my tenure in New York. Mr. Brahimi's statements: I noticed that the Secretary General and a spokesperson distanced themselves from those remarks.

The work of the United Nations on Israel is carried out by the Secretary General and another individual, the Special Representative for the Middle East Peace Process, and is working with us and the Quartet. It is not Ambassador Brahimi's responsibility, and I would have thought that if he had to do over again he might not have made those kinds of comments on the record.

Senator BOXER. I would hope that he wouldn't do that. Thank you very much. And thank you again, Senator Sarbanes.

The CHAIRMAN. Thank you, Senator Boxer.

Senator Sarbanes.

Senator SARBANES. Thank you very much, Mr. Chairman.

Mr. Ambassador, welcome, and we wish you well. You are taking on a very difficult assignment. I have just a couple of questions I want to put to you.

I am very concerned about the status of forces situation after June 30. If we're turning sovereignty over to a new regime of some sort that's now being put together, how do we ensure the situation of our men and women, and indeed the others who are there with us, in terms of their status in Iraq as they go about carrying out their responsibilities?

Ambassador NEGROPONTE. My understanding, Senator, is that we consider Resolution 1511, which deals with the multinational force, to still apply. We also—

Senator SARBANES. Even after June 30?

Ambassador NEGROPONTE. Correct. Because it talks about the establishment of a multinational force until the completion—until an elected government is established under the constitution. Not all Security Council members agree with us that that language is sufficient. And so that I think the question of a multinational force is going to have to be dealt with in the resolution that we negotiate now before the establishment of the transitional government.

There's also a Coalition Provisional Authority Order 17, I believe it is called, that deals with the issue of status of forces, and we expect that to continue to be valid. And there's also a reference, I can't find it instantaneously, but in this Transitional Administrative Law. So I think we feel we've got the issue fairly well covered from various angles.

Senator SARBANES. Well, I want to express some concern, which seems to me that reliance on the previous resolution, if it's been questioned or challenged in a number of sources, with respect to the coverage it provides, is a risky thing to do and exposes our people, potentially, to some high degree of risk.

And it may well put you in a very difficult situation. So it seems to me thought has to be given to how to cover that status of forces situation as you move ahead. And presumably a number of people agree, including some of our own people, since they are now considering a further U.N. resolution that would be addressed to that issue.

Presumably if the previous resolutions were deemed to be crystal clear on the subject, we wouldn't have to be engaged in that effort. And I think this is a very important issue that needs to be covered, over the next 60 days, that we have leading up to the transfer of authority.

Second, apparently an issue to be determined in this resolution that you're considering, is whether the United Nations, or the United States, or the U.S. team, will write the final report on Iraq's weaponry. It is not quite clear to me why each of them can't write their own report. I don't quite understand what the issue is there. And it would seem to me that diplomacy would dictate that they each go ahead and write their own report. What is the issue there?

Ambassador NEGROPONTE. Well, the issue, Senator, is the ultimate disposition of UNMOVIC, the United Nations' monitoring and verification mechanism. I think that the best way of dealing with this—and the current intention will be—just to defer that issue

until a later date. Once the Iraq Survey Group has completed its work, our belief is, this is not an issue that has to be decided now.

Senator SARBANES. Well, I have a number of other questions. But Mr. Chairman, I know my colleagues have been here some time and I will forbear on that.

And Mr. Ambassador, we wish you well, and you're taking on, as everyone recognizes, a very difficult assignment. Not the least of which is to work hard and not being perceived as the proconsul. Presumably, you've given a lot of thought to that. How does one avoid being perceived as the proconsul?

Ambassador NEGROPONTE. Well, there's no denying that the United States is going to continue to play an important role in Iraq for the foreseeable future. Not the least of which aspects of that is that we're going to continue to have a substantial military presence, plus we will be providing massive economic assistance.

I think, however, Senator, that where possible we should make every effort to play a supportive and an encouraging role rather than an out-front role. And that kind of approach is certainly very consistent with the kind of diplomacy that I am comfortable carrying out.

Senator SARBANES. Good. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Sarbanes.

Senator Corzine.

Senator CORZINE. Thank you, Mr. Chairman. And Senator Sarbanes for his courtesy as well.

Ambassador, I do want to convey my gratitude and express respect for both your courage and commitment to serving our Nation in such a difficult task. And I hope to be supportive in every way, not just the nomination process, but as you carry out your tasks. And they are quite formidable.

I continue to be very troubled, and I'm not actually particularly calmed by your testimony today about what this sovereignty means. I reflect back on a speech that Ambassador Bremer gave last week where he stated that the new Iraqi Government will be fully sovereign. We had this discussion about what the Transitional Administrative Law says and it uses fully sovereign. Then we had specific discussions to go just a little bit off the top of what that means, and it quite clearly doesn't get to the same translation that I, you know, I think normal human beings like Iraqis and the American people might actually look at what full sovereignty would mean.

And I think one of your most major tasks is trying to get the expression of how this is reflected to the general public, not just the United States public, or the international community, or the Iraqi people. We ought to be talking about the same thing, using similar language that is not so loose, and I am troubled that we don't seem to get that.

You know, there are many specifics that go well beyond, let's just assume that, you know, we're relatively clear on the security situation side. I have concerns about the status of forces arrangements, but let's say those are excepted, that we understand how sovereignty is somewhat limited, with respect to those, because of the U.N. resolutions and the arguments that you made.

But there is this question that we heard last week that Under Secretary Grossman testified that the interim government will have no lawmaking authority. Who is responsible for budgets? Who is going to deal with criminal procedure? Who's going to set up the law governing the civil service, or at least having those issues? And you know, one of the big issues that I wonder about, within the context of lawmaking, is how do we deal with these 15,000 contractors that are out there. Are they responsible to our military disposition of war, or are they subject to domestic supervision in country? It is a significant issue that I think we worry about.

They can't write a law, but there is an election coming. Who has the responsibility of setting down how those laws will be worked, regulations or structure of the election work being put together? I heard you give a very well articulated view that we will set up a foreign ministry and start establishing relationships with other countries. But who signs contracts? Who has the power of committing the economic will of the Iraqi people with regard to the disposition of the many, many contracts that so far CPA has been involved with?

And then finally, I just—another specific example, I know there is a whole series of them here. Last week we heard about the naming of at least the leader of this tribunal that is going to deal with the prosecution of Saddam Hussein. The announcement of Salaam Chalabi, as the administrator of the tribunal. How are we going to name judges as authorized by the CPA. Does it follow along with the Transitional Administrative Law? Where are we moving? And there is a whole series of questions there, that get at fundamental sovereignty. And I think this is pretty confusing. When you hear fully sovereign, and limited sovereignty.

So I've given you plenty of room to roam, Mr. Ambassador.

Ambassador NEGROPONTE. Well, I'll try not to roam too much.

Let me, first of all—I didn't mean to give the impression that they don't have a foreign ministry yet, they do. And they have a Foreign Minister, and they have already been quite active. I think quite effective in representing their interests, and representing the interests of Iraq around the world, including at the United Nations.

On the question of the lawmaking authority, I think we have to remember that this is going to be a transitional government, by definition limited in its timeframe. And the phrase "caretaker government" has been used quite often. And so the application of that term is that it is created for a limited period of time, and with a particular focus.

In this instance, the focus is going to be organizing the election for the transitional national assembly, not later than the 30th of June.

You asked about the election preparations. Ms. Katrina Parelli of the United Nations has been out there and is going back out there again. And the plan there is to help form—and I think that's probably going to be done within the next month or so—an independent Iraqi electoral commission that will oversee the electoral process.

So I think those preparations, I wouldn't say that they are very much in hand, but there's definitely a plan and steps are being taken to carry it out.

Who signs contracts? Who engages—who commits—the government economically? I think the answer is the government, the cabinet ministries. They're going to be doing that. In some instances, I think they have already been doing this in the Ministry of Trade and elsewhere, where they have been implementing oil for food contracts and so forth.

Senator CORZINE. The last point on that, in that regard, is you're suggesting that this interim government, therefore could make commitments with respect to oil reserves being negotiated in contracts with foreign nations such as—that have previously been negotiated by the Iraqi Government.

