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Iraqi Challenges and U.S. Responses: March 1991 through October 2002

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Summary

Iraq has not fully complied with terms of the cease-fire agreements that followed the expulsion of Iraqi forces from Kuwait in early 1991. Several Iraqi violations of cease-fire provisions have resulted in brief military confrontations between Iraq and the United States, supported in some cases by other allied forces. Iraqi violations prompting a U.S. military response have fallen into four general categories: obstruction of U.N. weapons inspection teams, involvement in international terrorist acts, failure to abide by air exclusion zones imposed by the allies over parts of Iraq, and troop movements that could threaten Kuwait or internal targets of repression by the Iraqi Government.

Limited confrontations took place between 1991 and 1994, as Iraq periodically violated cease-fire agreements. In October 1994, Iraq briefly moved elite troops south toward Kuwait, but withdrew them after the United States began deploying more forces to the Gulf region. In August 1996, Iraq moved three divisions into the allied-protected Kurdish enclave in northern Iraq, allegedly at the invitation of one of the two rival Iraqi Kurdish factions. The United States responded with air and sea-based missile strikes directed against military targets in southern Iraq. Although Iraqi forces quickly withdrew from the Kurdish enclave, several news reports indicate that the Iraqi incursion disrupted a U.S. covert action aimed at toppling the Iraqi regime.

Increasing Iraqi obstruction of U.N. weapons inspections, despite several pledges by Iraqi officials to cooperate, led to the withdrawal of U.N. inspectors in December 1998. There followed four days of air and missile strikes against Iraq by U.S. and British air force and naval units. A series of follow-on military clashes have occurred since 1998, as Iraqi air defense units have tried to target allied aircraft enforcing the no-fly zones over northern and southern Iraq. After a brief lull following the September 11, 2001 terrorist attacks, military clashes between allied and Iraqi units intensified in 2002, amid widespread discussion that the United States might undertake a major military campaign to unseat Iraqi President Saddam Hussein and eliminate Iraq's weapons of mass destruction or programs to develop them. On October 11, 2002, President Bush signed H.J.Res. 114 (P.L. 107-243), which authorizes the President to use the U.S. armed forces to defend the national security of the United States against the continuing threat posed by Iraq, and enforce all relevant U.N. Security Council resolutions regarding Iraq.

This report, which will not be updated, is designed as a source of ready reference for congressional offices interested in instances of use of force by the United States against Iraq from the end of the 1990-1991 Gulf war until October 11, 2002. Subsequent confrontations will be monitored in other CRS products, including CRS Issue Brief IB92117, *Iraq: Weapons Threats, Compliance, Sanctions, and U.S. Policy,* CRS Report RL31629, *Iraq-U.S. Confrontation: International Attitudes,* and CRS Report RS21325, *Iraq: Divergent View on Military Action.*

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In February 1991, a U.S.-led coalition of allied military forces expelled Iraqi forces that had occupied Kuwait since August 1990. Several cease-fire agreements followed the termination of hostilities on February 28, 1991. Periodic Iraqi violations of cease-fire terms and other provocative acts by Iraq precipitated a series of brief confrontations with the United States over the next six years. A more extended series of confrontations began in late 1997. In this connection, Iraq's armed forces, though significantly weakened by the defeat they suffered in 1991, are still among the largest in the Persian Gulf region (see **Table 1**, below).

This report reviews cease-fire terms that followed the Gulf war in early 1991; highlights provisions that Iraq has been prone to violate; describes resulting confrontations between the United States and Iraq after 1991, together with international reactions; and summarizes related points of congressional interest. The purpose of this report is to provide background information on confrontations between the United States from the end of the Gulf war until passage of the congressional resolution on Iraq (H.J.Res. 114, P.L. 107-243). This resolution authorized the President to use the U.S. armed forces to defend the national security of the United States against the continuing threat posed by Iraq, and enforce all relevant U.N. Security Council resolutions regarding Iraq.

Cease-fire Terms and Violations

The Agreements

Cease-fire arrangements following the 1990-1991 war consisted of three agreements that are summarized below. The first two were temporary and the third established a permanent cease-fire. Some additional requirements were levied on Iraq as well.

Resolution 686. On March 2, 1991, the United Nations Security Council passed Resolution 686, which imposed several conditions on Iraq. Resolution 686 demanded that Iraq cease all hostile actions against allied forces, accept earlier U.N. resolutions calling for Iraq's withdrawal from Kuwait, release Kuwaiti citizens and others detained in Iraq, begin returning property seized in Kuwait, and accept liability for damages resulting from its invasion of Kuwait. Also, the resolution demanded that Iraq appoint military commanders to meet with allied military commanders to arrange the military details of a cease-fire.

The Safwan Accords. The Safwan Accords refer to the cease-fire agreements made between allied military commanders and Iraqi officers, under the provisions of Resolution 686, above. On March 3, 1991, the U.S. commander, U.S. Army General H. Norman Schwarzkopf, and other allied commanders met with Iraqi officers at the town of Safwan in southern Iraq and agreed on several matters: return of prisoners of war, removal of mine fields, and procedures to prevent any further outbreaks of fighting between Iraqi and allied forces. The Safwan Accords also provided for a temporary cease-fire line, with the understanding that allied forces would remain in southern Iraq until a permanent cease-fire agreement came into effect. Furthermore, the Accords banned flights by Iraqi fixed wing aircraft throughout Iraq to avoid threats to allied forces temporarily remaining in southern Iraq, but permitted flights by Iraqi helicopters (with some restrictions on armed helicopters). The ban on Iraqi aircraft flights was relaxed when allied forces left Iraq in May 1991; however, the United States and western allies believe it continues to apply over areas in which allied combat aircraft still operate in support of U.N. resolutions (i.e., the no-fly zones over northern and southern Iraq, as discussed below).[1]

Resolution 687. On April 3, 1991, the U.N. Security Council passed Resolution 687, which established a formal cease-fire and imposed a number of long-term requirements on Iraq. Resolution 687, sometimes known as the omnibus cease-fire resolution, provided for demarcation of the border between Iraq and Kuwait, a U.N. guarantee of the border, and a U.N. observer force to monitor the border area. The resolution called on Iraq to return Kuwaiti property it had seized and to release Kuwaiti and foreign citizens it had detained, required Iraq to compensate victims of its aggression, and demanded that Iraq agree to refrain from terrorist acts. In addition, the resolution required Iraq to agree to the removal or dismantling of its weapons of mass destruction and to end its programs to develop such weapons (i.e., chemical, biological, or nuclear weapons and longer range missiles).[2] The resolution retained restrictions on imports by Iraq, except for food, medicine, and essential civilian supplies; banned shipments of military equipment to Iraq; and continued to ban Iraqi exports until the U.N. Security Council is satisfied that Iraq is free of mass destruction weapons. Of note, Resolution 687 was enacted under Chapter VII of the U.N. charter (peace and security); hence, the provisions of this resolution could be enforced through military action.

Other Terms and Conditions. Since passing Resolution 687, the Security Council has adopted over 25 resolutions and statements to implement or amplify the terms of the basic cease-fire agreement. Of particular significance was Resolution 688 adopted on April 3, 1991. This resolution, which demanded that Iraq cease

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[1] The terms of the Safwan Accords have not been formally published. For discussion of the meeting at Safwan and the main points agreed upon, see H.R.H. Prince Khaled bin Sultan, *Desert Warrior*, New York, Harper and Collins, 1995, pp. 421-438. General bin Sultan was the Saudi Arabian commander of joint Arab and Islamic forces in the allied coalition.

[2] Resolution 687 also established a U.N. Special Commission (UNSCOM) to conduct inspections designed to identify and dismantle Iraqi chemical agents, biological agents, and long range missiles, and tasked the International Atomic Energy Agency (IAEA) with similar responsibilities regarding Iraqi programs to develop nuclear weapons.

repression of its population, was aimed especially at terminating Iraqi reprisals against Kurds in the north and Shi'ite Muslims in the south, after both had revolted in the aftermath of the Gulf war. Resolution 688, however, was not enacted under Chapter VII of the U.N. charter, and opinions differ within the international community over the criteria for enforcing its terms. (Texts of these and other resolutions are contained in CRS Report 91-395, *Iraq-Kuwait: U.N. Security Council Resolutions, Texts and Votes–1991*, and CRS Report RL31611, *Iraq-Kuwait: United Nations Security Council Resolutions, Texts–1992-2002*, both by Marjorie Ann Browne.)

Iraqi Violations

Iraq reluctantly accepted the omnibus cease-fire Resolution 687 on April 6, 1991; the U.N. Security Council has found Iraq not to be in full compliance with the terms of this resolution. [For more information on Iraqi violations, see CRS Issue Brief IB92117, *Iraq: Weapons Threat, Compliance, Sanctions, and U.S. Policy*, by Kenneth Katzman, updated regularly.] On seven occasions between 1991 and 1993, the Security Council found Iraq in "material breach" of the provisions of Resolution 687. The Council has not agreed on this wording since June 1993, reflecting to some extent an erosion of the former international consensus behind forcing Iraq to comply with cease-fire terms.[3] Subsequent resolutions and statements by the Council, however, have continued to warn Iraq of "serious consequences" of violating the terms of U.N. resolutions. A paper issued by the White House in conjunction with a speech by President George W. Bush on September 12, 2002 enumerated 16 U.N. Security Council resolutions which the Administration believes Iraq has repeatedly violated.

