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Iraq War: Background and Issues Overview

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Summary

On March 17, 2003, President Bush, in a televised address, gave President Saddam Hussein of Iraq a 48-hour ultimatum to flee the country or face military conflict. In November 2002, the United Nations Security Council had adopted Resolution 1441, giving Iraq a final opportunity to "comply with its the disarmament obligations" or "face serious consequences." During January and February 2003, a U.S. military buildup in the Persian Gulf intensified. President Bush, other top U.S. officials, and British Prime Minister Tony Blair repeatedly indicated that Iraq had little time left to offer full cooperation with U.N. weapons inspectors. However, leaders of France, Germany, Russia, and China urged that the inspections process be allowed more time, and on March 10, France threatened to veto a new U.N. resolution that would, in effect, have authorized the immediate use of force.

The Administration and its supporters assert that Iraq is in defiance of 17 Security Council resolutions requiring that it fully declare and eliminate its weapons of mass destruction (WMD). Further delay in taking action against Iraq, they argue, would endanger national security and undermine U.S. credibility. Skeptics, including many foreign critics, maintain that the Administration is exaggerating the Iraqi threat and argue that the U.N. inspections process should have been given more time. In October 2002, Congress authorized the President to use the armed forces of the United States to defend U.S. national security against the threat posed by Iraq and to enforce all relevant U.N. resolutions regarding Iraq (P.L. 107-243).

Analysts and officials are concerned about instability and ethnic fragmentation in Iraq after any war. U.S. planners are reportedly planning for an occupation of the country that could last two years or longer. Whether the overthrow of Iraqi President Saddam Hussein will lead to democratization in Iraq and the wider Middle East, or promote instability and an intensification of anti-U.S. attitudes, is an issue in debate. The extent to which an Iraqi conflict would create a substantial humanitarian crisis, including refugee flows and civilian deaths, will likely depend on the length of the conflict and whether it involves fighting in urban areas.

Constitutional issues concerning a possible war with Iraq were largely resolved by the enactment of P.L. 107-243, the October authorization. International legal issues remain, however, with respect to launching a pre-emptive war against Iraq if there is no new Security Council resolution authorizing such a war. Estimates of the cost of a war in Iraq vary widely, depending in part on assessments of the likely scale of the fighting and the length of any occupation. If war leads to a spike in the price of oil, economic growth could slow, but long-term estimates of the economic consequences of a war are hampered by uncertainties over its scale and duration.

This CRS report summarizes the current situation and U.S. policy with respect to the confrontation with Iraq, and reviews a number of war-related issues. See the CRS web site [http://www.congress.gov/erp/legissues/html/isfar12.html] for related products, which are highlighted throughout this report. This report also provides links to other sources of information and is updated once a week.

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Raymond W. Copson, 7-7661
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Most Recent Developments

For a day-by-day update on Iraq-related developments, including military developments, see CRS Current Legislative Issues, *Iraq-U.S. Confrontation: Daily Developments* [http://www.crs.gov/products/browse/iraqdocs/iraqdaily.shtml].

Purpose of This Report

The **Background** section of this report outlines the evolution of the current crisis with Iraq since September 11, 2001. This section is followed by a more detailed description and analysis of U.S. policy and a survey of congressional actions on Iraq. The report then reviews a range of issues that the Iraq situation has raised for Congress. These issue discussions have been written by CRS experts, and contact information is provided for congressional readers seeking additional information. In this section and elsewhere, text boxes list CRS products that provide in-depth information on the topics under discussion or on related topics. The final section links the reader to additional sources of information on the Iraq crisis. For a list of CRS reports related to Iraq, see CRS Current Legislative Issues, *Iraq-U.S. Confrontation* [http://www.congress.gov/erp/legissues/html/isfar12.html].

This report will be updated once each week while the Iraq crisis continues.

Background

Bush Administration concerns about Iraq's alleged weapons of mass destruction programs intensified after the September 11, 2001 terrorist attacks. President Bush named Iraq, Iran, and North Korea as the "axis of evil" nations in his January 2002 State of the Union address. Vice President Cheney, in two August 2002 speeches, accused Iraqi leader Saddam Hussein of seeking weapons of mass destruction to dominate the Middle East and threaten U.S. oil supplies.[1] These speeches fueled

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[1] "Vice President Speaks at VFW 103d National Convention," August 26, 2002; and "Vice President Honors Veterans of Korean War," August 29, 2002. Available on the White

speculation that the United States might act soon unilaterally against Iraq. However, in a September 12, 2002 speech to the United Nations General Assembly, President Bush pledged to work with the U.N. Security Council to meet the "common challenge" posed by Iraq.[2] H.J.Res. 114, which became law (P.L. 107-243) on October 16, authorized the use of force against Iraq, and endorsed the President's efforts to obtain prompt Security Council action to ensure Iraqi compliance with U.N. resolutions. On November 8, 2002, the Security Council, acting at U.S. urging, adopted Resolution 1441, giving Iraq a "final opportunity" to comply with the disarmament obligations imposed under previous resolutions, or face "serious consequences."

During January-March 2003, the U.S. military buildup in the Persian Gulf intensified, as analysts speculated that mid- to late March seemed a likely time for an attack to be launched. (See below, **Military Issues**.) Officials maintained that it would be possible to attack later, even in the extreme heat of summer, but military experts observed that conditions for fighting a war would be far better in the cooler months before May. Statements by President Bush, Secretary of State Colin Powell, and other top officials during January, February, and March expressed a high degree of dissatisfaction over Iraq's compliance

Figure 1. Iraq in the Middle East

Source: Map Resources. Adapted by CRS. (M.Chin 01/03)

with Security Council disarmament demands. The President said on January 14, that "time is running out" for Iraq to disarm, adding that he was "sick and tired" of its "games and deceptions."[3] National Security Advisor Condoleezza Rice said on January 19, that "we are at the verge of an important set of decisions."[4] On January 26, 2003, Secretary of State Powell told the World Economic Forum, meeting in Davos, Switzerland, that "multilateralism cannot be an excuse for inaction" and that the United States "continues to reserve our sovereign right to take military action against Iraq alone or in a coalition of the willing." Powell also told the Davos meeting that there are "clear ties" between Iraq and terrorist groups, including Al Qaeda.

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[1] (...continued)
House web site at [http://www.whitehouse.gov] under "News."

[2] "President's Remarks at the United Nations General Assembly," September 12, 2002. Available at [http://www.whitehouse.gov].

[3] "President's Remarks on Iraq," January 14, 2003 [http://www.whitehouse.gov].