Ambassador NEGROPONTE. Well, I believe—

Senator CORZINE. You're suggesting—

Ambassador NEGROPONTE. Well, I believe that the thinking there is that major decisions in that area ought to await the establishment of an elected Government of Iraq. But as far as carrying out the day-to-day business of the country, I think they will be able to do that. And while they may not be able to write laws, I think that they're going to have to find some way to memorialize various policy decisions that they make. But let's remember we're talking, if things go according to plan, we're talking about a 5 or 6 month period here.

Senator CORZINE. Tribunal? You want to speak on it?

Ambassador NEGROPONTE. On the tribunal, the one thing that I would mention, I just started getting briefed on that. But the Justice Department has got what they call their regime crimes adviser. There is a team led by the Justice Department that will be operating under my authority at the Embassy that will be advising and assisting the Iraqi tribunal with respect to the various war crimes.

But I think planning for that is going forward, perhaps not as quickly as some might have liked, but now that we have a Justice Department team going out there, I think that's going to be helpful.

Senator CORZINE. And the authority, or the validity of the Chalabi administration on this tribunal?

Ambassador NEGROPONTE. I had just assumed that was his job. I wasn't aware that there was a question as to whether he should or should not be in that position.

Senator CORZINE. I think that the nature of these questions, and how these actually are dealt with in fact, will lead to judgments about people whether this is sovereignty or this is just another iteration of American occupation. And I think it is, personally I think a lot of these questions are open enough that it is worrisome that we set up false expectations. My main concern is that I hope that we don't rush to judgment.

And in conclusion is this June 30 day. While important for some reasons, I think if this ends up not meshing with expectations in the broader public, we can end up failing even though we are doing a Herculean job of trying to accomplish the kinds of processes that he's talking about.

The CHAIRMAN. Thank you very much, Senator Corzine.

Senator Feingold.

Senator FEINGOLD. Thank you, and Mr. Chairman. Thank you, Mr. Ambassador, first, for your patience. I want to wish you well.

And I want to thank you on behalf of myself and all my constituents for taking on such a tough assignment. I hope that your tenure in Iraq will be safe and successful.

Let me say a bit about your long history in the Foreign Service. You've had a great deal of experience in working as an Ambassador, and interacting with congressional committees, and Members of Congress. But the post to which you have been nominated this time is, obviously, really quite extraordinary, in terms of the profile of the United States and the stakes at hand.

If confirmed, you will also be stepping into this role at the time when many in Congress feel a level of frustration that we have been experiencing for some time, when it comes to getting solid information and clarity on U.S. policy in Iraq, and the reality of the situation on the ground.

As Senator Dodd indicated in his opening remarks, this issue of candor, the need for candor and importance of candor for policy success, gets to the core of some of the concerns that I and others raised the last time you were before the committee for confirmation.

If confirmed, what do you understand your responsibilities to be toward the Congress? Can you assure us that you will make open lines of communication, transparency, and disclosure of the whole truth to the elected representatives of the American people a priority, even when full disclosure means reporting bad or inconvenient news? And as it is related to this, what steps will you take toward this end?

Ambassador NEGROPONTE. Well, first of all, the answer is yes. I believe in the fullest possible communication with the Congress, Senator, and you can count on that.

And also, as I have in my previous assignments in embassies abroad, I have always been a strong believer in welcoming congressional delegations, making and putting all facilities at their disposal, and ensuring that Congress is as well-informed as possible on the local conditions in the country to which I'm assigned. I have always thought that was one of the highest priorities and tasks. So I just don't think you're going to have any difficulty with me in that regard.

Senator FEINGOLD. If confirmed, what steps will you take to monitor and report on human rights related developments in Iraq?

Ambassador NEGROPONTE. Well, that is going to be one of the elements of the political situation in Iraq that will have to be reported on constantly. And so you can count on reporting on the human rights situation there including the rights of women, and a number of the kinds of rights in Iraq, that I think the United States is going to be particularly interested in.

Senator FEINGOLD. I'm just signaling here that I will be particularly interested in that sort of information as you convey it.

To what extent will it be your responsibility to protect the employees of private security companies that have been hired to protect U.S. and allied contracts in Iraq?

Ambassador NEGROPONTE. I do not believe the responsibility is absolute, Senator, in the sense that we have—I think a number of these—you mentioned—you asked about security companies, did you not, Senator?

Senator FEINGOLD. Private security companies.

Ambassador NEGROPONTE. Yes, I think that up to now, at least, we have expected them to make their own arrangements, and their responsibility for their own security. But, obviously, they operate within the umbrella, as we all have been doing, of a coalition—the Coalition military presence.

Senator FEINGOLD. Let me ask another angle on this. During last week's hearing, one of the witnesses before the committee, Dr. Hashim, indicated that Iraqis have complained more about contemptuous attitudes of private security personnel than about any other armed force in the country. To what extent do we supervise the actions of private security personnel employed by the United States contractors? And to what extent will you as the senior representative of the U.S. Government assume responsibility for their actions?

Ambassador NEGROPONTE. Well, to the extent that I have responsibility, I will exercise it. But, to be honest with you, I don't know the full extent of my responsibilities, but I will find them out.

Ambassador FEINGOLD. Obviously, it would be of great importance to us, and our success, that these attitudes not be conveyed by Americans that are in that country.

Ambassador NEGROPONTE. Yes.

Senator FEINGOLD. OK.

And in other post-conflict situations, we have seen corruption flourish and entrench itself during the period in which stability is very much a work in progress, and transparency and accountability are lacking. Do you believe this problem of corruption to be taking root in Iraq today, and what can we do to combat this trend?

Ambassador NEGROPONTE. I've heard some comments about corruption in Iraq, but I don't know all of the facts. I hasten to add, finding out facts about corruption isn't always the easiest thing in the world.

But I think among the ways to deal with this issue is to encourage the development of democracy. I think free elections are an important constraint on corrupt practices. I think encouraging a free press and the other kinds of institutions that hold people accountable.

Ambassador Bremer has reported that he's now encouraging—I think he may have indeed named the creation of a position of inspector general in each of the various ministries. And I think that is an important development. And I think that we should give those institutions encouragement as well.

So I think there are ways of helping the people and Government of Iraq find ways to hold their government accountable in keeping with democratic practices, and I think we should pursue that.

Senator FEINGOLD. I would agree that one of the most important things, for the credibility of the future government, is the ability to have a minimum of corruption.

Based on your experience at the United Nations, what is your assessment of how the United States presence and mission in Iraq is understood in the Arab world, and the broader Muslim world? Have we seen, in your view, a meaningful change in perceptions of the motives of the United States in the year since the war began?

And what kinds of consequences will negative perceptions have for U.S. interests around the world? What can we do to address any problems that may have cropped up in this regard?

Ambassador NEGROPONTE. Well, I wish I could give you an encouraging report on that. I'm not sure I can, Senator. I do think it's fair to say that in the Security Council, which has only one Arab state member, Algeria is currently representing the Arab world in the Security Council. I do think that attitudes have become more understanding and supportive of what we're trying to accomplish going forward. But I think we still have our work cut out for us in the Arab world in general.

Senator FEINGOLD. When would you date this sort of shift to a more sympathetic feeling?

Ambassador NEGROPONTE. Sympathetic may be strong, but I would go all the way back to May of 2003, when we succeeded in passing Resolution 1483, unanimously. So from that time forward we were able to muster—generate—consensus in the Security Council. But that doesn't mean that there may not have been underlying doubts and ongoing difficulties with the policies. But I think as far as wanting us to succeed in going forward, I think that attitude has been around for a while. Particularly, in the Security Council.

Senator FEINGOLD. I am interested to hear that, but it doesn't follow the broader trend in many Muslim countries' feelings toward us. But obviously you're there, and you would know the perceptions in the Security Council.

Ambassador NEGROPONTE. Well, I made the distinction between the Security Council on the one hand and the Arab world on the other hand.

Senator FEINGOLD. Yes, fair enough.

I thank you and I wish you well. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Feingold.

Senator Nelson.

Senator NELSON. Thank you, Mr. Chairman.

Mr. Ambassador, what was General Garner's position with regard to keeping the Iraqi army intact?