Iraqi actions prompting a U.S. military response have fallen into four general categories, as summarized below. In addition, Iraq has engaged in other cease-fire violations that have not resulted in a direct confrontation with the United States. These include failure to return missing Kuwaiti property and to account for approximately 600 Kuwaitis and other foreign citizens who are believed to be still under detention in Iraq.

Weapons Inspections. Resolution 687 established an inspection regime to find and eliminate Iraqi weapons of mass destruction and facilities to develop them, including chemical and biological agents, nuclear facilities, and missiles with ranges exceeding 150 kilometers (93 miles). The resolution also stipulated that Iraq was to provide the U.N. Secretary General a list of all such weapons in its possession within 15 days. In addition, Resolution 707 requires Iraq to allow U.N. weapons inspectors to use their own aircraft, and Resolution 715 provides for long term monitoring of Iraqi facilities that could be used to develop mass destruction weapons. Iraqi authorities interfered frequently with the conduct of inspections, concealed important evidence of programs to develop weapons of mass destruction, and repeatedly

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[3] For a listing of occasions when the Security Council found Iraq in "material breach" of cease-fire terms, see Greg Saiontz, "A Chronology of Diminishing Response: UN Reactions to Iraqi Provocations since the Gulf War," Research Notes, The Washington Institute for Near East Policy, June 3, 1997, pp. 1-5.

provided incomplete and inaccurate declarations of the extent of its past programs to develop mass destruction weapons. U.N. inspectors gradually discovered weapons plants and programs not initially revealed by the Iraqis in their initial list or in subsequent declarations to the United Nations.

Terrorism. Resolution 687 requires Iraq to assure the Security Council that it will not commit or support terrorist acts. Iraq remains on an annual list of countries identified by the U.S. State Department as supportive of international terrorism. In the spring of 1993, Iraq was implicated in a plot to assassinate former President George Bush while on a visit to Kuwait.

No-Fly Zones. The United States, together with Britain and France, began enforcing air exclusion zones over northern and southern Iraq, respectively, in 1991 and 1992. The northern and southern no-fly zones cover 43,707 square kilometers (16,871 square miles) and 227,277 square kilometers (87,729 square miles), respectively; together, these zones cover 270,985 square kilometers (104,600 square miles), or 62% of Iraqi territory. (See **Map 1**.) U.S. officials base the no-fly zones primarily on Resolution 688, which demands that Iraq end repression of its population (notably Kurds in the north and Shi'ite Muslims in the south), and on the Safwan Accords, which forbid Iraq to interfere with allied air operations over Iraq. Some countries question this interpretation, arguing that Resolution 688 was not passed under Chapter VII provisions (peace and security) and does not by itself permit military action to enforce its terms. Iraq maintains that the no-fly zones constitute an illegal infringement on its sovereignty and has frequently fired on allied planes conducting overflights to enforce these zones. (Map 1 shows the no-fly zones in Iraq.)

Map 1. Iraq: No-Fly Zones

Adapted by CRS from Magellan Geographix. Used with permission.

Troop Movements. In conjunction with establishing the northern no-fly zone in 1991, the United States and its allies warned Iraq not to move ground forces into a portion of the zone where the allies had established a protected enclave for Iraqi Kurds. On at least one occasion, in the summer of 1996, Iraq briefly moved ground forces into Kurdish controlled areas, as discussed below. Previously, in October 1994, the apparent deployment of Iraqi armored forces toward Kuwait led to Security Council Resolution 949, which demanded that Iraq complete the withdrawal of these units and refrain from threatening its neighbors in the future. (U.S. and British officials sometimes interpret this resolution as imposing a "no-drive" zone in the south, in addition to the no-fly zone already in place in that area.)

The Course of the Confrontations

Early Incidents, 1991-1992[4]

Iraqi defiance of cease-fire terms initially took the form of obstructing the work of U.N. weapons inspectors seeking to identify and dismantle Iraqi weapons of mass destruction. Iraqi interference affected the conduct of inspections by two groups: the International Atomic Energy Agency (IAEA), charged with inspecting Iraqi nuclear programs, and the U.N. Special Commission (UNSCOM), established pursuant to Resolution 687 and charged with inspecting chemical and biological weapons and medium and long range missiles. Listed below are some of the more notable incidents that occurred during the year following the establishment of the U.N. weapons inspection regime in June 1991.

- Between June and August 1991, Iraqi officials periodically denied IAEA inspectors access to sites they wanted to visit, provided information on several weapons programs that later proved to be false, and at one point fired shots over the heads of weapons inspectors.

- On two occasions in September 1991, Iraqi officials refused to allow U.N. inspectors to depart installations where they had gathered documentation, insisting initially that the inspectors return documents they were carrying.

- In January and February 1992, Iraqi officials refused to allow UNSCOM inspectors to destroy certain missiles and related equipment the inspectors had identified as subject to dismantling under relevant U.N. decisions.

- In July 1992, Iraq officials refused to let UNSCOM inspectors enter the Iraqi Ministry of Agriculture, which the inspectors believed to be housing proscribed material.

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[4] For further information, see Greg Saiontz, "A Chronology of Diminishing Response: UN Reactions to Iraqi Provocations since the Gulf War," Research Notes, The Washington Institute for Near East Policy, June 3, 1997, pp. 1-3.

The Security Council described the confrontations in June-August 1991, January-February 1992, and July 1992 as "material breaches" by Iraq of cease-fire terms. The Council condemned Iraqi obstruction of U.N. inspectors in September 1991, but did not describe it as a material breach. (The January-February 1992 confrontation resulted in two findings of "material breach," giving a total of four such findings by the Security Council in 1991 and 1992.) None of these incidents led to military action or deployments on the part of the United States or other members of the Security Council. The findings of "material breach," however, may have strengthened the hand of the United States in responding to subsequent violations, as described below.

January 1993 Confrontation[5]

Tensions increased during 1992 as several developments led Iraq to mount more aggressive challenges to restrictions imposed after the Gulf war. In August, the United States, Britain, and France imposed a second no-fly zone, this time over southern Iraq, in response to increasing Iraqi military campaigns against Shi'ite Muslim guerrillas in the south. (France stopped participating in these overflights–known as Operation Southern Watch–at the end of 1998.) Later, on November 23, 1992, a U.N. commission established by Resolution 687 completed demarcation of the Kuwaiti-Iraqi border, awarding to Kuwait additional territory including a former Iraqi naval base and several oil wells. Iraq condemned the findings of the commission. In addition, the outcome of the November 1992 presidential elections in the United States may have prompted Iraqi President Saddam Hussein to test the willingness of the outgoing Bush Administration and the incoming Clinton Administration to continue enforcing terms of the cease-fire.

Several subsequent Iraqi actions prompted a series of allied responses in January 1993.

- In late December and January 1993, an Iraqi jet aircraft violated the southern no-fly zone; Iraq briefly deployed air defense batteries in the zone; and Iraqi units activated their targeting radar in the zone, precipitating confrontations with allied coalition aircraft.

- In early January 1993, Iraqi officials tried to prevent U.N. weapons inspectors from using their own aircraft in Iraq and banned a flight by weapons inspectors returning to Iraq, prompting another "material breach" finding by the U.N. Security Council.

- On four occasions, also in early January, groups of Iraqis seized weapons and dismantled military equipment warehouses in the demilitarized zone (DMZ) between Iraq and Kuwait. Iraq claimed it had permission from the U.N. mission monitoring the DMZ to

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[5] For further information, see Facts on File Yearbook 1993, pp. 29-30; issues of *The Washington Post, The New York Times, The Wall Street Journal* during January and February 1993.

> clear weaponry in that area, but the Security Council once more found Iraq in material breach of cease-fire terms.

These and further provocations led to a series of allied responses in January 1993. On January 13, U.S.-led coalition forces, consisting of approximately 110 allied aircraft, conducted air strikes against eight Iraqi antiaircraft missile sites and related control facilities in the no-fly zone of southern Iraq.[6] The United States also announced the deployment to Kuwait of additional ground forces (approximately 1,100 personnel) which joined 300 U.S. Special Forces troops already there, to underscore U.S. commitments to Persian Gulf security. Iraqi responded with a mixture of concessions and defiance, agreeing to end incursions into the DMZ and offering to permit flights by U.N. inspectors in their own aircraft (while adding stipulations), but vowing to continue resisting enforcement of the no-fly zones.