[4] *BBC News*, January 19, 2003.

President Bush presented a sweeping condemnation of Iraq in his State of the Union Address on January 28, 2003. "With nuclear arms or a full arsenal of chemical and biological weapons," the President warned, "Saddam Hussein could resume his ambitions of conquest in the Middle East and create deadly havoc in the region." The President told members of the armed forces that "some crucial hours may lie ahead." Alleging that Iraq "aids and protects" Al Qaeda, the President also condemned what he said was Iraq's "utter contempt" for the United Nations and the world. On February 5, 2003, as discussed below under **Weapons of Mass Destruction Issues**, Secretary of State Powell detailed to the United Nations Security Council what he described as Iraq's "web of lies" in denying that it has weapons of mass destruction programs.

On February 26, President Bush gave a major address on Iraq. He said that the end of Hussein's regime would "deprive terrorist networks of a wealthy patron .... And other regimes will be given a clear warning that support for terror will not be tolerated." He returned to an earlier Administration theme in declaring that post-Hussein Iraq would be turned into a democracy, which would inspire reform in other Middle Eastern states. Specialists challenged his assertion that transforming Iraq into a democracy was a credible option. They cited the strong rivalries within its ethnically and religiously diverse population and questioned whether the United States could mount the resolve for a process of democratization that might take years to accomplish.[5]

Despite the resolve of U.S. officials, international support for an early armed confrontation remained limited. President Jacques Chirac of France was a leading critic of the U.S. approach while the Iraq issue remained before the U.N. Security Council, maintaining that he was not convinced by the evidence presented by Secretary of State Powell. On February 10, at a press conference in Paris with President Putin of Russia, Chirac said "nothing today justifies war." Speaking of weapons of mass destruction, Chirac added "I have no evidence that these weapons exist in Iraq."[6] France, Germany, and Russia advocated a strengthened inspections regime rather than an early armed conflict with Iraq, and China takes a similar position.

On February 24, 2003, the United States, the United Kingdom, and Spain introduced what was called a "second resolution" at the U.N. Security Council, stating that Iraq had failed "to take the final opportunity afforded to it by Resolution 1441" to disarm. The proposed resolution was regarded as authorizing the immediate use of force to disarm Iraq. On March 10, President Chirac said that his government would veto the resolution, and Russian officials said that their government would likely follow the same course. (See below, **Diplomatic Issues**.)

Chirac's stance, and the Administration's lack of success in garnering other support for the "second resolution," seemed to convince U.S. officials that further diplomatic efforts at the United Nations would prove fruitless. President Bush flew

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[5] "President Details Vision for Iraq," *Washington Post*, February 27, 2003; "For Army, Fears of Postwar Strife," *Washington Post*, March 11, 2003.

[6] "U.S.-Europe Rifts Widen Over Iraq," *Washington Post*, February 11, 2003.

to the Azores for a hastily-arranged meeting with the prime ministers of Britain and Spain on Sunday, March 16, 2003. The meeting resulted in a pledge by the three leaders to establish a unified, free, and prosperous Iraq under a representative government. At a press conference after the meeting, President Bush stated that "Tomorrow is the day that we will determine whether or not democracy can work." On March 17, the three governments announced that they were withdrawing the proposed Security Council resolution, and President Bush went on television at 8:00 p.m. (EST) that evening to declare that unless Saddam Hussein fled Iraq within 48 hours, the result would be "military conflict, commenced at the time of our own choosing."

U.S. officials point out that a number of other countries support the U.S. demand for immediate Iraqi compliance with U.N. resolutions on disarmament. Many foreign observers argue, however, that U.N. inspectors had failed to find a "smoking gun" proving that Iraq has continued its weapons of mass destruction programs. U.S. officials and others maintain that this was never the goal of the inspections. In their view, the purpose of inspections was to verify whether or not Iraq had disarmed in compliance with past U.N. resolutions. Iraq had not pro-actively cooperated with the inspections process, they argue, and consequently there had been no such verification.[7] With war seemingly imminent, the U.N. inspectors were withdrawn from Iraq on March 18.

In mid-January 2003, polls showed that a majority of Americans wanted the support of allies before the United States launched a war against Iraq. The polls shifted on this point after the State of the Union message, with a majority coming to favor a war even without explicit U.N. approval.[8] Polls shifted further in the Administration's direction following Secretary Powell's February 5 presentation to the Security Council.[9] However, on February 14, 2003, the *New York Times* reported that a majority again wanted to give U.N. weapons inspectors more time to complete their work.[10] Subsequent polls also showed some slippage in support for a war, but President Bush's speech on the evening of March 17 rallied public support once again. A *Washington Post-ABC News* poll taken just afterward, showed that 71% supported war with Iraq and that 66% supported the President's decision not to seek a U.N. Security Council vote.[11] Nonetheless, many Americans oppose a war, and large anti-war demonstrations took place in several cities on the weekend of March 15-16. Similar demonstrations had occurred on the weekend of January 19-20 and February 15-16.

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[7] David Kay, "It was Never About a Smoking Gun," *Washington Post*, January 19, 2003.

[8] "Support for a War with Iraq Grows After Bush's Speech," *Washington Post*, February 2, 2003.

[9] "Poll: Bush Gaining Support on Invading Iraq," *CNN,* February 10, 2003; "Most Support Attack on Iraq, with Allies," *Washington Post*, February 11, 2003.

[10] "Poll Shows Most Want War Delay," *New York Times*, February 14, 2003.

[11] "Washington Post-ABC News Poll: Bush's Speech," *Washingtonpost.com*, March 18, 2003.

Many reports have noted that U.S. policy on Iraq has led to a rise in anti-Americanism overseas, particularly in western Europe, where polls show strong opposition to a war with Iraq,[12] and in the Middle East. Demonstrations against the war in European cities on February 15-16 were widely described as "massive," and, as in the United States, large demonstrations also took place on March 15-16.

Options for the Future. Iraq's government stated on March 18 that Saddam Hussein and other leaders would not flee the country, as President Bush had demanded, setting the stage for war in the very near future. Leaders of France and Germany continued to argue on March 18 that the inspections process had been working and that there was no need for immediate conflict.[13] In the view of many European critics and others, going to war without Security Council permission would be harmful to international institutions while threatening stability in the Middle East and perhaps beyond. Supporters of President Bush's policies argue, however, that further delay would only reward Iraq's alleged delaying tactics and undermine U.S. credibility. They also maintain that there would be serious economic, military, and political costs to delaying conflict and leaving a large U.S. military force in the Middle East indefinitely. It may be that dramatic evidence of Iraqi non-compliance with disarmament demands will emerge during the course of the war – if, for example, Iraq uses chemical or biological weapons against U.S. troops. Such a development would likely increase overseas backing for U.S. actions, as would signs that U.S. troops were being welcomed in Iraq. Prolonged fighting and significant civilian casualties, by contrast, might bring more criticism of the U.S. approach. After the fighting concludes, a range of new issues will arise, as noted below under **Post-War Iraq**, **Implications for the Middle East**, and **Humanitarian Issues**.