Ambassador NEGROPONTE. I don't know the answer to that question, Senator, I regret to say.

Senator NELSON. Well, I'm surprised that wasn't considerably discussed at the United Nations, in the back halls. It was my understanding that General Garner, when he had the responsibility, wanted to keep the Iraqi army intact, and he was overruled by a decision, I am told, by Ambassador Bremer who decided. Let me ask you that. Is it your understanding that Ambassador Bremer is the one who decided to disband the Iraqi army?

Ambassador NEGROPONTE. Well, it's certainly—that decision is attributed to Ambassador Bremer, so I assume that's the case. Yes, I'm sure he did not—I'm sure he did it with the consent of authorities in Washington.

Senator NELSON. And as you look forward now in your position, how do you go about helping knit back together that Iraqi army, and cutting off at a certain level the Baathist leadership that you would feel, that would be inimical to the interests of the United States?

Ambassador NEGROPONTE. Well, first, as of June 1, or July 1, excuse me, that responsibility really is going to shift more and more, where it's going to shift to some extent to the new Government of Iraq. But I think that apparently the decision has been made to modify the implementation of that policy with respect to Baathists, and that seems to be being welcomed, not only with respect to the security forces, but also with respect to other professionals in Iraqi society such as teachers, professors, and so forth.

And the other thing, as I was saying in my statement, and I think perhaps at a couple of other points, I can think of nothing more important than the training efforts that are going to be undertaken to improve the quality and capabilities of the Iraqi security services. Not only in their army, but also their police, their Iraqi Civil Defense Corps, their border police, and so forth.

And as I mentioned, that force adds up to some number around 200,000 and may even go slightly higher than that. But it is the quality and the training of these forces that I think is extremely important and deserves a lot of attention. And I am delighted that General Petraeus has gone back out to Iraq to undertake the responsibility for training Iraqi security services. And I think that's a very hopeful development.

Senator NELSON. I visited one of those police training facilities, east of Amman, Jordan in January. The question then, was whether or not you could produce enough trained police over the course of time, not only from that one training facility but from several others, in order to have a police force that can keep the peace.

And then, of course, the Marines moving on the city, to the west of Fallujah, what is it called, Ramadi? That's the city. I was so disappointed to hear that the Iraqi Civilian Defense Force, the ones to be fighting in conjunction with our Marines, suddenly melted away and disappeared.

What do you see as your role as our Ambassador there in order to get the ICDF, as well as the police force, to be a professional, effective kind of operation.

Ambassador NEGROPONTE. Well, as I mentioned, this is going to be the responsibility of our military. And General Petraeus, very experienced already in Iraq, has been given the assignment of overseeing and managing the training of Iraq's security forces. So my responsibility will not be a direct one.

But I can assure you that it will have my strong, personal support and encouragement because I think that the ultimate answer to dealing with security issues in Iraq is for the Iraqis themselves to develop the capability to deal with those questions.

Senator NELSON. I hope so. That's another reason that I was so disappointed in what we saw happen 2 weeks ago.

How long is it going to be for us, from a construction standpoint, to develop a new embassy, constructed and moved in, in Baghdad?

Ambassador NEGROPONTE. Well, first, Senator, my understanding is that we don't have funds for that project at the moment.

Senator NELSON. But you have plans.

Ambassador NEGROPONTE. There are plans, but we have nothing in the budget for that. My understanding is something on the order of 4 or 5 years.

Senator NELSON. So that leaves you, in the interim, to remain in the palace?

Ambassador NEGROPONTE. Well, actually, my understanding is that the Embassy is going to be in three different sets of buildings. And the palace will continue to be used for some of the—I don't want to call them back office—but some of the support activities of the Embassy. But my own office is going to be moved to a different location within the Green Zone.

Senator NELSON. Within the Green Zone?

Ambassador NEGROPONTE. Yes, sir.

Senator NELSON. Let's talk about the Syrian border.

There have been a number of press reports recently, most recently last week in the *Washington Times*, about the Jihadists going across the border into Iraq with the complicity of the Syrian Government. As our future Ambassador, what is your view about working with the Syrians to try to change this, if true.

Ambassador NEGROPONTE. Well, of course, that's been a problem with Syria, in terms of its support for Palestinian rejectionist groups, the Hamas, and the Islamic Jihad, and the fact that they have provided safe haven for those groups in Syria, while they were conducting terrorist activities in Israel and in the occupied territories. So it's a problem, in some respects, that is not new to us.

But I think my message to the Syrians would be that it would behoove them, and I think that it is in their interest, as well as the interest of the region, to do everything that they can to curb these kinds of activities and prevent them from happening.

I don't think it is going to be my job in Baghdad to deal with the Syrians on this issue, but I would hope that our diplomacy in support of our efforts in Iraq is going to be sending that kind of a message to the Government of Syria. I know they are already doing it. I think we're just going to have to keep hammering away at it.

Senator NELSON. Well, I hope so. I hope that that's the message that is being sent. I don't see any downside to having those kinds of messages sent to the Government of Syria. If nothing happens, nothing happens. But, if it is successful, it clearly seems like it's in the interest of lessening the people who come in to kill our young men and women.

Ambassador NEGROPONTE. I think in addition, if they reflect on the longer term, it really is in their interest that there be a stable and prosperous Iraq not only for them, but for all the countries of the region.

Sir, could I correct, or add to a statement—and I'm actually corrected. Ambassador Ricciardone reminds me that the construction of an embassy could be completed in 24 months from the receipt of the funds.

Senator NELSON. And of course, this committee no doubt will, under the able leadership of our chairman, will be quite responsive in coming forth with recommendations on those funds. But we have to know what the plans are before we can appropriate the funds.

Ambassador NEGROPONTE. A site has been identified, and General Williams is working on that. And I'm sure we will be back up to you on that question at some point in the future.

Senator NELSON. OK. And Mr. Chairman, I would just close out my comments by saying to the Ambassador, because he has not apparently had the advantage of hearing my ad infinitum comments here, about the offer that was suggested to me by the Syrian President, that he wanted to cooperate with the Americans in trying to close the border.

I have reported that to everybody in this administration until I'm blue in the face. And in some quarters it has been readily received, as in your department, as well as among people like General Myers, for obvious reasons.

But in some other quarters it has been derided, as if that was not serious coming from Assad. So I give you, even though you're not going to be talking directly with him, I give you that for whatever it is worth as you calculate what you are going to do.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Nelson.

Before I ask the final two questions, I will just announce that the record of the hearing will be kept open until 3 p.m. this afternoon, for additional comments, statements or questions from Senators. And in the event that there are additional questions, Ambassador, would you please respond as quickly and appropriately as possible? That will help us in completing the record in a timely manner.

I wanted to ask a question that has been raised by some of our colleagues who are not on this committee. As the Coalition has been formed, the United States and other nations have stepped forward to provide security in Iraq. Has any preference been given to member countries of the Coalition, with regard to contracts, with regard to business?

The question in this case is not being asked in an investigatory way. In other words we are not implying that some type of nefarious relationship is going on here. It has been asked as a practical matter of diplomacy. Are countries who are prepared to come forward with troops, promised an implied contract for their participation? Is it thought that they ought to get some business or some consideration when contracts occur in Iraq? Do you have any view of what has been occurring, or a view of what should occur?

Ambassador NEGROPONTE. Prospectively, I don't think I have a view. I don't think I know the answer to the question. I think looking back, my understanding and recollection was that Coalition members at the outset did have a priority with respect to prime contracting.

But then again, in many instances, I think there are only a few countries that could actually carry out prime contracts. Then as far as the subcontracting was concerned, that was pretty much open. And I believe this remains the case today.

The CHAIRMAN. Open then to any country.

Ambassador NEGROPONTE. Just about anybody, with a very few limitations which I'm sure must be of a legal or other nature.

The CHAIRMAN. Clearly, many Senators, many Americans who are looking at that question, would say that we really don't want to mix politics and business, or military commitment with commercial interest. I am simply raising the question out of curiosity.

In a practical way, often there is some mixture of the interests of countries in statecraft. The elements are not all military. In par-

ticular, when we're asking countries to commit forces and others are standing aside, out of a sense of fairness or equity, some say, well, after all, we're your friends, and we've stepped forward to help in this respect.

