

**Acknowledge Partition and Withdraw:  
A Reality Based Strategy for Iraq**

**Testimony before the Senate Foreign Relations Committee**

by

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Chairman Biden, Senator Lugar, Members of the Committee on Foreign Relations:

Thank you for the invitation to testify before this Committee on alternative strategies toward Iraq. It is a special privilege to be here since the Committee staff was my professional home for 14 years and it is here where I began my education on Iraq.

Guiding Principles for US Strategy

It is clear that our present strategy for Iraq has failed miserably both in concept and execution. Any new strategy should, I believe, be based on the following premises:

First, the United States needs to extricate itself from Iraq as soon as feasible so that we can address other more urgent threats to our national security, including from nuclear North Korea and nuclear ambitious Iran.

Second, any new strategy should focus on the objectives that are achievable in Iraq consistent with the military and other resources we are prepared to commit.

Third, the starting point for any new strategy for Iraq should be the country as it is, not as we wish it were.

Iraq: Broken Apart and in Civil War

The reality of Iraq is stark. The country has broken up and is in the midst of a civil war.

In the southern half of Iraq, Shiite religious parties and clerics have created theocracies policed by militias that number well over 100,000. In Basra, three religious parties control—and sometimes fight over-- the 100,000 barrels of oil diverted each day from legal exports into smuggling. To the extent that the central government has authority in the south, it is because the same Shiite parties that dominate the center also control the south.

Kurdistan in the north is de facto an independent state with its own army and its own flag. The Iraqi Army is barred from the region, flying the Iraqi flag prohibited, and central government ministries are not present. The Kurdish people voted 98.5% for independence in an informal referendum in January 2005.

The Sunni center is a battleground between insurgents that command widespread local support and US forces. The Iraqi Army, which we proclaim to be a national institution, is seen by the Sunni Arabs as a largely Shiite force loyal to a Shiite-led government that they see as an ally of national enemy, Iran.

Baghdad is the front line of Iraq's Sunni-Shiite civil war. The Mahdi Army, the radical Shiite militia, controls the capital's Shiite neighborhoods in the east while al-Qaeda offshoots and Baathists control the Sunni districts in the west. In Baghdad, and in other formerly mixed areas, extremists are engaging in brutal sectarian cleansing with a death toll probably in excess of 200 a day.

### Twin Pillars of Current Strategy

The Bush Administration's strategy for Iraq rests on two pillars: First, an inclusive and effective national unity government that represents Iraq's Shiites, Sunnis and Kurds, and; Second, the development of effective Iraqi Army and police that can take over security responsibilities from US forces.

Iraq does not have a government of national unity. Prime Minister Nouri al-Maliki pursues a sectarian Shiite agenda, as seen most dramatically in the manner in which he carried out Saddam Hussein's execution. The Maliki Government is keen to fight the Sunni insurgents—or to be more precise, to have the US military fight Sunni insurgents—but has resisted all steps to disband Shiite militias. But, even if Iraq had a genuine national unity government, it would be largely irrelevant. There is no part of the country where the government actually exercises significant authority.

Iraq's army and police are either Shiite or Sunni. In Baghdad, the Shiite death squads that target Sunnis are the police. In Sunni areas, the police are often insurgent sympathizers or insurgents. Iraq's army, while somewhat better, is divided into Shiite, Sunni and Kurdish battalions. These are ultimately loyal not to the nominal chain of command, but to their sects, or, in the case of the Kurds, to the Kurdistan Regional Government. In a country in the midst of a civil war, it is unrealistic to believe that that Iraq's security forces can somehow be different from the country itself.

Iraq's security forces are not neutral guarantors of public security but combatants in a civil war. US training has not made—and will make—these forces into Iraqis. It will only create more lethal combatants in a civil war.

### What would be required to achieve a democratic and unified Iraq

To achieve the Bush administration's stated goal of a self-sustaining unified and democratic Iraq, the United States would have undertake two major military missions that it is not now undertaking. First, it would have to disarm forcefully Iraq's Shiite militias and dismantle the Shiite theocracies that these militias keep in power. This would bring the US into direct conflict with Iraq's Shiite power structure. The Shiites are three times

as numerous as the Sunni Arabs, possess more powerful armed forces, and have in neighboring Iran a powerful ally.

Second, the US would have to end Iraq's civil war. This means deploying US troops to serve as the police in Baghdad and other mixed areas for an indefinite period of time. These are not tasks that can be handled by Iraqi security forces since there are no such forces that are trusted by both Sunnis and Shiites.

The Bush Administration has no intention of undertaking either of these missions which would require many more troops, mean significantly greater casualties (especially if we tried to use our troops as police), and probably not succeed.

#### Iraq's Constitution: A Road map to Partition.

The alternative is to accept the reality an Iraq that has broken up and work with its components. We should get out of the business of nation building in Iraq and respect the democratic decision of the Iraqis to have a country of strong regions and a powerless center.

Iraq's Constitution, adopted by 80% of Iraq's people, is a roadmap to partition. It recognizes Kurdistan as a self-governing Region and permits other parts of the country to form Regions. Iraq's Council of Representatives has already passed a law paving the way to the formation of a Shiite "super-region" in fifteen months.

Under the Constitution, Iraq's Regions can have their own armies (called Regional Guards) and exercise substantial control over their natural resources including oil. Except for the short list of exclusive federal powers listed in Article 110 of the Iraqi Constitution, regional law is superior to federal law. By design, Iraq's Constitution makes it difficult for the central government to function and its few powers do not even include taxation.