U.S. Policy

The Administration
Kenneth Katzman, 7-7612
(Last updated March 18, 2003)

On March 17, 2003, President Bush addressed the American people and announced that Iraq would face conflict with the United States if Saddam Hussein and his sons, Uday and Qusay, did not leave Iraq within 48 hours. The statement followed a breakdown in negotiations among U.N. Security Council members to authorize military action. U.N. weapons inspectors were ordered by Secretary General Kofi Annan to leave Iraq by March 18.

In making its case for confronting Iraq, the Bush Administration has characterized the regime of Saddam Hussein in Iraq as a grave potential threat to the United States and to peace and security in the Middle East region. The Administration maintains that Iraq has active weapons of mass destruction (WMD) programs that could be used to attain Saddam Hussein's long-term goal of

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[12] "Sneers from Across the Atlantic," *Washington Post*, February 11, 2003.

[13] "Saddam Rejects Bush Ultimatum," *BBC News*, March 18, 2003.

dominating the Middle East. These weapons, according to the Administration, could be used by Iraq directly against the United States, or they could be transferred to terrorist groups such as Al Qaeda. The Administration says that the United States cannot wait until Iraq makes further progress on WMD to confront Iraq, since Iraq could then be stronger and the United States might have fewer military and diplomatic options.

The Administration asserts that Iraq is in breach of 17 U.N. Security Council resolutions – including Resolution 1441 of November 8, 2002 – that, among other requirements, mandate that Iraq fully declare and eliminate its WMD programs. President Bush has stated that Iraq did not cooperate with the most recent U.N. disarmament effort and that the United States would now lead a coalition to disarm it. President Bush maintained this position despite recent opposition from a number of U.S. allies and Security Council members, including France, Germany, Russia, and China. These and several other countries believed that U.N. inspections were working and should have been continued as an alternative to war. The end of diplomatic negotiations came after the United States and Britain were unable to muster sufficient Security Council support for a proposed U.N. Security Council resolution that would have set a final deadline for Iraq to fully comply with WMD disarmament mandates and possibly set benchmarks to judge Iraqi cooperation.

Policy Debate. Several press accounts indicate that there have been divisions within the Administration on Iraq policy. Secretary of State Powell had been said to typify those in the Administration who believe that a long term program of unfettered weapons inspections could succeed in containing the WMD threat from Iraq.[14] He reportedly was key in convincing President Bush to work through the United Nations to give Iraq a final opportunity to disarm voluntarily. However, since late January 2003, Secretary Powell has insisted that Iraq's failure to cooperate fully with the latest weapons inspections indicates that inspections would not succeed in disarming Iraq and that war will likely be required, with or without U.N. authorization. The Secretary is reportedly highly critical in private of U.S. allies, particularly France, that opposed war with Iraq.

Press reports suggest that Vice President Cheney and Secretary of Defense Rumsfeld, among others, have consistently been skeptical that inspections could significantly reduce the long-term threat from Iraq and reportedly have long been in favor of U.S. military action against Iraq. These and other U.S. officials reportedly believe that overthrowing Saddam Hussein would pave the way for democracy not only in Iraq but in the broader Middle East and reduce support for terrorism. In a speech before the American Enterprise Institute on February 26, 2003, President Bush said that the overthrow of Saddam Hussein by the United States could lead to the spread of democracy in the Middle East and a settlement of the Israeli-Palestinian dispute.

In January 2003, the Administration revived assertions it had made periodically since the September 11, 2001 attacks that Iraq supports and has ties to the Al Qaeda organization, among other terrorist groups. According to the Administration, Iraq

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[14] "U.S. Officials Meet to Take Stock of Iraq Policy," *Washington Post*, October 16, 2002.

has provided technical assistance in the past to Al Qaeda to help it construct chemical weapons, and senior Al Qaeda activists have contacts with the Baghdad regime. A faction based in northern Iraq and believed linked to Al Qaeda, called the Ansar al-Islam, is in contact with the Iraqi regime, according to the Administration. President Bush said in his 2003 State of the Union message that "Evidence from intelligence sources, secret communications, and statements from people now in custody, reveal that Saddam Hussein aids and protects terrorists, including members of Al Qaeda." However, press reports in early February 2003 said that this view was not uniform within the intelligence community and that some in the intelligence community discount any Iraq-Al Qaeda tie.

Another view is that there may have been occasional tactical cooperation between some in Al Qaeda and some Iraq intelligence agents.[15] Others are said to believe that there might have been some cooperation when Osama bin Laden was based in Sudan in the early 1990s, but that any Iraq-Al Qaeda cooperation trailed off later on, after bin Laden was expelled from Sudan in 1996 and went to Afghanistan. Bin Laden issued a statement of solidarity with the Iraqi people on February 12, exhorting them to resist any U.S. attack. Secretary of State Powell cited the tape as evidence of an alliance between the Iraqi regime and Al Qaeda, although bin Laden was highly critical of Saddam Hussein in the statement, calling his Baath Party regime "socialist" and therefore "infidel."

Regime Change Goal. The Bush Administration's decision to confront Iraq under a U.N. umbrella had led the Administration to mute its prior declarations that the goal of U.S. policy is to change Iraq's regime. The purpose of downplaying this goal may have been to blunt criticism from U.S. allies and other countries that note that regime change is not required by any U.N. resolution on Iraq. However, in practice, the United States drew little separation between regime change and disarmament; the Administration believes that a friendly government in Baghdad would be required to ensure complete elimination of Iraq's WMD. In recent weeks, the Administration has again stressed regime change as a specific goal of a U.S.-led war, and some argue that the President's ultimatum that Saddam and his sons leave Iraq to avoid war indicates that the regime change goal is paramount.

CRS Products

CRS Report RL31756, *Iraq: the Debate over U.S. Policy*.

CRS Issue Brief IB92117, *Iraq: Weapons Threat, Compliance, Sanctions, and U.S. Policy.*

CRS Report RL31339, *Iraq: U.S. Efforts to Change the Regime*.