Sporadic allied military action continued from January 17 to January 23, 1993 in response to further Iraqi provocations: challenges to allied aircraft in the no-fly zones; and a further attempt to deny entry to U.N. aircraft. In retaliation, allies struck Iraqi air defense installations, using air-to-surface missiles, cluster bomb units, and laser guided bombs; fired upon (and probably shot down) an Iraqi military aircraft; launched 45 cruise missiles at the Zafaraniya manufacturing complex (allegedly used to make components for Iraq's nuclear program); and moved four warships (including the aircraft carrier *U.S.S. Kennedy* to the eastern Mediterranean on a contingency basis. One U.S. cruise missile aimed at the Zafaraniya complex went off course and hit the al-Rashid Hotel in Baghdad, killing at least three civilians.

Bush Assassination Attempt

The Alleged Plot. In the spring of 1993, the Government of Kuwait informed the U.S. Administration that it had discovered evidence of an Iraqi-sponsored attempt to assassinate former President George H. W. Bush during a visit he made to Kuwait on April 14-16. The Kuwaitis captured a small van loaded with 180 pounds of explosives, and confiscated detonators, timing devices, and other bomb components. Kuwait apprehended and tried 14 suspects, ultimately sentencing six to death (five Iraqis and one Kuwaiti) and seven to prison terms; one defendant was acquitted.[7] One of the Iraqi defendants testified that Iraqi intelligence was behind the plot. Some skeptics questioned the validity of evidence obtained from Kuwait's investigation of the suspects; however, after conducting their own investigation, FBI agents and other U.S. intelligence officers reported back to the President on June 24, 1993 that their

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[6] In addition to Britain and France, there are indications that one or more other countries (possibly from the Persian Gulf region) may have participated as well. Asked by reporters if Saudi aircraft had participated in the strikes, a Defense spokesman answered: "Members of the coalition, to include the French and the British, participated. I'm not going to name other countries." Defense Department Background Briefing, Jan. 13, 1993, carried by Reuters news wire. The press noted that the air strike was "joined by Britain, France, and at least one other undisclosed ally." Barton Gellman and Ann Devroy, "U.S. Delivers Limited Air Strike on Baghdad," *The Washington Post*, Jan. 14, 1993, p. A1.

[7] After a long trial, the sentences were finally imposed in June 1994. "Kuwait Sentences Six to Death for Plotting to Kill Bush," *The New York Times*, June 5, 1994, p. 6.

findings confirmed the view that Iraq was behind the plot. Iraq has denied that it sponsored the attempt.[8]

U.S. Missile Strikes. On June 26, 1993 (June 27, Baghdad time), amid calls within the Administration and Congress for retaliation, U.S. warships launched 23 Tomahawk missiles toward the Iraqi intelligence headquarters in western Baghdad. Twenty of the missiles hit the headquarters building, while three missed their targets and hit nearby residential areas, killing eight and wounding 12 civilians. (Iraq claimed to have shot down four of the missiles.) In brief follow-up actions, on June 27, the United States moved the aircraft carrier *U.S.S. Theodore Roosevelt* and two destroyers from the Mediterranean to the Red Sea. Two days later, a U.S. F-4G "Wild Weasel" aircraft fired a HARM missile at an Iraqi radar, in response to Iraqi actions that appeared to threaten U.S. planes patrolling the southern no-fly zone over Iraq.

On the evening of the Tomahawk strikes, President Clinton stated that the United States was justified in acting against Iraq under the self defense provisions of Article 51 of the United Nations Charter. Defense Secretary Les Aspin and Chairman of the Joint Chiefs of Staff General Colin Powell said the intelligence headquarters was selected as the target because the Iraqi intelligence services had been linked to the attempt on President Bush, because it was a discrete target, and because it was at the low end of a spectrum of possible targets that included the Ministry of Defense, the Presidential Palace, military bases, or others. The President said the raids crippled Iraq's military intelligence capability, but some observers suggested that this capability was not severely damaged because of redundancies in the system.[9]

U.N. Camera Installation

In an unrelated incident in early June 1993, Iraqi officials refused to allow a UNSCOM team to install six cameras at two test sites to maintain continuing surveillance of Iraqi weapons programs. Iraq subsequently agreed to their installation. Meanwhile, however, on June 18, a statement by the President of the U.N. Security Council described Iraq's action in impeding installation of the cameras and failure to destroy certain banned chemical materials as "a material and unacceptable breach" of relevant provisions of Resolution 687. This was the last occasion on which the Security Council issued a finding of "material breach" against Iraq.[10]

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[8] According to one report, the Iraqi intelligence service linked to the plot was headed by a son of Saddam Hussein. R. Jeffrey Smith, "Iraqi Officer Recruited Suspects in Plot Against Bush, U.S. Says," *The Washington Post*, July 1, 1993, p. A18.

[9] R. Jeffrey Smith and Ann Devroy, "Clinton Says U.S. Missiles 'Crippled,' Iraqi Intelligence" *The Washington Post*, June 29, 1993; Elaine Sciolino, "Clinton Overstates Impact of Raids, His Aides Warn," *The New York Times*, June 29, 1993, p. 6.

[10] Greg Saiontz, "A Chronology of Diminishing Response: UN Reactions to Iraqi Provocations since the Gulf War," Research Notes, The Washington Institute for Near East Policy, June 3, 1997, p. 5.

October 1994 Troop Movements[11]

In early October 1994, Iraqi authorities began augmenting approximately 40,000 regular army troops stationed in southern Iraq with at least two divisions from the elite Republican Guards, roughly doubling Iraqi personnel strength in the south. As lead elements of the Iraqi force reportedly approached within 12 miles from the Kuwait border, Kuwait responded by moving most of its 16,000-person force to the border. U.S. Defense Department officials expressed concern, saying that the Iraqi deployments were not consistent with routine troop rotations. On October 7 and again on the following day, President Clinton said that "it would be a grave error for Iraq to repeat the mistakes of the past [the August 1990 invasion of Kuwait]. He said the United States would honor a commitment to defend Kuwait and to enforce U.N. resolutions on Iraq.

In a rapid response operation entitled "Vigilant Warrior," the United States began reinforcing approximately 13,000 U.S. military personnel already in the Gulf, together with equipment prepositioned in Kuwait. Had the crisis not abated, the new forces would have included two additional Patriot missile batteries; 350 additional combat aircraft, approximately 16,000 Army troops and 18,000 Marines. An additional 156,000 troops were placed on alert. The United States also moved the carrier U.S.S. George Washington from the Adriatic Sea into the Red Sea, within striking range of Iraq. Among U.S. allies, Britain sent two ships, six Tornado aircraft, and a battalion of troops to the Gulf, while France sent a frigate. As the crisis began to wind down in mid-October, however, the United States scaled back the deployment of both ground and air forces to the region.

Meanwhile, on October 8, the U.N. Security Council expressed grave concern about the Iraqi troop movements and Iraqi threats to stop cooperating with UNSCOM. One option reportedly under consideration by the Clinton Administration was to seek U.N. approval for a military exclusion zone or a "no-tank zone" in southern Iraq, south of the 32nd parallel, to supplement the no-fly zone in that area. On October 15, the United States succeeded in gaining unanimous Security Council approval of Resolution 949, demanding that Iraq remove forces recently deployed to the south and avoid further deployments that would threaten its neighbors. The resolution invoked Chapter VII (peace and security) of the U.N. Charter but did not specify a means of enforcement.[12]

There are strong indications that the U.S. response, coupled with support from the Security Council, caused Iraq to rethink its strategy. Even before passage of the resolution, on October 10, Iraq's Ambassador to the United Nations said Iraq was redeploying troops from the border area because of "Security Council concerns," although he said Iraq reserved the right to move troops anywhere on its territory.

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[11] See Facts on File Yearbook 1994, pp. 745-746; issues of *The Washington Post, The New York Times, The Wall Street Journal* in October 1994.

[12] In nearly identical diplomatic notes on October 20, 1994, the United States and Britain warned Iraq against moving reinforcements south of a line running roughly 150 miles north of the border with Kuwait. Julia Preston and Thomas W. Lippman, "Allies Warn Iraq Against Troop Shifts," *The Washington Post*, Oct. 21, 1994, p. A1.

Secretary of State Warren Christopher confirmed these withdrawals on October 16. On November 10, 1994, after the crisis had receded, Iraq formally recognized Kuwait in a motion passed by the Iraqi National Assembly and signed by President Saddam Hussein.

The motivation behind the Iraqi troop movements of early October remains obscure. Most analysts believe that Iraqi President Saddam Hussein was attempting to attract international attention to his argument that Iraq has complied sufficiently with certain provisions of Resolution 687 to justify lifting of the oil sale ban. Some believed Saddam Hussein thought the United States might seek compromise rather than military confrontation in view of its then current preoccupations with Haiti, North Korea, and Bosnia. Still others theorized that internal economic pressures impelled Saddam to demonstrate to the Iraqi people that he was moving aggressively to eliminate economic sanctions. According to a minority view, reportedly shared by some U.S. military officials, Iraq did not plan to threaten Kuwait, and Iraqi troop movements were prompted by fear of heightened allied air operations previously under way.[13]

Iraqi Defections to Jordan

No major U.S.-Iraqi confrontations occurred for almost two years after Operation Vigilant Warrior; however, in 1995, a potential Iraqi threat to Jordan prompted a brief augmentation of U.S. forces in the Gulf region. On August 8, 1995, two sons-in-law and key aides of Iraqi President Saddam Hussein defected to Jordan and were given political asylum. One of the defectors, General Hussein Kamil Hassan, was the principal architect of Iraq's programs to develop mass destruction weapons. Following his defection to Jordan, Hussein Kamil reportedly provided information to U.S. and Saudi Arabian representatives on the status of Iraqi weapons programs. Frustrated in his attempts to gain support from other Iraqi opposition groups or foreign governments, Hussein Kamil and his brother unwisely returned to Iraq in 1996 where they were promptly murdered, probably, analysts believe, on orders of the Saddam Hussein regime.