#### Withdraw where we have no achievable mission

By accepting the reality of Iraq, we can see a path to withdrawal. The Shiite south is stable, albeit theocratic and pro-Iranian. If we are not going to disband the militias and local theocracies—which we allowed to become established during the CPA's formal occupation of Iraq—there is no purpose served by a continued coalition presence in the Shiite southern half of Iraq. We should withdraw immediately.

In the Sunni center, our current strategy involves handing off combat duties to the Iraqi Army. Mostly, it is Shiite battalions that fight in the Sunni Arab areas, as the Sunni units are not reliable. What the Bush Administration portrays as Iraqi, the local population sees as a hostile force loyal to a Shiite dominated government in Baghdad installed by the Americans invader and closely aligned with the traditional enemy, Iran. The more we "Iraqize" the fight in the Sunni heartland, the more we strengthen the insurgency.

If the Sunni Arabs were to form their own region, they could take control of their own security. Right now, the choice for ordinary Sunnis is between what they see as a radical Shiite government that sponsors anti-Sunni death squads and their own extremists. Within the establishment of a Sunni region, the choice becomes one between nationalist and traditional leadership on the one hand and the Islamic extremists on the other. Outsiders can influence this choice by providing economic incentives for a more moderate Sunni Arab government. The US should state that it will withdraw from the Sunni Arab Region when its Regional Guard is established.

So far, the Sunni Arabs have been the strongest opponents of federalism in Iraq. But, with Kurdistan already in existence and a Shiite Region likely on its way, the Sunnis are faced with a choice between governing themselves or being governed by a Shiite dominated central government in Baghdad.

### Baghdad

Because it is Iraq's most mixed city, Baghdad is the frontline of Iraq's Sunni-Shiite civil war. It is tragedy for its people most of whom do not share the sectarian hatred that is fueling a killing spree that is taking several thousand lives a month. Iraqi forces cannot end the civil war because many of them are partisans of one side, and the proposed surge of US troops will not end it. There is no good solution to Baghdad. Ideally, the US could help broker a political deal for power sharing among Sunnis and Shiites (with space for the much smaller Christian, Mandaean/Sabean, Turkmen, and Kurdish communities). But, the reality is that Baghdad is already divided. A formal division into Shiite and Sunni sectors may be the only way to halt the effort by Shiite militias to enlarge the Shiite parts of the city.

Unless the US is prepared to assume long term police duties in Baghdad, we should withdraw our troops from the city. If we withdraw, there will be sectarian cleansing of mixed neighborhoods and sectarian killing. And, this will be the case if we stay with our current forces or even after the modest surge now being discussed.

### Kurdistan

Kurdistan is Iraq's most stable region. It is the one part of the country that is the pro-western, secular and aspiring democracy that the Bush Administration had hoped for all of Iraq. The United States should work to strengthen democratic institutions in Kurdistan as well as the military capabilities of the Kurdistan military (the peshmerga) which is Iraq's only reliable indigenous military force.

Iraq's Constitution provides for a referendum to be held by the end of this year to determine the status of Kirkuk and other areas disputed between Kurds and Arabs. Holding this referendum has the potential to increase significantly violence in areas that are ethnically mixed. On the other hand, Kirkuk has been a source of conflict in Iraq for seven decades. Failing to resolve the matter at a time when there is a constitutionally

agreed process to do so is also likely to produce conflict and is destabilizing over the long term.

Because of our special relationship with the Kurds, the US has clout that it does not enjoy elsewhere in the country. The US should engage in a major diplomatic effort to resolve the boundaries of Kurdistan through negotiation wherever possible. The Kurds, who hold the upper hand in much of this disputed territory, should be cautioned about the dangers of over reaching. With regard to Kirkuk, the US diplomacy should focus on entrenching power sharing among the governorate's four communities—Kurds, Turkmen, Arabs, and Chaldean/Assyrians—so that all have a stake in Kirkuk regardless of the outcome of the referendum.

#### Preventing al-Qaeda from having a base

The US has one overriding interest in Iraq today—to keep al-Qaeda and like-minded salafi terrorist groups from having a base from which they can plot attacks on the US. If Sunni Arabs cannot provide for their own security, the US must be prepared to reengage.

This is best accomplished by placing a small over the horizon force in Kurdistan. The Kurds are among the most pro-American people in the world and would welcome a US military presence, not the least because it would help protect them from Arab Iraqis who resent their close cooperation with the US during the 2003 War and thereafter. From Kurdistan, the US military could readily move back into any Sunni Arab where al-Qaeda or its allies established a base. The Kurdish peshmerga would willingly assist their American allies with intelligence and operationally. By deploying to what is still nominally Iraqi territory, the US would avoid the political complications---in the US and in Iraq---involved in reentering Iraq following a total withdrawal.

#### Will Iraq Stay Together?

Can Iraq survive as loose federation? Over the short term, Iraq's Kurdish and Shiite leaders are committed to the constitutional arrangements while the Sunni Arabs say that want a more centralized state. Both Sunni Arabs and Shiites identify as Iraqis, although they have radically different visions as to what Iraq should be. The creation of Sunni and Shiite federal units therefore is not likely to lead to a full separation. Rather, by giving each community their own entity, federalism can help avoid the alternative where Sunnis and Shiites fight a prolonged civil war for control of all Arab Iraq.

The Kurds do not identify as Iraqis. They associate Iraq with decades of repression and with Saddam Hussein's genocide. Almost unanimously, Iraqi Kurds want their own independent state. Keeping people in a state they hate is a formula for never ending conflict of the sort that has characterized the entire history of modern Iraq. The US may—and for the time being probably should —delay Kurdistan's full independence, but we cannot prevent it.. Our real interest is in preventing the violent break up of Iraq, and not in holding together a country that brought non-stop misery to the majority of its people for its entire history.

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