You are suggesting that maybe at the outset, there might have been a preference. Perhaps for the moment, the security situation is such that most contracts are not progressing very rapidly. There are many people who are offering to help and who are holding back until they are certain that their workers are secure.

As the reconstruction proceeds, some of these issues are likely to come to you, including questions of a business aspect as to how to sort out the equities, both American equities as well as others. I think you understand that. As I said, I am just curious as to whether you have any initial views, or if this is still an area of policy that, along with many of the issues, will have to be worked out with several parties?

Ambassador NEGROPONTE. I honestly don't have any initial views. But really it's more from lack of familiarity with the subject matter, Senator.

The CHAIRMAN. You responded in terms of your own physical presence in various places. For a while you will be back and forth, understandably to New York and to Washington, leading into this new assignment, participating in the debates and the work that you're doing currently in your role at the United Nations.

You indicated that you probably will be in this country, by and large, until the end of June, or close to that time. I'm curious, why would you not be in Iraq, say during the month of June, visiting with the Iraqi Government people, or helping to determine who will be in the government, and the security issues with the Armed Forces? Is this the kind of work that you can do in Washington and New York, with representatives of the countries or our country? Please give me some road map of your own itinerary, at this point.

Ambassador NEGROPONTE. Well, I think to answer your question of why, and again, this is obviously subject to the desires of the Secretary of State and the President. But why I wouldn't visualize being in Iraq during the month of June is that Ambassador Bremer is leading the Coalition Provisional Authority, and that is the vehicle for American representation in Iraq at this time. And the Embassy will not be created until the first of July. Or, the afternoon of 30 of June.

But I did say, and I did mention that I will have a team there including a Deputy Chief of Mission, Mr. Jim Jeffrey, who is currently our Ambassador in Albania, has been designated. And he has strong management skills, and strong political skills, and a terrific reputation in the Department of State as a leader. And he will be out there with his embryonic team by the 15th of May. So I think we will be getting going.

As far as my own plans, I really expect to be between here and New York during this intervening period, learning as much as I can, and also helping out on this question of the Security Council resolution.

The CHAIRMAN. That may very well be the best course. As you pointed out, you do not want to step on the act that precedes you.

Ambassador NEGROPONTE. Right.

The CHAIRMAN. On the other hand, a lot of what you've emphasized today, and what we've emphasized, indicates the need for a lot of hands-on rehearsing out there prior to Mr. Bremer leaving, or the transfer of some of his people over to your Embassy. As I understand some will be transferred and many will be new. Maybe this is something that our own government has to think through, that is the President, and the Secretary of State, and Defense and so forth, as to where you ought to be.

Physically, how will the success of this post beginning on July 1 best be ensured, even while we work out our own diplomatic sensitivities as to who ought to be where and so forth?

Normally, the role you have suggested would be fully appropriate. There would be resentment if somehow a new Ambassador arrived before the prior Ambassador left. It's almost like when the pastor of a church gives the final sermon. Sometimes it is best to have his or her departure first before somebody else takes over. Yet I think that this is, in a way, a markedly different situation, because of the extraordinary number of intersecting circumstances and personalities.

I will leave it at that, but I felt it was important to try to raise the issue of who is going to be there. You cited Mr. Jeffries and others. Of course, that was one of the important points of the testimony provided by Secretary Grossman in our hearing last week. It was tremendously helpful to the committee and to the Senate, that he brought a very considerable text indicating the outline of positions.

Ambassador NEGROPONTE. But let me just stress: just about the entire team will be there.

The CHAIRMAN. Yes.

Ambassador NEGROPONTE. During the month of June.

The CHAIRMAN. Therefore, those folks, with only a long distance call or two from you, may be able to give continuity to this.

We very much appreciate your testimony today. All the members have complimented you, and I continue that trend, in terms of the forthcoming answers and the detail to which you have replied. Likewise, where there are areas in which, because of the speed of this hearing, you have simply not had a chance to prepare, you have forthrightly indicated that.

I have suggested that with the cooperation of both sides of the aisle here, we will hold additional hearings of oversight in which those matters which are still to be resolved—or maybe as yet unforeseen circumstances, of which there may be many—may be reviewed by the committee in our oversight capacity. Perhaps such hearings might be helpful to you and to those who are working with you.

We wish you every success. As I pointed out, we will attempt to move the nomination into consideration by all of our colleagues on the floor of the Senate, as soon as possible.

Ambassador NEGROPONTE. Thank you, Mr. Chairman.

The CHAIRMAN. The hearing is adjourned.

[Whereupon, at 12:58 p.m., the committee adjourned, to reconvene subject to the call of the Chair.]

RESPONSES TO ADDITIONAL QUESTIONS SUBMITTED FOR THE RECORD

RESPONSES OF AMBASSADOR JOHN D. NEGROPONTE TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED BY SENATOR RICHARD G. LUGAR

Question 1. Throughout his tenure, Ambassador Bremer has been ably assisted by veteran U.S. diplomats with Middle East expertise. You will need them as well as skilled managers to handle this challenging assignment. Who has been tapped to join you at the Embassy?

Answer. We are very proud of the many State Department officers, including sitting Ambassadors in the Middle East, who have served in CPA. We have a number of senior volunteers for positions in the new Embassy, including many who have already spent time in Iraq over the past year.

Importantly, we have already selected Ambassador James Jeffrey to be the Deputy Chief of Mission at Embassy Baghdad. Amb. Jeffrey has served as the U.S. Ambassador to Albania since October 15, 2002. Amb. Jeffrey is a Minister-Counselor in the Senior Foreign Service; he joined the Foreign Service in 1977. Among many notable assignments, he has served as Deputy Chief of Mission in Ankara and Kuwait. Amb. Jeffrey's distinguished career in the State Department has proven his exemplary management and political skills. He will be going out to Baghdad on May 15th to begin the process of standing up the Embassy.

A number of other Senior Foreign Service officers have volunteered for the Department of State's counselor positions at Embassy Baghdad. We are in the process of finalizing these assignments and will be able to provide you with names in the near future.

In addition to the Department of State, several agencies will also be sending senior representatives to work at the Embassy. Several agency heads and chiefs have already been selected, while others are still in the process of being chosen.

Question 2. CPA has offices in Basrah, Hillah and Irbil. Do you intend to set up consulates outside of Baghdad?

Answer. On July 1, USG civilians will continue to serve in locations as needed throughout the country. We are planning for teams outside of Baghdad, including in Basrah, Hillah, Mosul, and Kirkuk. We are addressing logistical and security requirements. Over time, we may establish one or more consulates, but have made no decision yet.

Question 3. Do you think there are sufficient funds to support the reconstruction of Iraq? Have you discerned what your priorities might be for the \$4 billion in Supplemental Funds that have been held back for 2005?

Answer. We do not now anticipate further requests for Iraq reconstruction funds during the calendar year 2004. Of approximately 5000 reconstruction projects identified by the Coalition Provisional Authority (CPA) in consultation with the Iraqi Ministries, about 2200 are expected to be funded from the FY 04 Iraq Supplemental. The Program Management Office in Baghdad expects to be able to commit (i.e., identify for project needs), approximately \$10 billion of the Supplemental by June 30, half for physical infrastructure reconstruction projects and half for urgent non-construction and procurement needs. Of that sum, approximately \$6 billion have been already let in contracts. In addition, international commitments of \$1 billion for 2004 will be used toward a portion of the 700 projects prioritized by the Iraqi Strategic Review Board and an Iraqi Ministerial-level delegation that attended the Abu Dhabi donors' coordination meeting in February.

The CPA developed its original spending plan for the entire \$18.4 billion Supplemental, which was updated and reported to Congress in January and again in April, 2004. However, we expect that new priorities may emerge, possibly including, for example, post-June 30 Iraqi requests for more help in the areas of security force training and governmental capacity building. Of course, programs reflecting any changed priorities need to be developed in the context of the transfer to Iraqi sovereignty. Such changes would be developed by the State Department in consultation with the new sovereign Iraqi interim administration, with the U.S. agencies present in Iraq—among them the Defense Department (including the U.S. Army Corps of Engineers), USAID, Department of Commerce, Department of the Treasury, USTR, and others—and with the international donor community of the 53 nations committed to assisting with reconstruction in Iraq.