There were initial concerns in August 1995 on the part of U.S. and Jordanian officials that Iraq might retaliate against Jordan for granting asylum to the defectors.[14] The United States took several precautionary steps in August 1995 to protect Jordan under an operation called "Vigilant Sentinel."[15] An aircraft carrier (the *U.S.S.*

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[13] David A. Fulghum, "Iraq Invasion Threat Reassessed by Military," *Aviation Week and Space Technology*, Nov. 14, 1994, pp. 18-20.

[14] Then U.S. Secretary of Defense William Perry told reporters that "There have been some unusual deployments of Iraqi military forces" but added that there was "nothing that leads us to believe that any invasion is underway or planned." Bradley Graham, "U.S. Speeds Troops to Kuwait, Plays Down Chance of Iraqi Attack," *The Washington Post*, Aug. 23, 1995, p. A24.

[15] President Clinton praised Jordan's decision to grant the defectors political asylum and said "the United States considers Jordan our ally and entitled to our protection if their security is threatened as a result of this incident." Alison Mitchell, "U.S. to Protect Jordan from Iraq,

(continued...)

Theodore Roosevelt) was moved to the eastern Mediterranean within aircraft range of Iraq, while another (*the U.S.S. Abraham Lincoln*) was held in the Persian Gulf for an additional month pending arrival of a replacement, to avoid a one-month gap in carrier coverage. During August, 2,000 to 3,000 U.S. Marines and 4,000 Jordanian troops held a previously scheduled two-week exercise; a joint U.S.-Kuwaiti military exercise was advanced by two months; and an unspecified number of additional U.S. military personnel were alerted for possible deployment to the Persian Gulf. Finally, shiploads of U.S. military equipment normally stationed in the Indian Ocean and western Pacific were shifted closer to the Gulf region.[16] In the event, Iraq acted with restraint and no further U.S. deployments proved necessary at that time.

The Incursion of August 1996[17]

Events and Responses. Meanwhile, internal strife which erupted between the two principal Iraqi Kurdish factions in 1994 provided Iraq and neighboring countries with opportunities to exploit the growing disarray in the allied-protected Kurdish enclave in northern Iraq. (Map 2 shows Kurdish inhabited areas in Iraq and in neighboring countries.) One of the two leading Kurdish factions, the Patriotic Union of Kurdistan (PUK), had seized the Kurdish provisional capital of Irbil after feuding broke out between it and a rival faction, the Kurdish Democratic Party in May 1994. In the summer of 1996, Saddam Hussein sought to exploit internecine strife among the Kurds by intervening on the side of the KDP in response to an invitation by KDP leader Massud Barzani.

On August 31, 1996, an Iraqi force estimated at three armored divisions (30,000-40,000 personnel) invaded Irbil, which lies approximately 7 miles within the allied-imposed no-fly zone. Over the next few days, and without much additional Iraqi help, the KDP captured major Kurdish cities from the PUK, which was supported by Iran. Numerous PUK members and other Kurds fearful of the apparent extension of Iraqi Government influence in northern Iraq sought refuge in Iran. PUK militia subsequently launched a counterattack on October 13, recapturing significant portions of territory they had previously lost, and the two factions returned to their former pattern of low-level conflict. Iraqi forces largely evacuated the Kurdish enclave in September, but some Iraqi intelligence agents reportedly remained in these areas.[18]

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[15] (...continued)
Clinton Says," *New York Times,* Aug. 11, 1995, p. A10.

[16] Bradley Graham, "U.S. Bolsters Gulf Force to Counter Iraq," *The Washington Post,* Aug. 18, 1995, pp. A1, A27.

[17] See Facts on File Yearbook 1996, pp. 637-638; issues of *The Washington Post, The New York Times, and The Wall Street Journal* in September 1997.

[18] Tim Weiner, "Iraq Pulling Out, But Leaving Spies Behind, U.S. Says," *The New York Times,* Sept. 6, 1994, p. A1.

Map 2. Kurdish-Inhabited Areas

Adapted by CRS from Magellan Geographix. Used with permission.

The Iraqi incursion on August 31 prompted a warning from the United States to withdraw, and on September 3, U.S. forces launched 27 cruise missiles at Iraqi military targets in the southern part of Iraq: 14 from the *U.S.S. Laboon* guided missile destroyer and the *U.S.S. Shiloh* cruiser in the Persian Gulf, and 13 from two B-52 bombers that flew in from Guam. President Clinton also announced that he was widening the no-fly zone over southern Iraq, extending it northward from the 32nd to the 33rd parallel. In what the Pentagon described as a mopping-up operation, U.S. forces fired an additional 17 missiles from three surface ships and one submarine on September 4, and a U.S. F-16 fighter aircraft fired two anti-radiation missiles at an Iraqi radar. In mid-September, following some further provocations by Iraqi air defense units, the United States dispatched additional forces to Kuwait, bringing U.S. military strength to approximately 30,000. Most of these reinforcements returned to the United States before the end of 1996.

A by-product of the Iraqi incursion and Iraq's temporary cooperation with the KDP was the disruption of U.S. intelligence operations aimed at toppling the regime of Saddam Hussein. U.S. agents reportedly fled just before Iraqi troops briefly

moved north, and Iraqi intelligence officers captured and executed approximately Iraqi 100 opposition figures.[19] The United States ultimately evacuated over 6,000 persons who had worked on U.S. supported humanitarian programs in northern Iraq and a smaller number (about 600) of opposition figures to Guam where they were screened for political asylum in the United States.[20] Although the movement of Iraqi ground forces into the Kurdish enclave technically was not a violation of the allied-imposed no-fly zones, it marked the first attempt by the Iraqi regime to send troops into this area since the allies established a protective regime for the Iraqi Kurds in 1991. A perception that Iraq was not violating any formal cease-fire arrangements was probably a contributing factor to a lack of widespread support among U.S. allies for subsequent U.S. reprisals against Iraq. This in turn may have emboldened Iraq to mount more serious challenges to the United States in the months ahead.

Further Confrontations: 1997-1998

The Mounting Crisis over Inspections. Between mid-1993 and 1996, members of UNSCOM were able to carry out their inspections of Iraqi weapons programs with relatively little interference by the Government of Iraq. Increasing attempts by Iraq in 1997 to impede U.N. weapons inspections prompted demands by the U.N. Security Council that Iraq cease its interference or face further sanctions. Iraqi officials complained that U.S. pressure on the Security Council and UNSCOM was prolonging economic sanctions against Iraq. On October 29, 1997, Iraq barred participation by U.S. personnel in UNSCOM inspections, demanded the departure of all U.S. UNSCOM personnel within seven days, and called for termination of U.S.-piloted flights by U-2 reconnaissance aircraft. Iraq followed on November 13 by expelling U.S. inspectors, and chief UNSCOM inspector Richard Butler withdrew most of the other inspectors the following day. A crisis was averted after a diplomatic initiative by Russia, which undertook to work for the speedy lifting of sanctions against Iraq and seek "balanced representation" on U.N. inspection teams. U.S. officials denied that they had agreed to any conditions in exchange for Iraqi compliance with U.N. demands.

Iraqi officials continued to complain about the alleged predominance of U.S. and British personnel on inspection teams, and insisted on their right to bar inspectors from an unspecified number of "presidential sites" on grounds of national sovereignty. On January 12, 1998, Iraq declared three specific locations to be "sensitive sites" and off limits to U.N. inspectors seeking to visit them, although the Iraqis permitted access to them later in the day. On January 16, a U.S.-led team, which was investigating Iraqi methods of concealing mass destruction weapons

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[19] The Iraqi regime reportedly had already discovered another opposition network in June 1996 and executed 100 Iraqi dissidents belonging to that group as well. R. Jeffrey Smith and David B. Ottoway, "Anti-Saddam Operation Cost CIA $100 Million," *The Washington Post*, Sept. 15, 1996, pp. 1, 29; Evan Thomas, Christopher Dickey and Gregory L. Vistica, "Bay of Pigs Redux," *Newsweek*, March 23, 1998, pp. 36-37.