CRS Report RS21325, *Iraq: Divergent Views on Military Action.*

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[15] Goldberg, Jeffrey. "The Unknown: The CIA and the Pentagon Take Another Look at Al Qaeda and Iraq." *The New Yorker*, February 10, 2003.

Congressional Action

Jeremy M. Sharp, 7-8687
(Last updated March 18, 2003)

As the United States prepares to launch a military campaign against Iraq in the days ahead, Members of Congress have expressed their utmost support for U.S. military forces in the region and for their families at home. Many have also expressed strong support for Administration policy, although some debate continues over Administration diplomacy at the United Nations Security Council and the level of consultation with Congress over the costs of a war and other issues. Many observers have noted that Congress is putting itself on a wartime footing and will strongly support the U.S. military during the coming conflict. Moreover, Congress will likely be looking ahead to issues related to the rebuilding of Iraq. President Bush briefed congressional leaders on the Administration's Iraq policy several hours before his March 17, 2003 televised speech to the nation.

Background. Since the Iraqi invasion of Kuwait in 1990, Congress has played an active role in supporting U.S. foreign policy objectives to contain Iraq and force it into compliance with U.N. Security Council resolutions. Congress has restricted aid and trade in goods to some countries found to be in violation of international sanctions against Iraq. Congress has also called for the removal of Saddam Hussein's regime from power and the establishment of a democratic Iraqi state in its place. In 1991, Congress authorized the President to use force against Iraq to expel Iraqi forces from Kuwait in accordance with United Nations Security Council Resolution 678 (P.L. 102-1).

On October 16, 2002, the President signed H.J.Res. 114 into law as P.L. 107-243, the "Authorization for Use of Military Force Against Iraq Resolution of 2002." The resolution authorized the President to use the armed forces to defend the national security of the United States against the threat posed by Iraq and to enforce all relevant U.N. resolutions regarding Iraq. The resolution conferred broad authority on the President to use force and required the President to make periodic reports to Congress "on matters relevant to this joint resolution." The resolution expressed congressional "support" for the efforts of the President to obtain "prompt and decisive action by the Security Council" to enforce Iraq's compliance with all relevant Security Council resolutions.

Congress continued to play a role in formulating U.S. policy in Iraq even after the passage of H.J.Res. 114 (P.L. 107-243). The range of congressional action falls roughly into four broad categories:

- Many Members who voted in favor of the resolution offered strong support for President Bush's attempts to force Iraq into compliance with U.N. resolutions.
- Other lawmakers, including some who supported the resolution, commended the Administration for applying pressure on Saddam Hussein's regime but have called on the Administration to be more forthcoming with plans for the future of Iraq and more committed to achieving the broadest possible international coalition of allied countries.

- Still others, including some Members who voted in favor of H.J.Res. 114, questioned the urgency of dealing with Iraq, particularly in light of developments in North Korea and Iran.
- Finally, many Members who voted against H.J.Res. 114 (P.L. 107-243) continued to look for ways to forestall the use of force against Iraq, in part by proposing alternative resolutions that call for a more comprehensive inspections process. In one instance, several Members initiated a lawsuit to curtail the President's ability to authorize the use of force.

Recent Legislation. After the start of the 108th Congress, lawmakers drafted several resolutions relating to the current confrontation with Iraq. Some Members opposed to a war in Iraq proposed bills to repeal the "Authorization for Use of Military Force Against Iraq Resolution of 2002."[16] Other lawmakers drafted legislation that would require the President to meet additional criteria such as allowing additional time for weapons inspections and passing a second U.N. Security Council resolution before authorizing the use of force against Iraq.[17] Even before President Bush's March 17 ultimatum to Saddam Hussein, most observers did not expect these measures to be reported out of committee due to insufficient support.

Some Members of Congress have considered measures, such as trade sanctions, that would retaliate against France and Germany for their stance on Iraq. U.S. lawmakers, angry over French and German opposition to the Administration's Iraq policies, are considering retaliatory gestures such as trade sanctions against French wine and bottled water. Some Members reportedly also support proposals to move many U.S. troops based in Germany to other locations.[18] One lawmaker has proposed legislation that would prevent any post-conflict assistance funding from being expended with a French-owned company.

In a legal challenge to President Bush's authority to declare war under P.L. 107-243, six House Members initiated a lawsuit against the Bush Administration to try to prevent the President from launching an invasion of Iraq without an explicit declaration of war from Congress. In a statement from Representative John Conyers, a plaintiff in the lawsuit, the Congressman remarked that "the president is not a king... he does not have the power to wage war against another country absent a declaration of war from Congress."[19] However, on February 24, 2003, a federal judge in Boston refused to issue a temporary restraining order against the Administration, calling a potential war in Iraq a political rather than a legal issue, which was "beyond

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[16] For specific bills, see H.Con.Res. 2 and H.J.Res. 20.

[17] See H.Res. 55, S.Res. 28, and S.Res. 32.

[18] "U.S. Lawmakers Weigh Actions to Punish France, Germany," *Washington Post*, February 12, 2003.

[19] "Anti-War Lawsuit Challenges Bush's Authority," *USA Today*, February 13, 2003.

the authority of this court to resolve."[20] This decision was upheld on appeal, but plaintiffs are seeking a rehearing.[21]

Options for the Future. In the event of a war with Iraq, a supplemental appropriations bill to provide funding is widely anticipated. Following a war and "regime change" in Iraq, the United States will likely seek to influence future internal political and economic developments in that country. Congress may be asked to provide funding for a range of foreign assistance programs that would facilitate U.S. long-range objectives in Iraq. The extent and cost of U.S. programs would depend on the post-war scenario. (See below, **Cost Issues**.) The Administration may ask Congress to appropriate new funds for refugees or to support coalition partners in the Middle East, which may suffer economically in the event of regional instability. Congress may also be asked to authorize a program of assistance specific to Iraq along the lines of the FREEDOM Support Act of 1992 (P.L. 102-511), which authorized aid to the former Soviet Union, or the Afghanistan Freedom Support Act of 2002 (P.L. 107-327). In considering aid levels, Congress will have to weigh Iraq-related aid against other budget priorities.

CRS Products

CRS Current Legislative Issues, *Iraq-U.S. Confrontation: Legislation in the 108th Congress* [http://www.crs.gov/products/browse/iraqleg.shtml]

CRS Report RS21324, *Congressional Action on Iraq, 1990 - 2003*.

