

Opening Statement of Chairman Bill Delahunt
House Committee on Foreign Affairs
Subcommittee on International Organizations, Human Rights, and Oversight
Hearing on
**“United Nations Chapter VII Mandates and the
U.S.-Iraq Bilateral Agreement”**

This hearing will come to order.

Recently I noted that my friend and colleague from Massachusetts, Senator John Kerry, said that Iraq had become “The forgotten war.” I agree. Iraq no longer commands daily headlines. Here in Congress, the debate focuses on healthcare reform. And there are multiple briefings and hearings on Afghanistan.

But just because something’s forgotten doesn’t mean that it’s gone away. As former Secretary of State Colin Powell warned former President George W. Bush before the invasion of Iraq, “You break it, you own it.” He was right. And this hearing is about the status of that ownership – that responsibility, if you will.

In December of last year the United States and Iraq signed an agreement is commonly known as the Status of Forces Agreement or SOFA. I refer to it simply as the US-Iraq bilateral agreement. Because it was much more than just a typical SOFA. This subcommittee held a number of hearings as it was being negotiated. I believe that those hearings influence and improved the ultimate agreement signed by both governments. I continue to have concerns about it, however. And one of those is the subject of today’s hearing.

One purpose of the US-Iraq bilateral agreement was to replace the United Nations Security Council mandate for the US troops and other international forces in Iraq.

This mandate was what is known as a Chapter VII mandate. Chapter VII of the UN Charter concerns, and I quote: “Action with Respect to Threats to the Peace, Breaches of the Peace and Acts of Aggression” endquote. In effect, a Chapter VII mandate means that the international community, via the UN Security Council, has passed internationally legally binding resolutions regarding a particular country – irrespective of what that country’s people or government might wish.

Now, the US-Iraq bilateral agreement effectively ended the Chapter VII mandate regarding international forces in Iraq. This was welcomed in Iraq as an acknowledgement of their sovereignty and national dignity. After all, a Chapter VII mandate essentially says that you are a ward of the international community. That you’re not capable or trustworthy enough to run your country on your own. For anyone, but especially a people as proud as the Iraqis, this is profoundly insulting.

However, a number of other Chapter VII mandates still in force regarding Iraq. Most of them stem from the Saddam Hussein era. Article 25 of the US-Iraq bilateral agreement committed the United States to working with Iraq to address these remaining Chapter VII mandates and restore Iraq to full sovereignty in the family of nations.

Unfortunately, this is not as easy as it sounds. These mandates cover a range of issues – from border disputes – to compensation claims from the first Gulf War – to the bank account which protects Iraq’s oil revenue from lawsuits – to now-obsolete provisions regarding weapons of mass destruction. Depending on how they are defined, there are almost 20 different mandates. Many of them require Iraq to take certain steps -- that it has not yet taken -- for them to be eliminated.

Each of these mandates must be discussed, debated, and voted on in the Security Council. And the reality of the Security Council is that Russia, China, France, and the United Kingdom as well as the US can veto any resolution for any reason. Thus, it is clear that this will require the expenditure of considerable political capital by the US at the UN.

Some may say that we have enough on our plate – it's time to move forward and address other pressing issues. But let me suggest that we have given our word in a formal document. And as Secretary Powell observed, we have a moral obligation to the people of Iraq that simply cannot be denied.

I would also note that in many ways Iraq, its stability, and its potential posterity are essential in the Middle East. And a stable Middle East is essential to our national security and to World peace.

So this hearing is an effort to find out what needs to be done to terminate these mandates. What are the mandates under discussion? What is the process for eliminating them? What do the Iraqis have to do to help us help them? How does this affect Iraq's internal politics and its relations with its neighbors? What are the prospects for a possible referendum in January if we don't eliminate at least some of these mandates? What are the implications for US forces still in Iraq?

This hearing and the briefing immediately after it will explore these issues. But before I introduce our witnesses, I would like to turn to my Ranking Member, Dana Rohrabacher of California, for any opening comments he might have.