[20] According to a press report, the CIA established two field offices in the Kurdish enclave in October 2002, after a six-year period in which it had no permanent presence in northern Iraq. Eli J. Lake, "CIA Puts Two Sites In Kurdish Areas," *The Washington Times*, Oct. 25, 2002, p. A17.

programs, left Iraq after being barred for three days from conducting an inspection. Iraqi officials asserted that the team was unbalanced inasmuch as it consisted largely of Americans and British and that team leader Scott Ritter, a former U.S. Marine officer and veteran of numerous similar inspections, was engaged in spying on Iraq.[21] U.N. and U.S. officials denied the accusations concerning Ritter and emphasized that Iraq could not dictate the composition of U.N. inspection teams. The following day, President Saddam Hussein announced that Iraq would expel all U.N. weapons inspectors if sanctions against Iraq were not removed within six months. Also on January 17, 1998, the Iraqi Foreign Ministry criticized U.S. rejection of an offer by Russia to replace the U.S. U-2 reconnaissance aircraft with Russian planes. (The U-2 flights have continued despite an Iraqi threat to fire on them.) By early February, U.S.-led retaliatory action against Iraq seemed imminent.

The February 23, 1998 Agreement. Intensive diplomatic efforts in early and mid-February centered on attempts to find a formula for inspecting eight "sensitive" sites under conditions that the United Nations and Iraq would accept. The United States insisted that two principles must govern any agreement on the conduct of inspections: full access by UNSCOM to sites throughout Iraq, and respect for the integrity of the U.N. Special Commission process. On February 17, the U.N. Security Council reportedly endorsed a plan that would give U.N. inspectors full access within Iraq, while allowing diplomats from U.N. Security Council member countries to accompany U.N. inspectors on visits to the eight "presidential" compounds. The presence of diplomats would serve as a face-saving gesture for Iraq by signifying international recognition of Iraq sovereignty. On February 23, after three days of negotiations, Secretary General Annan and Iraqi Foreign Minister Tariq Aziz signed an agreement with the following principal provisions:

- Reconfirmation by Iraq that it accepts relevant U.N. resolutions;
- Commitment of U.N. member states to "respect the sovereignty and territorial integrity of Iraq";
- "Immediate, unconditional, and unrestricted access" by UNSCOM and IAEA within Iraq, with respect for Iraqi concerns relating to "national security, sovereignty, and dignity";
- Special procedures to apply to inspections at eight "presidential sites" defined in an annex to the agreement;
- Efforts to accelerate the inspection process, and an undertaking by the Secretary General to bring to U.N. Security Council members the concerns of Iraq over economic sanctions.

Under the special procedures governing inspections at the eight sites, the U.N. Secretary General established a "Special Group" comprising diplomats appointed by the Secretary General and experts drawn from UNSCOM and IAEA. Reports by the Special Group were to be submitted by the Executive Chairman of UNSCOM

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[21] Subsequent press articles have cited U.S. officials as saying that U.S. intelligence personnel worked under cover on U.N. arms inspection teams in Iraq. Other U.S. officials reportedly dispute these assertions. Tim Weiner, "U.S. Spied on Iraq Under U.N. Cover, Officials Now Say," *The New York Times*, January 7, 1999, p. A1; Weiner, "U.S. Used U.N. Team to Place Spy Device in Iraq, Aides Say," *The New York Times*, January 8, 1999, p. A1.

through the Secretary General to the Security Council. Inspections of the eight sites took place between March 26 and April 3, 1998, and revealed no evidence of prohibited weapons systems, but the senior inspector said "It was clearly apparent that all sites had undergone extensive evacuation."[22] Other inspections proceeded relatively smoothly during the next few months, but many questions about Iraq's weapons programs remained unresolved as of mid-1998.

Meanwhile, on March 3, the U.N. Security Council unanimously passed Resolution 1154, co-sponsored by Britain and Japan, which commended the initiative of the Secretary General in securing commitments from Iraq, stressed that Iraq must comply with its obligations, and warned that "any violation [of the agreement or other pertinent resolutions] would have severest consequences for Iraq." President Clinton and Secretary of State Madeleine Albright described the agreement as a "step forward" for U.S. policy of containing Iraq, but the President commented that "What really matters is Iraq's compliance, not its stated commitments." Secretary Albright said of the agreement that "The proof is in the testing."

Operation Desert Fox

After a lull of several months, tensions mounted in August 1998, as Iraq began to challenge U.N. operations once more. On August 5, Iraq announced that it would no longer allow UNSCOM to inspect new facilities, and followed with a ban on all remaining UNSCOM activities on October 31. U.S. officials described Iraq's actions as unacceptable, as did some other members of the Security Council. Resolution 1205 of November 5, which demanded that Iraq rescind its bans on U.N. weapons inspection activities and resume full cooperation with UNSCOM, did not specifically mentioned use of force; however, U.S. officials emphasized again that all options are open including military force to compel Iraqi compliance. On November 11, 1998, the United Nations evacuated more than 230 staff personnel from Baghdad, including all weapons inspectors, as the United States warned of possible retaliatory strikes against Iraq.

As U.S. forces were on the verge of conducting air and missile strikes against Iraq on November 14, the Clinton Administration delayed them for 24 hours upon learning that Iraq had agreed to resume cooperation with UNSCOM. After further negotiations, Iraq agreed in a letter to the Security Council on November 15 to provide unconditional cooperation to UNSCOM and rescind its ban on UNSCOM activities. The Administration then canceled the planned strikes; however, the President warned that Iraq must fulfill its obligations. Specifically, in a news conference on November 15, he listed five conditions Iraq must fulfill to meet the criteria of unconditional cooperation:

- Resolution of all outstanding issues raised by UNSCOM and the IAEA.
- Unfettered access for inspectors with no restrictions, consistent with the February 23 memorandum signed by Iraq.

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[22] Barbara Crossette, "Inspectors Report Lack of Progress in Verifying Iraqi Disarmament," *The New York Times*, April 17, 1998, p. 1.

- Turnover by Iraq of all relevant documents.
- Acceptance by Iraq of all U.N. resolutions related to mass destructions weapons.
- No interference with the independence or professional expertise of weapons inspectors.

Despite its pledges on November 14-15, 1998, Iraq began to impede the work of U.N. weapons inspectors once more, according to statements by UNSCOM Chief Butler on December 8. On December 15, Butler submitted a report in which he concluded that "Iraq did not provide the full cooperation it promised on 14 November 1998" and "initiated new forms of restrictions upon the Commission's work." On December 15, Butler withdrew remaining UNSCOM inspectors from Iraq, saying that they could no longer perform their mission. On the following day, then President Clinton directed U.S. forces to strike military and security targets in Iraq. He described the mission as "to attack Iraq's nuclear, chemical and biological weapons programs and its military capacity to threaten its neighbors."

Attacks began on December 16, 1998, at 5:06 p.m. EST (December 17 at 1:06 a.m. Baghdad time) in an operation known as Desert Fox, as U.S. forces launched over 200 cruise missiles (officials declined to give an exact number) at over 50 targets in Iraq, from the aircraft carrier *U.S.S. Enterprise*, other Navy ships in the region, and some 70 Navy and Marine Corps aircraft. According to some media reports, B-52 bombers based in the Indian Ocean island of Diego Garcia took part as well. British forces also joined in the attacks. A second wave of attacks took place on the evening of December 17-18, involving approximately 100 cruise missiles (but with larger warheads than those used in the first wave of attacks) and B-52 bombers, again with British participation. B-1 bombers joined the attack during the third wave (evening of December 18-19), marking the first combat operations for this aircraft. After the fourth wave of attacks (evening of December 19-20), President Clinton halted the 72-hour Operation Desert Fox on December 20. Senior U.S. officials warned that the United States would repeat its attacks as often as necessary to prevent Iraq from continuing programs to develop mass destruction weapons.

All told, during Operation Desert Fox, U.S. and British forces launched approximately 415 cruise missiles (325 Tomahawks fired by Navy ships and 90 air launched cruise missiles mainly by B-52s) and dropped more than 600 bombs. In an assessment on December 20, 1998, the U.S. Department of Defense provided a breakdown of 97 targets of allied attacks, consisting of lethal weapons production or storage facilities (11), security facilities for weapons (18), Iraqi Republican Guards and other military facilities (9), government command, control, and communications facilities (20), air defense systems (32), airfields (6), and one oil refinery.[23] A subsequent assessment on December 21 cited a total of 98 targets, of which 43 were severely damaged or destroyed, 30 moderately damaged, 12 lightly damaged, and 13 not damaged.[24] The U.S. theater commander described the estimates as conservative,

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[23] Philip Shenon, "U.S. Declares It Might Need More Strikes On Iraq Soon," *The New York Times*, Dec. 21, 1998.