CRS Issue Brief IB92117, *Iraq: Weapons Threat, Compliance, Sanctions, and U.S. Policy.*

Issues for Congress

Military Issues
Steve Bowman, 7-7613
(Last updated March 18, 2003)

The onset of military operations against Iraq appears imminent. They are expected to begin with a 72-96 hour air offensive to paralyze the Iraqi command structure and demoralize Iraqi resistance across the full military-civilian spectrum. This may be accompanied by special operations forces attacks to seize particularly key targets. The ground offensive is expected to be conducted on multiple fronts simultaneously to seize regional urban centers, oilfields, and suspected WMD sites. Forces will be staging primarily from Kuwait, though depending on developing events, perhaps also from Turkey, Jordan, and Saudi Arabia. Iraq reactions have

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[20] "Judge Rejects Lawsuit to Block War Against Iraq," *Boston Globe*, February 25, 2003.

[21] "Plaintiffs Ask Court for Rehearing in Anti-war Lawsuit as Possible War in Iraq Looms," *Associated Press*, March 17, 2003.

been to pull some Republican Guard units closer to Baghdad and to augment the capital's air defenses. There are press reports that intelligence sources indicate that release authority for the use of chemical and biological weapons has been issued to regional subordinate commanders.[22] There are also reports that desertions among Iraqi regular army units are on the rise.[23] U.S. commanders continue to anticipate a rapid deterioration of Iraqi military resistance, at least on the approach to Baghdad. The most significant unknowns remain the extent and intensity of Iraqi resistance within Baghdad and whether chemical or biological weapons will be employed.

Figure 2. Map of Iraq

Source: Map Resources. Adapted by CRS. (M.Chin 02/03)

The United States continues a very large build-up of military forces in the Persian Gulf region and other locations within operational range of Iraq. The Department of Defense (DOD) has released limited official information on these deployments; but press leaks have been extensive, allowing a fairly good picture of

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[22] "Lightening Strikes, Then March to Baghdad," *Washington Times*, March 18, 2003.

[23] "Desert Rats and SAS to Play Critical Role in Invasion," *London Daily Telegraph*, March 17, 2002.

the troop movements underway. The statistics provided, unless otherwise noted, are not confirmed by DOD and should be considered approximate.

The number of U.S. personnel deployed to the Persian Gulf region (both ashore and afloat) reportedly ranges from 225,000 to more than 250,000. Although some large deploying units remain in transit, CENTCOM commander Gen. Tommy Franks has stated that sufficient forces are in place and prepared to initiate military action upon the President's direction.[24] DOD has announced that, as of March 12, 2003, more than 188,000 National Guard and Reservists from all services are now called to active duty, an increase of about 12,000 in one week.[25] DOD has not indicated which of these personnel are being deployed to the Persian Gulf region and how many will be "backfilling" positions of active duty personnel in the United States, Europe, and elsewhere. In addition to U.S. deployments, Britain has dispatched an armor Battle Group, a naval Task Force (including Royal Marines), and Royal Air Force units, totaling reportedly about 47,000 personnel.[26] Australia has deployed approximately 2,000 personnel, primarily special operations forces.

Secretary Rumsfeld has activated the Civil Reserve Aircraft Fleet (CRAF) to transport troops to the Persian Gulf region. Under CRAF's Phase One, 22 airlines will provide up to 47 passenger airliners and crews for DOD use. An additional 31 cargo aircraft are also available under CRAF Phase One, but they will not be used at this time.

The United States has personnel and materiel deployed in the Persian Gulf states of Kuwait, Qatar, Bahrain, Saudi Arabia, and the United Arab Emirates. Though there had been speculation about what level of cooperation/participation could be expected from these nations if the United Nations Security Council did not pass another resolution specifically authorizing the use of force against Iraq, it currently appears that they will support U.S. military operations against Iraq. Because of significant popular opposition to this support in some countries, governments have sought to minimize public acknowledgment of their backing. There are press reports that U.S. forces, both ground and air, have also deployed to Jordan to mount operations against Iraq from the west.[27]

Outside the Persian Gulf region, only the United Kingdom, Australia, and Poland have offered military contributions if the Security Council does not act further. The White House press office announced in November 2002 that the United States had contacted 50 nations regarding cooperation in military operations against Iraq but declined to provide specific details on responses.[28] After protracted debate, NATO's Defense Policy Committee approved Turkey's request for military assistance and directed NATO headquarters to begin planning for the deployment of

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[24] Department of Defense press briefing, March 6, 2003.

[25] Department of Defense news release, March 12, 2003.

[26] British Ministry of Defense web site: [http://www.operations.mod.uk/telic/forces.htm].

[27] "U.S. Troops Keep Quiet on Iraq's Western Front," *USA Today,* March 17, 2003.

[28] White House press conference, December 5, 2002.

airborne early-warning aircraft, air defense missiles, and chemical-biological defensive equipment. Germany and Belgium reversed their early opposition to this effort, and France's anticipated opposition was obviated by acting within the Defense Policy Committee, of which France is not a member. Both the Netherlands and Germany have deployed Patriot air defense missiles to Turkey.

The U.S. CENTCOM commander downplayed the impact of the Turkish parliament's earlier rejection of a proposal for basing U.S. troops in Turkey, stating that the use of Turkish territory is not necessary for a successful operation. Recent statements by Turkish political leaders, however, may indicate that Turkish cooperation may yet be forthcoming. Nevertheless, the U.S. 4th Mechanized Infantry Division, which was intended to stage from Turkey, is unlikely to participate in initial operations, if press reports that its equipment remains on board ships in the Mediterranean are correct. Some U.S. military equipment has been offloaded at Turkish ports, despite the Turkish parliament's decision, though military officials have claimed these activities have to do with the improvement of Turkish airbases already agreed to and are not war-related preparations. If the United States is not permitted basing rights in Turkey, it will complicate efforts to secure the northern Iraqi oilfields and ensure the stability of Kurdish-held areas. (See also **Burden Sharing Issues**.)

News reports maintain that the Bush Administration, through National Security Presidential Directive (NSPD) 17 and the *National Strategy for Combating Weapons of Mass Destruction*, has endorsed the possible first use of nuclear weapons if U.S. or allied forces are attacked with chemical or biological weapons, or to attack underground bunkers that are deemed invulnerable to conventional munitions. Though shown to the press, NSPD 17 remains classified and Administration spokesmen have declined comment on its content. The *National Strategy* document does not refer to nuclear weapons specifically but rather refers to a "resort to all options." Some analysts suspect that press leaks on a nuclear option are an attempt to intimidate Iraq rather than a genuine threat. Critics are concerned that the Administration is lowering the nuclear threshold and discarding long-held U.S. assurances that it would not use nuclear weapons against a non-nuclear power.[29]

CRS Products

CRS Report RL31701. *Iraq: Potential U.S. Military Operations.*

CRS Report RL31763. *Iraq: Summary of U.S. Forces.*

CRS Report RL31682. *The Military Draft and a Possible War with Iraq.*

CRS Report RL31641. *Iraqi Challenges and U.S. Military Responses: March 1991 through October 2002.*

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[29] "As U.S. Girds for Worst in Iraq, Retaliation Isn't Clear-Cut Issue," *Washington Post*. January 29, 2003; "Bush Signs Paper Allowing Nuclear Response," *Washington Times,* January 29, 2003.