Question 4. On the draft Mission Diagram, you have a department called IRMO (Iraq Reconstruction Management Office) as well as an APCO (Army Program and

Contract Office). Describe their authorities, composition, function and funding source. Will USAID coordinate these functions for you?

Answer. The precise function and authorities of the Iraq Reconstruction Management Office (IRMO) and the Project and Contract Office (PCO) are under review. If the President decides to create IRMO, I anticipate it would be a temporary organization to administratively support advisors to Iraq's ministries and to prepare Iraq Relief and Reconstruction Fund (IRRF) project spending recommendations for the Ambassador. The Project and Contract Office, which is also subject to decision by the President, would be in the Department of Defense. It would be a way the U.S. Embassy agencies would implement Iraq reconstruction and recovery projects. Our plan calls for funding these organizations in whole or in part out of the IRRF.

USAID is a very important part of our reconstruction effort, and will continue to coordinate with all members of the Mission who are implementing projects throughout Iraq.

RESPONSES OF AMBASSADOR JOHN D. NEGROPONTE TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED BY SENATOR JOSEPH R. BIDEN, JR.

Question 1. The State Department Inspector General inspection of the U.S. Mission to the United Nations, conducted in early 2003, reported that "[a] major concern among some employees relates to a perceived lack of coordination at the top and a lack of feedback from the executive office. Although these disconnects appear to be due largely to the press of urgent business, the absence of smooth communication among the sections is noticeable to the outside observer."

- How do you respond to this portion of the report?
- Embassy Baghdad will be significantly larger than the U.S. Mission to the UN. How will you propose to ensure strong coordination and communication among all the Mission elements?

Answer. I would note that the observation in the inspection of the U.S. Mission to the United Nations was not considered sufficiently serious to warrant a specific recommendation and was made in the context of a highly favorable inspection. In addition, the inspection took place during the January-February time frame when we had three visits from Secretary Powell at the height of the Iraq debate. Notwithstanding these pressures, I and my staff made every effort to accommodate the inspectors.

Having said that, I would observe that upon assuming my responsibilities at USUN, I instituted several management mechanisms, including a daily staff meeting of all mission sections with representatives at both the ambassadorial and section head level to ensure regular dialogue and the sharing of information both with the executive staff and among sections themselves. This daily meeting is in addition to a weekly all-hands meeting of the entire mission staff. Following the inspection and at the informal recommendation of the inspectors, we also established a quarterly mission newsletter to further enhance communication within the mission.

I believe that our record of accomplishment demonstrates effective management and prioritization of the many critical issues that we deal with each day. And while we try to assure up to the minute coordination, there will inevitably always be some individuals who feel out of the loop. I do also believe that those few people who may have been dissatisfied with the extent of communication and coordination in 2003 would probably acknowledge today that substantial improvements have been made, in part because we have worked to bring progressively more senior staff into our decision making process.

In Baghdad, strong coordination and communication will be essential and I plan to ensure that they exist by establishing clear lines of communication, by empowering a strong deputy (Indeed, I have chosen one who has a reputation for excellent management skills), by naming a Chief-of-Staff, and through the support of an Executive Secretariat along the lines of the Secretariat in the State Department, which although not a typical feature in most embassies, will play a vital role in ensuring the coordination and flow of information both internally to the Embassy and externally.

As at USUN, I intend to have a regular series of country team meetings to ensure coordination among sections and with Mission management. I found in Mexico City, where I oversaw 33 different government agencies, that daily Country Team meetings were a very useful tool. I will probably have to wait until I arrive in Baghdad to decide what precise mechanisms I may use and at what frequency, depending on circumstances, needs and security considerations. But I can assure the Committee that I will work extremely hard to achieve the best possible communication and co-

ordination among mission elements; and I expect to establish close personal relationships throughout the mission. This will be especially important given the critical circumstances.

Question 2. Although the Transitional Administrative Law is an admirable document in many respects, it does not resolve some of the most pressing issues for Iraq—for example, the status of Islam and the degree of Kurdish autonomy. Furthermore, several of the Grand Ayatollah Sistani’s supporters on the Governing Council expressed dissatisfaction with some of the clauses, notably the “Kurdish veto” provision.

- What, in your view, are the stumbling blocks? What is the administration’s plan for resolving these disagreements? How important is it to resolve these ideas by June 30th?
- Does the CPA have a conduit to accurately relay our views to Grand Ayatollah Sistani? Since Grand Ayatollah Sistani does not talk to Ambassador Bremer, what expectation do you have that he will talk to you? If he won’t, how will we interact with him?

Answer. The Transitional Administrative Law (TAL), in Article 7(A) recognizes Islam as the official religion of the State and as a source of legislation. It declares, “No law that contradicts the universally agreed tenets of Islam, the principles of democracy, or the rights cited in Chapter Two of this Law may be enacted during the transitional period.” The TAL also enshrines many important principles—such as the rule of law, equality before the law, freedom of expression, freedom of religion, and women’s rights—that have been embraced by the majority of the Iraqi people.

The TAL establishes a basis for the administration of Iraq until a permanent constitution is drafted by an elected body and ratified through a national referendum and a government is elected under that constitution’s provisions. The Iraqi people must write and agree on a national constitution. We cannot do it for them. We believe, however, that the process of drafting the TAL has demonstrated that there is a national consensus on a number of these key issues and an ability to compromise. The U.S. will support the Iraqi people throughout this process. Our commitment to a secure, prosperous, free Iraq does not end on June 30.

CPA has means to accurately convey information to Grand Ayatollah Sistani’s closest advisors. Subject to the Senate’s confirmation, I welcome the opportunity to meet with the breadth of Iraqi society, including Grand Ayatollah Sistani, upon my arrival in Iraq.

Question 3. Secretary Wolfowitz implied last week before the Senate Armed Services Committee that there were conditions under which the transfer of sovereignty might be postponed. He said that “there are certainly ways to proceed if it can’t be done by July 1st,” thought he did not further elaborate.

- Under what circumstances would a transfer of sovereignty not proceed on June 30th? What are the “ways to proceed” in this case?

Answer. We remain committed to the June 30th deadline. Iraqi political leaders, our Coalition partners and the UN have all expressed support for the June 30 date. The transfer of governing authority, the end of occupation and the establishment of an interim Iraqi Government to lead the nation forward to national elections are shared goals and we fully expect to make the deadline.

Question 4. On April 7th you testified before the Senate Foreign Relations Committee on the oil-for-food program. During that hearing, we heard that Iraq had for at least three decades become a country built on corruption and graft. An official with Transparency International was quoted on an April 20th Minnesota Public Radio *Marketplace* broadcast as saying that “bad contracts, price gouging and kickbacks” could amount to as much as 20 percent of reconstruct funds spent.

The U.S. and international community are trying to pour enormous resources into Iraq. These resources have enormous potential to do good, but they also create an enormous potential for graft and corruption as well.

In your testimony, you said “Working with the Iraqi authorities, who best understand the needs of their people, the Mission will oversee the vast array of reconstruction projects underway in Iraq. We will ensure that these projects, financed by taxpayer’ funds, serve our policy goals and the priority needs validated by the Iraqis themselves, and we will hold these projects to the highest standards of financial accountability.”

- Could you please elaborate on what concrete measures the administration is taking to address the question of financial accountability and transparency?
- Has an external auditor been selected for the Development Fund for Iraq?

- How will the expenditure of the funds in the DFI account be managed after the CPA dissolves on June 30, 2004?
- What is the CPA's current assessment of the Iraqi ministries' capacity to assume political and economic responsibilities for governing Iraq by July 1, 2004?
- How is the CPA helping build Iraq's national ministries in such area as ensuring accountability, transparency, and due process?

Answer. Regarding your first question, CPA, in cooperation with the administration, has implemented a series of measures to address financial accountability and transparency. On January 28, the Iraqi Governing Council and Ambassador Bremer established the Commission on Public Integrity, an independent body dedicated to enforcing anti-corruption laws. On February 5, Ambassador Bremer issued an order creating an independent Inspector General in each Iraqi ministry to pursue investigations of waste, fraud, abuse and illegal acts. These inspectors general will cooperate with the Commission on Public Integrity. In addition, the Administration supported the creation of the International Advisory and Monitoring Board, an independent body endorsed by UN Security Council Resolution 1483 to oversee audits of Iraqi export oil sales and expenditures from the Development Fund for Iraq. This Board and CPA collaborated on the recent hiring of an independent public accounting firm to audit the oil sales and the DFI.