[24] Steven Lee Myers, "U.S. Says 85% Of Iraqi Targets Were Hit," *The New York Times*, (continued...)

pointing out that even lightly damaged facilities can be rendered unusable. There were no U.S. or British casualties. According to the Iraqi Deputy Prime Minister, the allied action killed 62 Iraqi military personnel (including 38 Republican Guards) and wounded 180; there have been no estimates of Iraqi civilian casualties. Chairman of the Joint Chiefs of Staff General Henry Shelton told the Senate on January 5, 1999, however, that allied strikes killed or wounded an estimated 1,400 members of Iraq's elite military and security forces (600 from the Special Republican Guard and 800 from the Republican Guard).[25]

Further Actions Since 1998

A series of follow-on military actions occurred after Operation Desert Fox, as Iraqi air defenses tried to target U.S. and British aircraft patrolling the no-fly zones and Iraqi aircraft made brief intrusions into the zones. U.S. Air Force and Navy aircraft, as well as British aircraft, responded to Iraqi challenges with missile strikes directed against Iraq air defense and command and control installations and fired at intruding Iraqi aircraft. Before Operation Desert Fox, U.S. responses to Iraqi violations of the no-fly zones were usually confined to the immediate source of the violation, i.e., an air defense battery or an intruding Iraqi aircraft. On January 27, 1999, authorities expanded rules of engagement to allow U.S. aircraft to target a wider range of Iraqi air defense systems and related installations in response to Iraqi violations of the no-fly zones. In congressional testimony on March 23, 2000, a Defense Department official said operational commanders had been given additional flexibility in responding to Iraqi provocations; under the current rules of engagement, pilots may respond not only by defending themselves but also by acting to reduce the overall Iraqi air defense threat to coalition aircraft.

Official Iraqi media reported on January 3, 1999 that President Saddam Hussein condemned the no-fly zones as illegal and said his people would resist them with "bravery and courage." The Iraqi President followed up by offering a $14,000 bounty to any unit that succeeded in shooting down an allied plane and an additional $2,800 reward for capturing an allied pilot. Allied officials state that no U.S. or British manned aircraft have been lost, despite Iraqi claims to the contrary. (For example, on September 13, 2000, an Iraqi air defense spokesman asserted that Iraqi air defense units had shot down 10 allied aircraft since December 17, 1998.) Similarly, allied officials dismissed an Iraqi claim on June 15, 2000 that Iraq had shot down or intercepted 100 U.S. high-speed anti-radar missiles (HARM) used by allies to target Iraqi radar.

Iraq claimed that allied air strikes killed a number of Iraqi civilians. In a note to the U.N. Human Rights Commission released by U.N. officials on March 26, 2001, the Iraqi government protested that allied air strikes had killed 315 and wounded 965 Iraqis, all civilians; the note described the allied overflights as a

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[24] (...continued)
Dec. 22, 1998.

[25] See above-cited and other contemporary news articles, including: Thomas E. Ricks, "Assessing Success of Iraq Bombing May Take Months," *The Wall Street Journal*, Dec. 22, 2002, p. A20.

violation of international law. Subsequently, the Iraqi government claimed that a U.S.-British air strike on June 20, 2001 killed 23 Iraqis and injured 11 others participating in a soccer game near the city of Mosul in northern Iraqi. U.S. and British officials have denied some Iraqi reports of civilian casualties and have attributed others to the Iraqi practice of placing air defense weapons in close proximity to populated areas, thus using nearby residents as human shields.

After Operation Desert Fox, Iraq reportedly succeeded in extending the range of some of its older model air defense missiles and made its communications less vulnerable by installing fiber optic cable, reportedly with Chinese assistance. In this connection, a gradual escalation in military clashes became noticeable in 2001. Several highlights are summarized below.

The February 2001 Air Strikes. On February 16, 2001, between the hours of 11:20 a.m. and 1:40 p.m. Washington, D.C. time, 24 U.S. and British combat aircraft struck five Iraqi air defense command-and-control installations, using precision guided munitions. According to a U.S. Defense Department spokesman, four of the five installations struck by the allied aircraft were located north of the 33rd parallel (the northern limit of the southern no-fly zone), but the aircraft themselves did not go north of the 33rd parallel. The spokesman noted that this was the first time since Operation Desert Fox that allied aircraft had hit targets outside the southern no-fly zone, although targets outside the northern zone had been struck during the fall of 1999. According to press reports, one goal of the allied strikes was to destroy a fiber optic cable network that Chinese were reportedly installing to upgrade the effectiveness of Iraqi air defense radars.[26]

Subsequent press reports indicated that many of the munitions fired by allied units had missed their targets; according to these reports, a majority of the AGM-154A Joint Stand-Off Weapons (JSOWs) dropped by U.S. aircraft went astray, although two other types of "smart weapons" (AGM-130 guided missiles and Stand-Off Land Attack missiles) achieved somewhat more success. These alleged problems have been attributed by press sources to several possible factors: human error in programming, heavy wind, software defects, mechanical failure, or jamming of signals by Iraqis; officials reportedly believe the first two explanations are the most likely. Defense spokesmen have declined to identify the munitions used in the strikes.

Additional Military Strikes. After February 2001, allied forces carried out several significant strikes against Iraqi air defense installations, including an Iraqi mobile early warning radar in southern Iraq on April 19, 2001, an air defense site in northern Iraq on April 20, 2001, an air defense installation 180 miles southeast of Baghdad on May 18, and an air defense site in northern Iraq on August 7, 2001. On August 10, 2001, in the largest air strike since the previous February, U.S. and British aircraft hit three installations: a surface-to-air missile battery 170 miles southeast of Baghdad, an associated long-range mobile radar system, and a fiber optic communications station 70 miles southeast of Baghdad. Before this strike, on July

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[26] Steven Mufson and Thomas E. Ricks, "U.S. to Protest China's Aid on Iraq's Anti-Aircraft System," *The Washington Post*, Feb. 21, 2001, p. A2.

29, U.S. National Security Advisor Condoleezza Rice told CNN that the Administration was contemplating the use of "military force in a more resolute manner" and said that "Saddam Hussein is on the radar screen for the Administration."

Targeting U.S. Reconnaissance Aircraft. Meanwhile, some observers believe Iraqi air defense forces may have improved their ability to target allied aircraft. On July 24, 2001, Iraqi forces fired a surface-to-air missile at a U.S. high altitude U-2 reconnaissance aircraft, and Defense Department sources reportedly said the missile came close to hitting the plane. On three subsequent occasions Iraqis claimed to have shot down a U.S. Air Force RQ-1B Predator–an unmanned aerial vehicle (UAV or "drone")–over southern Iraq. U.S. Defense spokesmen acknowledged that the UAVs were lost but did not confirm that they had been shot down by Iraqi units. Conflicting reports indicate that a fourth Predator may have been lost on May 27, 2002; Iraq claimed to have forced an unmanned reconnaissance plane (nationality not indicated) on a mission over northern Iraq to land, while unnamed defense sources in Kuwait said a Predator malfunctioned and crashed in northern Kuwait. After the loss of the first Predator on August 27, press reports noted that if the Iraqi claim is correct, it would be the first time that a U.S. aircraft–albeit an unmanned aircraft–involved in enforcing the no-fly zones has been brought down by Iraqi fire.[27]

Aftermath of the September 11, 2001 Terrorist Attacks. The Iraqi government was the only Middle East regime that did not send condolences to the United States after the September 11, 2001, attacks, although Iraq officials did express sympathy to several U.S. non-government organizations known to oppose U.S. containment policies toward Iraq. According to numerous press reports, U.S. officials have not found clear evidence of an Iraqi hand in the attacks or subsequent cases of anthrax, although some U.S. officials have said they suspect Iraqi involvement. Some commentators have pointed to several alleged meetings in recent years between Iraqi intelligence officials and members of Osama bin Laden's Al Qaeda organization and speculated that Iraq could provide Al Qaeda with money and expertise on chemical and biological warfare.[28] Other commentators counter that Saddam and bin Laden have different views and ideologies and note that Iraq has been trying recently to cultivate better relations with western countries in an effort to gain support for terminating economic sanctions imposed after Iraq invaded Kuwait in 1990. In testimony before the Senate Armed Services Committee on March 19, 2002, Director of Central Intelligence George Tenet said "the jury's out" regarding any Iraqi involvement in the September 11 attacks but added that "it would be a mistake to dismiss the possibility of state sponsorship, whether Iranian or Iraqi,

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[27] Dave Moniz, "Iraq Says It Shot Down Unmanned U.S. Plane," *USA Today*, August 28, 2001, p. 6. The next two Predators were lost on September 11 and October 10.

[28] Proponents of this view, for example, have cited an intelligence report from officials in the Czech Republic that one of the September 11 hijackers, Muhammad Atta, met with an Iraqi intelligence agent in Prague in April 2001; however, according to several press articles, the report has not been verified and U.S. intelligence officials doubt that the meeting took place. See, for example, David S. Cloud, "Bush's Efforts To Link Hussein To al Qaeda Lack Clear Evidence," *The Wall Street Journal*, October 23, 2002, p. 1.

and we'll see where the evidence takes us." During a speech in Cincinnati on October 7, 2002, President Bush pointed out that Iraq and Al Qaeda had a common enemy in the United States and stated that the two have had high level contacts going back for a decade.

With regard to military action, on October 11, 2001, U.S. Defense Department spokesmen were quoted as saying that there had been no significant increase in skirmishes between allied forces and Iraqi forces after the September 11 attacks. Later press reports, quoting U.S. military officials, indicated that a two-month lull in Iraqi air defense activity after the September attacks proved short-lived and that Iraq subsequently resumed more aggressive engagements with allied aircraft enforcing the no-fly zones. A *Christian Science Monitor* article in October 2002 noted that the long-standing low-level warfare between allied pilots and Iraqi air defense units was intensifying and could be a prelude to another Gulf war. According to the article, allied pilots were concentrating on command and control centers and higher profile targets, including two recent strikes on the airport at the southern city of Basra.[29] They also dropped leaflets warning personnel stationed at air defense units not to track or fire upon allied aircraft enforcing the no-fly zones, along with psychological warfare leaflets telling commanders to stay in their barracks.