Diplomatic Issues
Carol Migdalovitz, 7-2667
(Last updated March 18, 2003)

Developments at the United Nations. The U.N. Security Council was the stage for the diplomatic end game to resolve the crisis over Iraq's disarmament. It also was the setting for a dispute between the United States, Britain, and Spain, who demanded that the U.N. reestablish its credibility and relevance by enforcing its resolutions requiring disarmament, and others, notably France and Russia, who seemed to seek to use the U.N. to restrain U.S. power by rejecting the possibility of a preventive war.

The Administration has now given up on the U.N. as a vehicle to disarm Iraq, although U.S. officials see a role for the organization in the effort to rebuild Iraq. On March 16, Vice President Cheney charged that the international body had "proven incapable of dealing with the threat that Saddam Hussein represents, incapable of enforcing its own resolutions, incapable of meeting the challenge we face in the 21st century of rogue states armed with deadly weapons."[30] On March 17, Secretary of State Powell declared, "The time for diplomacy has passed." That night, President Bush told the nation that "the United Nations Security Council has not lived up to its responsibilities, so we will rise to ours."[31] As noted elsewhere in this report, he gave Saddam Hussein an ultimatum to leave Iraq within 48 hours or face a military conflict.

On March 16, a summit of U.S., British, Spanish, and Portuguese leaders had given the U.N. 24 hours to approve a Security Council resolution providing a deadline for Iraq to disarm. Facing overwhelming opposition and veto threats by France and Russia, the allies withdrew the resolution the next morning. On February 24, 2003, the United States, the United Kingdom, and Spain had tabled the succinct resolution that would have stated that the Council "Decides that Iraq has failed to take the final opportunity afforded to it in resolution 1441" to disarm.[32] In response, France, Germany, and Russia had circulated an informal memorandum, supported by China, arguing that "the conditions for using force against Iraq are not fulfilled" and calling for reinforced weapons' inspections, with inspectors reporting every three weeks and presenting an overall assessment in four months.[33] The competition between the two sides to influence nonpermanent Council members was fierce.

On March 6, President Bush called for a vote on the resolution. On March 11, to win over opponents, Britain, with U.S. support, proposed an amendment to the February 24 draft that would have given Iraq until March 17 to demonstrate cooperation with its disarmament obligations. Chile, in collaboration with other nonpermanent Council members, proposed five slightly different, disarmament tasks that it considered more feasible, and a 3-week deadline for Iraqi performance, but the

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[30] Meet the Press, transcript for March 16 [http://www.msnbc.com/news/886068.asp].

[31] Text of President's speech [http://www.whitehouse.gov].

[32] "Text of U.K. Draft Resolution on Iraqi Disarmament," *Reuters*, February 24, 2003.

[33] "Text of French Proposals to U.N. Security Council," *Reuters*, February 24, 2003.

White House called the compromise "a non-starter." Meanwhile, France, Germany, and Russia rejected the British proposals, and France repeatedly asserted that it would not accept an ultimatum or "automatic trigger" as long as the weapons inspectors report Iraqi cooperation. President Chirac declared categorically, "No matter what the circumstances, France will vote 'no.' There is no cause for war to achieve ... the disarmament of Iraq."[34] On March 16, President Bush noted that, after he had called for a vote, "France said that it would veto anything that held Saddam to account."[35] On March 16, Chirac voiced willingness to accept a 30-day deadline, if it had the backing of the inspectors.[36] After that period, according to France's ambassador to Washington, the Security Council still would meet again and decide whether to use force.

The weapons' inspectors are Chairman of the United Nations Monitoring, Verification, and Inspection Commission (UNMOVIC) Hans Blix and the Director General of International Atomic Energy Agency (IAEA) Mohammed ElBaradei who reported to the Security Council several times. (For details, see below, **Weapons of Mass Destruction Issues**.) They issued periodic reports assessing Iraq's compliance with U.N. Security Council resolutions that require it to disarm, especially Resolution 1441 of November 8, 2002, which gave Iraq a "final opportunity to comply with its disarmament obligations" and set up an enhanced inspection regime to bring about the "full and verified completion of the disarmament process." It also warned Iraq that it would face "serious consequences as a result of its continued violations of its obligations."[37] Aspects of the inspectors' reports appeared to support divergent views on the Security Council.

Foreign Reactions. International public misgivings about the possibility of war have been evident in massive anti-war protests around the world on February 15-16 and subsequently. On February 18-19, the Security Council gave more than 60 non-Council members an opportunity to express their views; most favored continuing inspections. A conference of the 116-member Non-Aligned Movement (NAM) in Kuala Lumpur on February 24 provided another forum for a succession of leaders to endorse inspections and oppose war. The Security Council held another open debate for non-Council members on March 11-12.

Reaction to President Bush's March 17 speech has been mixed. France, Germany, and Russia declared that there was no justification for war and questioned its international legitimacy. The French President's office stated, "only the Security Council has the authority to justify the use of force."[38] Meanwhile, Japan supported the U.S. position.

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[34] "Facing almost Certain Defeat, U.S. and Britain delay Vote," *Associated Press*, March 11, 2003.

[35] Excerpts from Azores news conference, *New York Times*, March 17, 2003.

[36] Transcript of interview by Christiane Amanpour.

[37] Text available at U.N. web site [http://www.un.org/Docs/scres/2002/sc2002.htm].

[38] France says World against Bush Ultimatum on Iraq, *Reuters*, March 18, 2003.

Unease prevails in the Middle East, where many leaders are concerned that war would increase regional instability and terrorism and produce other undesired results, such as the disintegration of Iraq or the demise of their regimes. On February 17, Arab foreign ministers condemned unilateral action against Iraq, called on Baghdad to abide by U.N. resolutions, and called on Arab states "to refrain from offering any kind of assistance or facilities for any military action that leads to the threat of Iraq's security, safety, and territorial integrity."[39] However, Arab leaders did not repeat that statement at the end of a divisive summit on March 1. They urged "complete rejection of any aggression on Iraq" and more time for inspections.