As we work on next steps in the Security Council, we will have a discussion with the international community on whether to preserve the IAMB during the transition period to provide oversight on the transparent and appropriate handling of Iraq's oil revenues.

On the second question, KPMG Audit & Risk Advisory Services won the contract to audit the Development Fund for Iraq and Iraq's export oil sales. CPA nominated this firm, and the International Advisory and Monitoring Board approved the selection. The contract for audit services was signed only in early April, so the first audit has not been completed. We would hope to have it available by late summer. It is part of the Board's Terms of Reference that all audits will be made public.

Regarding your third question, the Administration is looking at the possibility of a new UN resolution to address many of the issues involved in the transition to a sovereign Iraqi government on July 1. We anticipate that this resolution will recognize the dissolution of the CPA and the transfer of authority for disbursements from the DFI to Iraqi authorities. We also are considering the possibility of preserving the International Advisory and Monitoring Board after June 30 to continue to supervise audits of oil exports and the DFI. We have consulted with Iraqi authorities on this issue, and we will continue these consultations with the international community.

At the same time, CPA continues to work on putting in place a modern structure for public finance in Iraq. CPA is collaborating with the Iraqi economic team, the IMF, the World Bank, Washington agencies and other Coalition partners to develop a world-class financial management law by June 30.

With respect to your fourth and fifth questions, I unfortunately do not have that information. I would need to refer you to my CPA colleagues, or respond at a later time.

Question 5. The Iraqi Governing Council included a Ministry of Human Rights, but it has not been active. Some international human rights activists have called for this Ministry to be supplemented by a statutorily independent human rights monitoring system, or human rights ombudsman's office.

- Would you support the creation of such an institution, which would have a mandate to cover the full ranges of human rights issues and the power to conduct investigations?

Answer. This institution already exists. The Iraqis now have both a Ministry of Human Rights (MOHR), vested with creating laws and programs to ensure human rights protection in the future, and an independent National Human Rights Commission, to monitor human rights protection through the establishment of an Ombudsman and adherence to the "Paris Principles." Therefore, at the transfer of governmental authority, Iraq will have solid human rights institutions and a comprehensive human rights agenda.

The Transitional Administrative Law (TAL) protects the basic human rights outlined in many human rights documents. Under the TAL, all Iraqis "are equal in their rights without regard to gender, sect, opinion, belief, nationality, religion, or origin." It also advocates for a goal of having 25% women's representation in the transitional legislative body. These provisions will help to ensure that the transitional, and future government institutions, comport with international standards for human rights. Shortly after liberation, the CPA, working with the Iraqi Governing

Council, established the Ministry of Human Rights (MOHR), which is charged with addressing the past human rights atrocities in Iraq, and establishing conditions conducive to the protection of human rights and the prevention of human rights violations in the future in Iraq. Although the Ministry required several months to get up and running, it has already made tremendous progress towards accomplishing these goals. The Ministry established a Bureau of Missing Persons, a documentation project, a mass graves office, and has begun human rights education and NGO development programs in Iraq.

Recognizing that the MOHR is charged with the operational implementation of programs and policies to ensure that the protections of human rights are guaranteed to all Iraqi citizens, but not vested with the authority to actually take claims, the Iraqi Governing Council established a National Human Rights Commission (HRC) in the recent TAL so that Iraqi citizens would have an independent, impartial entity to take claims of human rights abuse against the government to. This National HRC is currently being developed using, in part, funding for human rights issues that Congress passed in the Iraq Supplemental. This National HRC will have an ombudsman type of role, and will comport with the "Paris Principles" for Human Rights Commissions necessary for international legitimacy.

In addition to these purely human rights institutions, are the Iraqi Special Tribunal (IST), the Iraq Property Claims Commission (IPCC), and a newly created National Commission for Remembrance, all dedicated to addressing the atrocities committed by the former regime and showing commitment of the Iraq people that fundamental human rights now exist in Iraq.

Question 6. After the fall of Saddam Hussein in April 2003, Iraqis began to identify mass gravesites around the country. Despite their awareness of the discovery of these gravesites, occupying U.S. forces did not move to protect the sites, provide professional direction and support for excavations, or deploy forensic teams. Consequently, flawed excavations by Iraqi civilians have rendered many bodies unidentifiable.

- If confirmed what will you do to help the Iraqi government improve protection of undisturbed mass gravesites, establish proper exhumation procedures and help preserve evidence for future criminal proceedings?

Answer.

- After the fall of Saddam Hussein in April 2003, families of missing Iraqi victims fled to mass grave sites around the country. To date, there have been 274 such sites reported. U.S. forces and CPA leadership were well aware of this "rush to the graves" and immediately interacted with local and national Iraqi leaders and members of civil society to determine the best approach. We launched a public information campaign, and aggressively pursued outreach by engaging leaders around the county. The CPA also sent officials to the grave sites that were being discovered to urge locals to be patient and wait for international assistance. This outreach campaign was extremely successful, and of the 274 sites reported around the country, only 14 were disturbed.
- The CPA's Office of Human Rights and Transitional Justice also established a CPA Core Forensic Team last May, which has been consistently staffed by members of the UK, Irish and US governments. This team worked closely with the Army's Criminal Investigative Division (CID) and the Marine Corp's Task Force Justice (TFJ) to identify those sites which will be useful for evidentiary purposes. The U.S. Armed Forces Institute of Pathology also sent a team to Iraq, which investigated one of several sites intended for use as evidence. The CPA also coordinated, and provided support for mass grave teams from Denmark, Finland and the UK, as well as experts from Sweden, the ICRC, ICMP and Physicians for Human Rights.
- Training of Iraqi experts in community-led procedures is already underway and we will continue those programs to ensure that these gravesites continue to be protected.
- Although Iraqis have no indigenous capacity for forensic investigations, we are working with them to ensure that they have all the necessary international resources, assistance and training to develop and preserve evidence, engage in thorough investigations, and conduct fair, open and effective prosecutions.

Question 7. Although much evidence has been destroyed, there is likely to be sufficient evidence to bring criminal prosecution for the crimes against humanity committed by the regime of Saddam Hussein. While a tribunal has been established to try Saddam Hussein and senior Baathist leaders, many abuses also were committed by lower level officials.

- What type of process would you recommend to bring these perpetrators to justice?

Answer.

- The Iraqi Special Tribunal was created by the Iraq Governing Council in order to try Saddam Hussein and other former regime officials for war crimes, crimes against humanity, genocide and other serious offenses.
- Nothing, however, precludes members of the Iraqi Ministry of Justice from trying lower level officials in local courts for regular offenses, such as murder, under the Iraqi Penal Code.
- In addition, the CPA and Iraqi officials have discussed the concept of a possible truth-revealing process, such as a Truth Commission. If this is something that the Iraq people desire to assist in their reconciliation process, then the Embassy will support this. Congress allocated funding to support a Truth Commission in the Iraq Supplemental.
- This will be an Iraqi-led process, with the support and assistance of the United States and other members of the international community.
- We cannot speculate on when trials might start, or who will be brought before the Tribunal, but it is important to note that the Tribunal be structured and procedures put in place so that any legal process is fair, objective, and in accordance with international standards.

SUDAN

Question 1. U.S. and senior UN officials have used the phrase ethnic cleansing to describe the actions of the Government of Sudan and government-sponsored militia in Darfur. Does the Security Council agree that ethnic cleansing is an accurate characterization? Do you believe what has occurred in Darfur is ethnic cleansing? Do you see a distinction between what has been going on in Darfur and events in Rwanda in 1994? What is that difference between ethnic cleansing and genocide?