Statistics. Complete and uniform statistics on Iraqi challenges and U.S. responses are not available, since spokesmen use varying criteria in reporting such numbers. On July 31, 2001, U.S. Defense Department spokesman Rear Admiral Quigley told reporters that Iraq has shown "a considerably more aggressive stance in trying to bring down a coalition aircraft." He listed continuing provocations by Iraq against allied aircraft over the two no-fly zones, especially in the southern zone, and allied retaliations (number of days on which allied aircraft have struck Iraqi targets in response):

- Southern Watch: 221 provocations in 2000 (18.4 per month); 370 in the first seven months of 2001 (30.8 per month).
- Northern Watch: 145 provocations in 2000 (12.1 per month); 62 in the first seven months of 2001 (8.9 per month).

In response, allied forces conducted strikes on Iraqi targets in the Southern Watch area on 32 days in 2000 and 19 days during the first 7 months of 2001; in the Northern Watch area, on 48 days in 2000 and 7 days during the first 7 months of 2001. Later a November 26, 2001 press release by U.S. Central Command (CENTCOM), which is responsible for Operation Southern Watch, reported that Iraq had fired anti-aircraft artillery against allied aircraft on more than 1,050 occasions since December 1998, including 420 times during the current year, and that Iraqi aircraft had violated the southern no-fly zone more than 160 times since December 1998.

According to a July 26, 2002 press report, a spokesman for U.S. European Command (which is responsible for Operation Northern Watch) gave the following

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[29] Scott Peterson, "U.S. Sliding Into War With Iraq?" *Christian Science Monitor*, October 8, 2002, p. 1.

statistics on the numbers of incidents in which Iraqi air defense units threatened U.S. or British aircraft: 143 in 1999; 145 in 2000; 97 in 2001; and 32 during the first six months of 2002. The press report cites the following figures on the number of times U.S. and British aircraft returned Iraqi fire: 102 in 1999; 48 in 2000; and 11 in 2001. (It is not clear whether these figures cover only Northern Watch or Southern Watch as well.) According to the same press report, a Pentagon spokesperson said U.S. and British combat aircraft returned fire from Iraq on 14 occasions over the southern zone and 8 occasions over the northern zone so far during *fiscal* year 2002 (i.e., from October 2001 through July 2002).[30]

A more recent press report of October 8, 2002, quoting unnamed U.S. officials, indicated that allied aircraft had been fired upon 1,000 times during the past three years by Iraqi anti-aircraft batteries and by at least 60 surface-to-air missiles.

Force Deployments and Costs

Force Levels

U.S. force levels in the Persian Gulf region have fluctuated since the Gulf war of 1991. During the mid-1990s, U.S. forces in this area on an average comprised 15,000 to 20,000 personnel (many of them Navy and Marine Corps personnel embarked on ships), together with up to 200 aircraft and 20 ships (usually but not always including an aircraft carrier). After brief upsurges during the run-up to Operation Desert Fox in December 1998, force levels averaged somewhat higher, varying from 20,000 to 25,000, between 1998 and 2001. Most U.S. personnel in the region, including those conducting Operation Southern Watch, are assigned to the U.S. Central Command (CENTCOM), whose area of responsibility covers large parts of the Middle East, southern and central Asia, and northeast Africa. U.S. forces conducting Operation Northern Watch are based in Turkey and assigned to U.S. European Command (EUCOM). The task forces responsible for enforcing the two no-fly zones are linked by a hot line and coordinate many of their operations.

U.S. and other allied forces in the region were increased significantly after the September 11 attacks. Recent official figures are not available; however, according to a February 24, 2002 *Washington Post* article, Defense Department officials said there are 60,000 U.S. troops in the CENTCOM area of operations, of whom 4,000 are on the ground in Afghanistan. Many other troops in the CENTCOM area are involved in supporting allied operations Afghanistan.

News media have reported a further build-up in the Fall of 2002 in the Persian Gulf region amid increasing reports of expanding the war against terrorism to Iraq. The Navy and Air Force already had headquarters elements in the Gulf region, and during October the Defense Department reportedly ordered the Army's Fifth Corps and the 1st Marine Expeditionary Force to deploy headquarters elements to the region as well. The U.S. Central Command, which would have overall responsibility for a military operation against Iraq, planned to send 600 of its headquarters personnel to

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[30] Vernon Loeb, "'No-Fly' Patrols Praised," *The Washington Post*, July 26, 2002, p. A23.

nearby Qatar. Though officially described as routine deployment in connection with a joint military exercise, the movement of CENTCOM personnel to Qatar could facilitate the establishment of a forward headquarters in the Gulf region, according to press speculation.[31] Other articles reported continued U.S. troop movements to the Gulf region, some of them in connection with joint military exercises but possibly designed to support military planning for a campaign against Iraq.[32]

Costs

Total incremental costs of U.S. military operations related to Iraq from the end of the 1990-1991 Persian Gulf crisis amounted to more than $10 billion as of May 2002. (Incremental costs reflect additional spending on these operations, over and above normal personnel and training expenditures.) An annual breakdown appears in **Table 2**, below.

Legislative and International Implications

Use of Force

Congress and the Administration. Congress authorized the President to use the U.S. Armed Forces to implement pertinent U.N. resolutions in Public Law 102-1 (H.J.Res. 77), passed by Congress on January 12, 1991, and signed into law by President George H. W. Bush on January 14, 1991, two days before Operation Desert Storm began. Congress reaffirmed its approval of the use of force against Iraq in the Defense Authorization Act for FY1992 (Section 1095, P.L. 102-190, December 5, 1991).

The Administration consulted with Congress during subsequent confrontations with Iraq. Prior to taking military action against Iraq on January 13, 1993, President George W. Bush informed congressional leaders of his intention to launch air strikes against Iraqi missile sites. In the first hours after the strikes, several Members of Congress voiced their approval of the use of force. According to reports, President Clinton conferred with selected Members of Congress prior to the June 26, 1993 attack on the Iraqi Intelligence headquarters. Most Members of Congress supported the President's action, although some believed the President should have pursued diplomatic avenues before resorting to military action, and some questioned the wisdom of launching the Tomahawks at night when civilians were more likely to be at home.[33] Congress was out of session at the height of the October 1994 Iraqi troop

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[31] Michael Matza, "Tiny Qatar May Be Pivotal To Any U.S. War Action In Iraq," *The Philadelphia Inquirer*, October 16, 2002.

[32] For example, Bradley Graham, "U.S. Boosts Its Ability To Plan War," *The Washington Post*, October 12, 2002, p. A1.

[33] Rep. Ron Dellums, then Chairman of the House Armed Services Committee (now the House National Security Committee), criticized the Administration for failing "to consult effectively with Congress on the specific exercise of military force." Mary Jacoby, (continued...)

movements crisis but the Administration kept Congress and the public informed through speeches, briefings, and news conferences. The same was true of the response to Iraq's incursion into the Kurdish enclave, which occurred at the end of the 1996 summer recess.

The question of congressional authorization for use of force arose again in the context of Iraq's challenges to U.N. inspection teams in late 1997 and 1998. On November 13, 1997, the House of Representatives passed House Resolution 322, which expressed the sense of the House that the United States should assure compliance with U.N. resolutions and supported military action if diplomatic efforts were unsuccessful. Some Members favored additional legislation to authorize military action against Iraq, while others were concerned that such measures could give the Administration a blank check for military escalation. On October 31, 1998, President Clinton signed H.R. 4655, the Iraq Liberation Act (ILA–P.L. 105-338), which authorized the President to provide up to $97 million in defense articles to designated Iraqi opposition groups. The ILA has been widely interpreted as an endorsement by Congress of regime change in Iraq, but it did not contain an authorization for use of military force. According to news reports, however, the Clinton Administration cited the original authorization enacted by Congress before the Gulf war in 1991 (P.L. 102-1) as a legislative basis for using force against Iraq as the crisis over U.N. weapons inspection heated up in 1998.[34]

A week after the September 11, 2001 terrorist attacks, Congress passed S.J.Res. 23, signed by President Bush as P.L. 107-40, which authorizes the President "... to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons ...." Use of force under this act would be contingent on a presidential determination that Iraq had perpetrated or conspired in the September 11 attacks. (For further discussion of these and related legislative issues, see CRS Electronic Briefing Book, *Terrorism*, "War Powers and Iraq," by Richard F. Grimmett and David M. Ackerman [http://www.congress.gov/brbk/html/ebter226.html].)