Peace Initiatives. There has been considerable diplomatic activity seeking to avert a war. The Pope, who considers military action against Iraq an "unjust" war, met world leaders and sent a personal envoy to meet President Bush. On March 16, the Pope made an impassioned plea to negotiate and prevent war.

Concrete initiatives emerged from the region but never gained traction. The President of the United Arab Emirates proposed that the Iraqi leadership give up power and leave Iraq within two weeks in exchange for a binding guarantee that it would not be subject to legal action. The Arab League and the U.N. would then supervise the situation in Iraq for an interim period until the return of normality.[40] Bahrain, Kuwait, and Qatar agreed with the proposal. Iran called for a U.N.-supervised referendum to allow the Iraqi people to bring about a peaceful power transition. It also urged "national reconciliation" between the Iraqi opposition and the Iraqi regime. Finally, on March 13, Iraq said that its officials would not have time to meet an Arab League peace mission consisting of the foreign ministers of Egypt, Syria, Lebanon, Tunisia, Bahrain, and the Arab League secretary general.

CRS Products

CRS Report RS21323, *The United Nations Security Council – Its Role in the Iraq Crisis: A Brief Overview*, by Marjorie M. Browne.

CRS Report RL31611, *Iraq-Kuwait: United Nations Security Council Resolutions – 1992-2002*.

Weapons of Mass Destruction Issues
Sharon Squassoni, 7-7745
(*Last updated March 18, 2003*)

Iraq's chemical, biological, and nuclear weapons programs, along with its long-range missile development and alleged support for terrorism, are the justifications put forward for the use of U.S. military forces. At present, the most pressing weapons of mass destruction (WMD) issues are related to possible use by Iraqi forces of WMD, potential U.S. military strikes against WMD-related facilities, and plans for

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[39] "A New Power in the Streets," *New York Times*, February 17, 2003.

[40] Text of Emirates ruler Sheik Zayed's letter, *Associated Press*, March 1, 2003.

eliminating residual capabilities during and after the war. Some key questions to consider include:

- What deployable WMD forces does Iraq have? What are their plans for using WMD? (see above, **Military Situation**)
- Is intelligence adequate for U.S. military forces to target WMD capabilities?
- What are the possible health and environmental effects of destroying WMD or WMD production sites?
- How might U.S. forces prevent the transfer of WMD technologies or capabilities to unknown entities in the immediate aftermath of the war?

Iraq's Deployable Weapons of Mass Destruction. On March 17, 2003, media reported that U.S. intelligence agencies had information that Iraq was deploying chemical weapons with troops. There is currently no reliable information about how many chemical or biological weapons Iraq might have ready for deployment. Indeed, one of the purposes of inspections was to determine if there were such weapons. Nonetheless, it is clear that prior to the 1991 Gulf war, Iraq had deployable biological and chemical weapons and missiles, but no nuclear weapons. By far, the most sophisticated was the chemical weapons program, begun in the late 1960s. According to UNMOVIC, Iraq had thousands of short range rockets, artillery shells and bombs, and hundreds of tons of bulk agent at the time of the Gulf War.[41] Iraq had also produced 50 warheads to be filled with nerve agent for use with Al-Hussein missiles. While Iraq did not use chemical weapons against U.S. and allied forces in the 1991 Gulf War, it had used chemical weapons extensively in the Iran-Iraq War.[42] The biological weapons program was not as far advanced in 1991, but at that time, Iraq had filled 25 Al-Hussein warheads and 157 R0-400 aerial bombs with anthrax, botulinum toxin, and aflatoxin, and deployed them to four locations. Iraq also did not use those biological weapons in the 1991 Gulf War. However, some analysts have posited that Saddam Hussein might be tempted to use WMD if his regime were threatened, which is an explicit goal of the impending military operations against Iraq.

Targeting WMD and WMD sites. According to many analyses, the 1991 Gulf War did destroy significant portions of Iraq's WMD and WMD capabilities, but some capabilities remained unknown until after the war. Iraq's chemical weapons and missile capabilities were well known to coalition forces, and therefore relatively easier to target. According to the International Institute for Strategic Studies, "The Gulf War ... devastated Iraq's primary CW production facilities and a large portion

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[41] See UNMOVIC's working document, dated March 6, 2003, *Unresolved Disarmament Issues: Iraq's Proscribed Weapons Programs*, p. 139. Available at the U.N. web site: [http://www.un.org/Depts/unmovic/documents/cluster.htm].

[42] Ibid, p. 145. From 1983 to 1988, Iraq reportedly used 1800 tons of mustard, 140 tons of Tabun and 600 tons of Sarin delivered by about 19,500 chemical bombs, 54,000 chemical artillery shells, and 27,000 short-range rockets.

of its stockpile of CW munitions."[43]   After the war, inspectors destroyed 38,500 munitions, 480,000 liters of chemical agents, and 1.8 million liters of precursor chemicals, leaving in question the fate of about 31,600 chemical munitions, 500 mustard gas bombs, and 4,000 tons of chemical precursors.

Gulf War air strikes destroyed much of the infrastructure supporting Iraq's ballistic missile program, including major industrial facilities that supported the program. Of the ten major facilities, five were bombed in the Gulf War; three more were targeted during the 1998 Desert Fox operation. Of the 819 ballistic missiles Iraq declared, more than half (516) were expended against Iran prior to the Gulf War; about 93 were destroyed in the Gulf War, another 85 destroyed by Iraq, and 48 destroyed by U.N. inspectors afterward. As reported widely, coalition forces had limited success particularly in targeting mobile missile launchers in 1991.

In contrast, the extent of Iraq's nuclear and biological weapons programs was largely unknown in 1991, and hence less was destroyed in that war. For instance, 1991 air strikes damaged or destroyed the known nuclear sites (Al-Tuwaitha and uranium processing sites) but only lightly bombed the nuclear weapons design headquarters, Al-Atheer, which was only discovered later. Centrifuge-related sites were not bombed. With regard to biological weapons, there were eight BW-related facilities at the time of the Gulf War; only two were bombed (and two others later became inactive). UNSCOM inspectors destroyed the Al-Hakam facility in 1996, and Operation Desert Fox targeted other sites.

Possible Health and Environmental Effects. In general, the presence of weapons of mass destruction in Iraq could have health and environmental consequences, but it is very difficult to predict that impact because there are so many variables. Some variables to consider include what kind of WMD is present (e.g., biological weapons pose fewer problems in destruction than chemical weapons, because dispersal is less likely and they do not require such high temperatures for destruction); how the material or weapons are stored; how much control can be exerted over the destruction; and geographic, geological, and temporal circumstances. Probably the greatest chance for minimizing health/environmental impact lies in controlled destruction, where the time and place and method of destruction could be chosen. Presumably, this would take place on the ground and not necessarily during the war, but shortly thereafter. During the war, the impact could vary depending on what kind of ordnance is used and whether it is destroyed from the air or on the ground.