Answer. We believe what has occurred in Darfur is ethnic cleansing. Government-supported Arab “jingawit” militias, working in coordination with government forces, have systematically forced Africans Muslims from the land by burning hundreds of villages and terrorizing the population. These tactics, amounting to a scorched earth policy, are clearly intended to force the African population permanently from the land. Arab Muslim villages that are sometimes in close proximity to the African Muslim villages have not been touched. UN Secretary General Kofi Annan has publicly condemned this ethnic cleansing. At a special briefing on Darfur on April 2, 2004 UN Under Secretary-General Egeland told the UN Security Council that what is taking place in Darfur is ethnic cleansing.

The events in Rwanda in 1994 have been found to constitute genocide under international law. As reflected in the recent Sudan Peace Act report to the Congress, we have reported extensively on the events in Darfur. We are closely monitoring the situation.

Question 2. What specific measures have you taken to obtain a Presidential Statement in the Security Council condemning the actions of the Government of Sudan in Darfur?

Answer. The United States has led the effort to bring Sudan to the Security Council’s attention, including helping arrange the April 2, 2004, briefing of the Council by UN Under Secretary-General for Humanitarian Affairs Jan Egeland. The Security Council issued a press statement following the briefing. We had initially drafted a Presidential Statement, not a press statement, but due to opposition from other Council members the Council only agreed to issue a press statement that was weaker than we sought. Because the Council’s statement was not as strong as we would have liked, Amb. Holliday met with the press immediately following the briefing to publicly emphasize the United States position that the Government of Sudan be held accountable for its actions in Darfur. The Department also issued a strong statement to the press that day during its daily press briefing.

World Food Program Director Jim Morris is currently in Darfur and we are working to have him brief the Security Council upon his return in early May. This will give us another opportunity to encourage the Security Council to take up this issue.

Question 3. What is the likelihood of the Security Council passing a resolution condemning the Government of Sudan’s actions in Darfur? Has the U.S. been working to push such a resolution?

Answer. The U.S. has been working to bring Darfur before the Security Council for some time now. On April 2, 2004 the Council issued a press statement following

a briefing by UN Under Secretary-General for Humanitarian Affairs Jan Egeland. We worked hard to arrange this briefing, which was opposed by several members of the Council. We sought to have the Council issue a Presidential Statement, but due to opposition from some Council members had to settle for a weaker press statement. We have been disappointed with the reaction of the Security Council to date regarding Darfur. We do not see sufficient support in the Council for agreement to adopt a resolution condemning the Government of Sudan at this time. We will continue working to keep this issue before the Council, pushing for the strongest possible action, if the Government of Sudan does not act to stop the violence in Darfur, to allow unrestricted humanitarian access, and to allow international monitoring of the situation there. World Food Program Director Jim Morris is currently in Darfur and we are working to have him brief the Security Council after his return next week. This will provide us with another opportunity to push the Security Council to take up this issue.

Question 4. On April 7, UN Secretary General Kofi Annan indicated that the international community may have to intervene with military force in Darfur if the security situation did not improve. Is such a force necessary in your estimation? What are your thoughts regarding the protection of civilians in Darfur?

Answer. We believe that all diplomatic measures should be taken to end conflicts before considering intervention in internal disputes by force. With U.S. support and participation, the UN Secretary General and the International community have pursued a ceasefire between the parties in Darfur. The Mediator, Chadian President Deby, assisted by the U.S., the EU, the AU and the UN, met with the parties from 30 March to 7 April in N'djamena, Chad. They were successful in obtaining an agreement between the parties to a humanitarian ceasefire in Darfur, to go into effect on April 10.

The agreement called for the establishment of a Cease Fire Commission (CFC) to be established by the parties, the AU and the international community. The CFC will monitor the ceasefire, hear reports of violations, investigate and work with the parties to ensure that the terms of the ceasefire are honored. Since the agreement to the ceasefire, there has been some diminution of violence, but "Jingaweit" militia are continuing violence against civilians. In an April 19-20 meeting in Addis Ababa, the U.S., the Mediator, the EU, UN, and the AU worked out details for international monitoring. We are pressing the Government of Sudan to agree to the immediate deployment of international monitors, including personnel from the U.S., EU, and AU. The U.S. is prepared to send monitors and provide logistical assistance to the CFC. A CFC with international membership, working closely with U.S. and international humanitarian aid agencies, will provide a credible mechanism—without military force intervention—to ensure that the ceasefire is being honored and, if not, to pinpoint which party is responsible and to apply necessary pressure to end the violence in Darfur.

Question 5. I understand that the United States attempted to get an article 9 resolution on Darfur in Geneva last week, but was unsuccessful. What are the practical consequences of this failure? Will the United States push for a special session of the UN Human Rights Commission to discuss Sudan? What could we expect to come out of such a session?

Answer. The United States pushed hard to obtain a resolution at the UN Human Rights Commission (CHR) calling for the appointment of a special rapporteur on Sudan under Agenda Item 9. The United States co-sponsored an Item 9 resolution tabled by the European Union. In the end, however, the European Union decided to drop support for such a resolution and instead agreed to a weak Africa Group proposal to issue a unanimous statement by the Chairman of the CHR calling for the appointment of an independent expert. We made clear our view that a statement calling for the appointment of an independent expert was not acceptable, since independent experts are generally appointed to work with countries that are deemed to be in the process of improving their human rights records. This is not the case with respect to the Government of Sudan, given the violence and atrocities being perpetrated in Darfur. The weaker text also omitted forthright statements about the atrocities being committed in Darfur.

We therefore voted against the proposed "draft decision", but the decision was adopted 50-1 (U.S.), with 2 abstentions (Australia and Ukraine). Before the final vote on the "draft decision" the U.S. offered two amendments taken out of the original tougher Item 9 resolution tabled by the EU, with more frank language on Darfur; those amendments failed, but the EU felt compelled to vote for their own previous language. Then, as a co-sponsor of the Item 9 resolution, we insisted that it be brought to a vote, but that motion was ruled out of order. At the time of the

vote, we made a very strong statement on Sudan. The U.S. considered it essential to stand up for the intended purpose of the CHR, especially when Secretary General Annan spoke at this CHR session to commemorate the tenth anniversary of genocide in Rwanda and suggested that ethnic cleansing appeared to be unfolding in Sudan. NGOs have strongly supported our stand.

What happened in Geneva sends the wrong message to the Government of Sudan by leading it to believe that it can avoid the toughest pressures despite the violence and atrocities it is perpetrating in Darfur. Our head of delegation, Ambassador Richard Williamson, indicated in Geneva that we want a Special Sitting of the CHR convened to consider the results of the visit of a CHR team to Darfur that is underway now. While this idea received no support, we intend to push for this. We are determined to maintain strong international pressure until the Government of Sudan takes the steps necessary to address the situation in Darfur: end the violence being perpetrated by the "jingaweit" militias; agree to international monitoring; and facilitate unrestricted humanitarian access.

RESPONSES OF AMBASSADOR JOHN D. NEGROPONTE TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED BY SENATOR GEORGE F. ALLEN

Question 1. Among the more significant Program Management challenges for the Coalition Provisional Authority and its successor for the re-building of Iraq are: (1) transferring knowledge, skills, and capabilities to Iraq's ministries and to its people; and (2) increasing involvement and opportunities for Iraqi women in the future of their country. Are you equally committed to supporting these initiatives, which have been incorporated in all private sector Program Management contracts for the re-building of Iraq?

Answer. The State Department is firmly committed to the goals of capacity building and empowerment of Iraqi women. As the CPA successor on U.S. Government assistance coordination, the State Department will inherit responsibility for contractual obligations from the CPA and will continue to respect them in implementation of bilateral assistance.

In addition, most State Department programs in Iraq since May 1, 2003 have been in the area of capacity building, including democracy building initiatives, security force training, re-establishment of the Fulbright program and other educational and information exchanges, and training for the demining of Iraq, in addition to a wide variety of initiatives among Iraqi women, including political training, promotion of women's organizations, and civic education. Furthermore, the State Department is exploring ways to increase capacity building and empowerment of women after the July 1st transfer of sovereignty by launching initiatives to create a U.S.-Iraqi women's network and promote women's participation in political, economic, and civic life. In addition, we are investigating taking advantage of the fact that most Iraqi engineering graduates are women, which represents an untapped resource for the reconstruction of Iraq.