News reports indicate that President Bush believed he already had legal authority to use military force against Iraq without further legislative authorization, but decided to seek a new resolution from Congress to gain wider support. On October 10, 2002, by a vote of 296 to 133 (Roll no. 455), the House of Representatives passed H.J.Res. 114, which authorizes the President to use the U.S. armed forces to defend the national security of the United States against the continuing threat posed by Iraq, and enforce all relevant U.N. Security Council resolutions regarding Iraq. The Senate passed H.J.Res. 114 by 77-23 (Record Vote

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[33] (...continued)
"Dellums Slams Clinton for Not Consulting Hill on Strike," *Roll Call*, July 1, 1993, pp. 1, 17.

[34] P.L. 102-1 has no expiration date, and according to the press, some specialists in international law have expressed the view that it provides sufficient authority to use force against Iraq. Philip Shenon, "U.S. To Use '91 Law to Justify Air Strikes on Iraq," *The New York Times*, February 4, 1998.

No: 237) on October 11. President Bush signed H.J.Res. 114 on October 16, 2002, as P.L. 107-243. (See also CRS Report RS21324, *Congressional Action on Iraq, 1990-2002: A Compilation of Legislation*, by Jeremy Sharp.)

United Nations. In the international context, the United States asserted that two previous U.N. Security Council resolutions provide sufficient authority to use force against Iraq: Resolution 678 (November 29, 1990), which authorized military action after Iraq's invasion of Kuwait, and Resolution 687 (April 3, 1991), which made a cease-fire conditional on Iraqi compliance with various specified terms, including the inspection and dismantling of Iraq's lethal weapons programs. Other U.N. Security Council Resolutions have found Iraq in "material breach" of its obligations under Resolution 687 and expressed full support of the efforts of the U.N. Secretary General to obtain full implementation of relevant agreements. Most members of the Security Council, however, with the notable exception of Britain, did not believe the wording of previous U.N. Security Council resolutions provides an automatic trigger authorizing further military force against Iraq.

On November 8, 2002, however, after several weeks of negotiations, the U.N. Security Council passed Resolution 1441, which provides for an enhanced inspection regime to assure the dismantling of Iraqi WMD programs and reiterates previous warnings that Iraq "will face serious consequences" if it continues to violate obligations under U.N. resolutions. President Bush praised the resolution, saying that "[t]he world has now come together to say that the outlaw regime in Iraq will not be permitted to build or possess chemical, biological or nuclear weapons."

Foreign Reactions

A review of international reactions to U.S.-Iraqi confrontations from 1991 into 2002 shows that international support for retribution against Iraq eroded over time. Indicative of this trend is the reluctance of the U.N. Security Council since 1993 to find Iraq in "material breach" of Resolution 687, despite Iraq's frequent attempts to obstruct the work of U.N. weapons inspectors and its failure to observe certain other provisions of the resolution. Some Council members, like Russia, essentially ruled out a finding of "material breach" by insisting on a narrow interpretation of the term that would exclude most of Iraq's recent challenges.[35] Altered international conditions, including growing Arab disillusionment with broader U.S. Middle East policies, some U.S.-Russian disagreements, Arab perceptions that Iraq is no longer a major threat, and concerns among Arabs and others over the effects of sanctions on the Iraqi population have made it increasingly difficult to replicate the broad-based coalition the United States was able to assemble in response to the Iraqi invasion of Kuwait in 1990. Whether passage of Resolution 1441 by unanimous vote of the Security Council in November 2002 signaled a reversal of this trend remains to be seen; however, Security Council members did show a willingness to use the term "material breach" once more when describing Iraqi actions and omissions.

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[35] In 1998, Russia's U.N. Ambassador said: "A material breach of the cease-fire resolution would mean that Iraq invaded Kuwait again." Christopher S. Wren, "U.N. Resolutions Allow Attacks on the Likes of Iraq," *The New York Times*, Feb. 5, 1998, p. A6.

Declining support within the Arab world for military action against Iraq has been particularly apparent. Although Arab countries formed an important component of the allied coalition that defeated Iraq in 1991,[36] subsequent U.S. confrontations with Iraq have not seen comparable levels of Arab support, for several reasons. First, none of Iraq's subsequent provocations involved the invasion and occupation of another Arab state. Second, Arab public opinion has increasingly blamed the United States for the sufferings of the Iraqi people under U.N.-imposed economic sanctions. Third, as Arab-Israeli peace negotiations have faltered, Arabs have complained that the United States is applying a dual standard, by using force to make Iraq comply with cease-fire provisions but not exerting pressure on Israel to comply with terms of various peace agreements. Finally, some Arab governments that would privately welcome the departure of Saddam Hussein are unwilling to support limited U.S. measures that provoke the Iraqi dictator but do not remove him from power, leaving him in a position to extract future revenge on his neighbors.[37] (For further discussion of foreign attitudes toward a U.S.-Iraqi confrontation, see CRS Report RL31629, *Iraq-U.S. Confrontation: International Attitudes*, by Jeremy M. Sharp.)

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[36] Nine Arab countries committed forces to the allied coalition. On August 10, 1990, the Arab League voted for a resolution condemning the Iraqi invasion, supporting U.N. Security Council resolutions on Iraq, and endorsing the dispatch of forces to the Gulf. The vote was 12 in favor, 3 opposed, 2 abstaining, 3 expressing reservations, plus one absentee. Foreign Broadcast Information Service–Near East, August 13, 1990, pp. 1-2.

[37] There are indications that some Gulf leaders, while fearful of "pinprick attacks" that would leave them exposed to subsequent Iraqi reprisals, would privately support U.S. military actions on a scale sufficient to undermine or overthrow Saddam Hussein's regime. Douglas Jehl, "On the Record, Arab Leaders Oppose U.S. Attacks on Iraq," *The New York Times*, Jan. 29, 1998, p. A6. More recent reports continue to indicate similar ambivalent views on the part of Gulf and some other Arab leaders.

Table 1. Comparative Military Strengths and Inventories: Gulf States

Country	Military Personnel	Tanks	Other Armored Vehicles	**Field Artillery**		Attack Heli-copters	Combat Aircraft	**Naval Units**	
				Towed	**Self-Propelled**			**Surface Combat-ants**	**Sub-marines**
Saudi Arabia	199,500	910	5,057	160	170	33	294	8	0
Oman	41,700	117	358	96	24	0	40	0	0
United Arab Emirates	41,500	381	1,305	90	181	49	101	2	0
Kuwait	15,500	293	561	0	68	20	81	0	0
Qatar	12,400	35	302	12	28	19	18	0	0
Bahrain	10,700	140	306	22	62	40	34	1	0
Total: Allies	*321,300*	*1,876*	*7,889*	*380*	*533*	*161*	*568*	*11*	*0*
Iraq	389,000	2,600	3,400	1,900	200	62	316	0	0
Iran	520,000	1,565	1,455	2,085	310	69	306	3	6

* Includes aircraft flown from Iraq to Iran during 1991 Gulf war.

Source: International Institute for Strategic Studies, *The Military Balance 2002-2003*. (Note: Figures shown here do not include materiel believed to be in storage and inoperable.)

Table 2. Incremental Costs of U.S. Operations in Southwest Asia Related to Iraq, FY1991-FY2002

(Budget authority in millions of current year dollars)

Operation	FY1991	FY1992	FY1993	FY1994	FY1995	FY1996	FY91-96
Provide Comfort/Northern Watch	325.0	101.5	116.6	91.8	138.2	88.9	862.0
Southern Watch/Air Expeditionary Force	–	–	715.9	333.0	468.4	576.3	2,093.6
Vigilant Warrior	–	–	–	–	257.7	–	257.7
Desert Strike/Intrinsic Action/Desert Spring	–	–	–	–	–	–	–
Desert Thunder (force build-up 11/98)	–	–	–	–	–	–	–
Desert Fox (air strikes 12/98)	–	–	–	–	–	–	–
UNIKOM (UN/Iraq Observer Group)	21.5	4.9	6.0	–	–	–	32.4
Total–Southwest Asia/Iraq	**346.5**	**106.4**	**838.5**	**424.8**	**864.3**	**665.2**	**3,245.7**

Operation	FY1997	FY1998	FY1999	FY2000	FY2001	FY2002*	FY97-02*	TOTALS
Provide Comfort/Northern Watch	93.1	136.0	156.4	143.7	148.6	118.5	796.3	1658.3
Southern Watch/Air Exp. Force	597.3	1,497.2	954.3	755.4	963.5	519.6	5,287.8	7,381.4
Vigilant Warrior	–	–	–	–	–	–	–	257.7
DesStrike/IntrinsicAct/DesSpring	102.7	5.6	13.8	239.8	261.6	177.3	800.8	800.8
Desert Thunder (11/98)	–	–	43.5	–	–	–	43.5	43.5
Desert Fox (12/98)	–	–	92.9	–	–	–	92.9	92.9
UNIKOM (UN/Iraq Observer Gp)	–	–	–	–	–	–	–	32.4
Total–Southwest Asia/Iraq	**793.1**	**1,638.8**	**1,261.4**	**1,138.9**	**1,373.6**	**815.3**	**7,021.1**	**10,266.8**

*Through 5/31/2002

Source: Defense Finance and Accounting System data. FY2002 figures obtained August 29, 2002.

Notes: Some totals do not add due to rounding