Question 2. Among the more significant Program Management challenges for the Coalition Provisional Authority and its successor for the re-building of Iraq are: (1) transferring knowledge, skills, and capabilities to Iraq's Ministries and to its people; and (2) increasing involvement and opportunities for Iraqi women in the future of their country. How will you ensure that these initiatives are carried out in a timely and effective manner?

Answer. The State Department can ensure that initiatives that are built into contracts will be carried out in a timely and effective manner by ensuring that the contracts themselves are carried out in a timely and effective manner that respects the terms of the contracts. The State Department expects that \$5 billion of the \$18.4 billion supplemental for Iraq will be obligated to programs by June 30th. After July 1st, the State Department will inherit CPA's responsibilities for ensuring that capacity building, institution building, and empowerment of women remain an essential component of the Iraq reconstruction effort. All implementing agencies for U.S. bilateral assistance will report to the Chief of Mission (COM) for policy direction and general oversight, and the each implementing agency will ensure that vendors respect the terms of their contracts and subcontracts. The State Department strongly supports the efforts of the Iraqi line ministries, along with the World Bank and UN, to create training opportunities for Iraqis both within Iraq and outside its borders, programs that are ongoing and that should expand in the coming months.

RESPONSES OF AMBASSADOR JOHN D. NEGROPONTE TO ADDITIONAL QUESTIONS FOR
THE RECORD SUBMITTED BY SENATOR JON S. CORZINE

Question 1. Under Secretary of State Marc Grossman testified on April 22 that the interim government of Iraq “should not have a law-making body.” Transitional Administrative Law (TAL), Article 3(A), stipulates that there will be a National Assembly during the “transitional period.” Article 2(A) of the TAL defines the “transitional period” as beginning June 30, 2004. Can you clarify when a law-making body will come into existence in Iraq?

Answer. The TAL envisions a law-making, legislative body, the National Assembly, during the period of the Iraqi Transitional Government (ITG). The ITG will be formed through national elections to be held no later than January 31, 2005. Under Secretary Grossman was referring to the Interim Iraqi Government (IIG), which will hold office from June 30th until national elections are held. Though the IIG will not have a lawmaking body as such, it will have the ability to issue legally binding resolutions necessary to carry out the administration of the government and to prepare for elections.

Question 2. Can you provide further details on which policy decisions will be codified and in what manner? Will the Iraqi Interim Government be able to pass budgets or substantive regulations on matters such as criminal law or procedure, economic regulation, and anti-corruption? Will the Interim Iraqi Government be able to amend or repeal CPA orders?

Answer. On June 30, when a sovereign Interim Iraqi Government (IIG) assumes power in Iraq, the Transitional Administrative Law (TAL) will come into effect. Per Article 2 of the TAL, further delineation of the powers of the interim government that will govern Iraq until national elections are held will be spelled out in an Annex to be drafted prior to June 30.

There should be no doubt, however, that the interim government will be the sovereign government of Iraq and will run the daily affairs of government, including the budget, through Iraq’s 25 ministries. It would be reasonable to assume that because of its focus on preparing for national elections and limited life span, the IIG’s authority to pass permanently binding legislation should be constrained. Iraqis have made clear to us that they do not want an unelected body making certain long-term permanent commitments on behalf of Iraq. Given these considerations, we expect the IIG to have the power to pass legally binding regulations necessary to run the affairs of government and to establish Iraq as a responsible member of the international community.

Question 3. You testified to the Committee that there will be an “independent Iraqi Electoral Commission” to “oversee the electoral process”. Who will appoint the members of that Commission? Article 30(C) of the TAL states that there will be an election law and a law governing political parties. Who will be responsible for drafting those laws and which authority will issue or pass them? How does this square with the Under Secretary Grossman’s testimony that the IIG will not issue any new laws?

Answer. UN election experts have impressed upon their Iraqi interlocutors the importance of putting in place as soon as possible an effective Electoral Commission to manage the complex preparations for national elections. The Governing Council, the CPA, the UN election team and international election experts are working now on the structure and composition of an Electoral Commission and the text of an electoral law. Given the importance of moving quickly to establish the institutions and a framework for elections, we expect consensus will be reached well in advance of June 30.

After June 30, the IIG will guide the country to elections, and will have the authority to issue legally binding regulations to that effect.

The UN is playing a central role in this process, and we expect that role to continue after June 30. Their election experts have vast expertise derived from their work in numerous post-conflict situations. Their contribution to the Iraqi electoral process reflects the vital UN role that the administration has affirmed repeatedly, and which the Iraqi Governing Council called for in its letter of March 17.

Question 4. You testified to the Committee that “major decisions” related to oil contracts should await the establishment of an elected government in Iraq. Can you explain what contracts the Iraqi interim government will not be permitted to enter into, and what mechanism will exist to determine the extent of the government’s decision-making authority in this area?

Answer. The Interim Iraqi Government (IIG) will be limited in duration and have as its core focus the holding of national elections no later than January 31, 2005. It will have all necessary authorities to carry out the day-to-day operations of the government and to plan for elections.

Iraqis have made clear to us that they are concerned that an unelected “caretaker” government might bind a future, elected government of Iraq. Iraqis, the Coalition and the United Nations are still discussing these issues. Any limitations on the IIG’s authority will reflect the concerns of the Iraqi people and will be spelled out in the annex to the Transitional Administrative Law that will be drafted prior to June 30. We must emphasize that any limitation of the IIG’s authority does not imply any retention of Coalition authority.

Regarding oil, this might mean agreements to maintain, rehabilitate or improve existing fields or infrastructure would be approved while the Iraqi Interim Government is in office. Other, longer term contracts for exploration or development might be postponed until the elected Iraqi Transitional Government takes office.

Question 5. You testified the Iraq Interim Government will be able to conduct its own foreign policy. Will that government be able to enter into treaties? Will it be able to sign international agreements, both bilateral and multilateral? Will it be able to enter into whatever kinds of relations it chooses with other countries?

Answer. While technically still under Coalition authority, the Iraqi Ministry of Foreign Affairs is already conducting an independent Iraqi foreign policy. Our role has been to support rather than direct Iraqi efforts to normalize its relations with the international community. Foreign Minister Zebari has done an outstanding job confronting the challenges of establishing constructive bilateral relations and building a professional diplomatic corps, and he has traveled to numerous capitals to advance Iraqi interests. He has also participated in UN Security Council sessions related to Iraq.

The precise powers of the IIG are delineated in the TAL, including the Annex to be drafted before June 30. We anticipate that the IIG will have the authorities necessary to establish Iraq, through bilateral and multilateral treaties and international agreements, as a full member of the international community.

Question 6. What is the role of the Justice Department initiative related to the Iraqi Special Tribunal? Can you confirm whether the CPA or the Governing Council formally appointed Salem Chalabi to be the administrator of the Tribunal? Under Secretary Grossman testified on April 22 that the Iraqi interim government will be able to change the composition of the Tribunal. Can you confirm this? Is it your view that Coalition forces should hand over Saddam Hussein to the Tribunal before June 30th, after the establishment of an interim government, or after the formation of an elected government? Does this matter rest with the Ambassador or with the Department of Defense?

Answer:

- The Regime Crimes Advisor, appointed by the Attorney General, plans to establish an office (RCAO) in Baghdad that will continue the work of the Coalition Provisional Authority’s Office of Human Rights and Transitional Justice, which had previously been supporting the Iraqi-led efforts to create the IST. Specifically, the RCAO plans to assist the Iraqi tribunal investigators, prosecutors and investigative judges with the investigation and prosecution of members of the former Iraqi regime, and ensure the Iraqis receive appropriate training and technical assistance.
- Salem Chalabi was appointed as the interim administrator of the Court by the Iraqi Governing Council, until such time as a permanent President is selected and appointed.
- The Statute allows the interim government to appoint international judges if it deems appropriate. It also specifically calls for the use of international advisors. This will be an Iraqi-led process.
- The Iraqi Special Tribunal is in the very early stages of being formed, and the actual commencement of trials is not imminent. At the appropriate time, all relevant authorities will determine how and when to turn Saddam Hussein over for prosecution. Within the U.S. Government, that decision will be made in close consultation among the Ambassador and all concerned U.S. agencies.