WMD capabilities in Iraq have been bombed before, during Operation Desert Storm in 1991 and Operation Desert Fox in 1998, but there have been few assessments of the health and environmental impact of destroying WMD. During the 1991 Gulf War, U.S. and coalition forces destroyed warehouses that contained chemical warheads. The Khamisiyah site, for example, was bombed over six days and after the ceasefire, ground forces began destruction of munitions.   These incidents were investigated by the Department of Defense, which issued a final report

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[43] International Institute for Strategic Studies, *Iraq's Weapons of Mass Destruction,* September 2002.

in April 2002.[44] According to that report, "In the Gulf War, soldiers' training included identifying potential chemical weapons by their distinctive markings or physical characteristics." The report also noted that "Properly employed, chemical warfare agent detection equipment possibly can prevent the accidental destruction of munitions containing chemical warfare agents."

Preventing Transfer of WMD to Terrorists. Iraq's alleged support of terrorism is one of the justifications put forward for disarming Iraq quickly. Although there is no evidence either in the past or the present for Iraq sharing its WMD technologies, capabilities, or materials, there is also no guarantee that this could not happen. Media have reported that U.S. warplanners likely will want to encircle and guard key WDM sites rather than destroy them, primarily to obtain evidence of Iraq's WMD, but this approach could also help prevent the transfer of capabilities by keeping facilities and personnel intact. Chaos, such as was predicted during the fall of the Soviet Union, could provide opportunities for those seeking WMD capabilities.

Inspections Status. On the evening of March 16, 2003, the United States reportedly informed the IAEA and UNMOVIC to withdraw its inspectors. At the same time, at least 5 helicopters supporting inspections were moved out of Iraq reportedly because insuring agents believed the risk of their continued operation too high. Most/all inspectors left Iraq on March 18.

From November 2002 to March 2003, UNMOVIC and the IAEA conducted approximately 750 inspections at 550 sites. Those inspections uncovered relatively little: empty chemical weapons shells not previously declared (mid-January); two complete R-400 aerial bombs at a site where Iraq unilaterally destroyed BW-filled aerial bombs (mid-February); 2000 pages of undeclared documents on uranium enrichment in a private home (mid-February); undeclared remotely piloted vehicles with wing spans of 7.5 meters (mid-February); and cluster bombs that could be used with chemical or biological agents. Some destruction has taken place, including ten mustard gas shells left over from inspections prior to 1998, and 70 Al-Samoud-2 missiles (of a potential 100-120) since March 1.

On March 7, Drs. Blix and ElBaradei reported to the Security Council, and Blix also presented members with a draft document entitled, *Unresolved Disarmament Issues: Iraq's Proscribed Weapons Programs*.[45] Under U.N. Security Council Resolution 1284, which established UNMOVIC in 1999, UNMOVIC must identify key remaining disarmament tasks, which Blix has done in this 173-page document. Although inspection activities will halt until after the war is over, this document will likely form the basis for whatever ongoing inspection regime is in place in post-war Iraq.

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[44] [http://www.gulflink.osd.mil/khamisiyah_iii]

[45] Available at [http://www.un.org/Depts/unmovic/documents/cluster.htm].

> **CRS Products**
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> CRS Issue Brief IB92117, *Iraq: Weapons Threat, Compliance, Sanctions, and U.S. Policy*.
>
> CRS Report RL31671, *Iraq: U.N. Inspections for Weapons of Mass Destruction*.
>
> CRS Report RS21376, *Iraq: WMD-Capable Ballistic Missiles and Unmanned Aerial Vehicles (UAVs)*.

Post-War Iraq
Kenneth Katzman, 7-7612
(Last updated March 18, 2003)

The same U.S. concerns about fragmentation and instability in a post-Saddam Iraq that surfaced in prior administrations have been present in the current debate over Iraq policy. One of the considerations cited by the George H.W. Bush Administration for ending the 1991 Gulf war before ousting Saddam was that a post-Saddam Iraq could dissolve into chaos. It was feared that the ruling Sunni Muslims, the majority but under-represented Shiites, and the Kurds would divide Iraq into warring ethnic and tribal factions, opening Iraq to influence from neighboring Iran, Turkey, and Syria. Because of the complexities of various post-war risks to stability in Iraq and the region, some observers believe that the President George W. Bush Administration would prefer that Saddam Hussein be replaced by a military or Baath Party figure who is not necessarily committed to democracy but would comply with applicable U.N. resolutions. Administration statements, however, continue to express a strong commitment to democratizing Iraq.

Current Planning Efforts. The Administration is planning for a post-Saddam regime. The Administration asserts that, if it takes military action and ousts the government of Saddam Hussein, it will do what is necessary to bring about a stable, democratic successor regime that complies with all applicable U.N. resolutions. The Chief of Staff of the Army, General Eric Shinseki, told the Senate Armed Services Committee on February 24 that as many as 200,000 U.S. troops might be needed for a postwar occupation, although other Administration officials have disputed the Shinseki assessment. Senior State Department and Defense Department officials testified before the Senate Foreign Relations Committee on February 11, 2003 that there would likely be at least a 2-year period before governance of Iraq could be transferred from the U.S. military to an Iraqi administration.[46] Some analysts speculated that the transition might last considerably longer, while others believe that the Administration will want to pull U.S. forces out sooner than that and turn over governance to Iraqis. The length of the occupation could hinge on the level of resistance, if any, to the U.S. occupation, and the number of U.S. casualties incurred in maintaining it.

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[46] "American Officials Disclose 2-Year Plan to Rebuild Iraq," *New York Times*, February 12, 2003.

A press report on February 21 indicated that a prominent American civilian would likely be named to head an interim regime in Iraq and direct the reconstruction effort.[47] Cable News Network reported on March 7, 2003 that the Administration plans to administer post-war Iraq by appointing one administrator each for a northern, southern, and a central region. During the interim period, the United States would eliminate remaining WMD, eliminate terrorist cells in Iraq, begin economic reconstruction, and purge Baath Party leaders. Iraq's oil industry would also be rebuilt and upgraded.

The exiled Iraqi opposition, including those groups most closely associated with the United States, generally opposes a major role for U.S. officials in running a post-war Iraqi government, asserting that Iraqis are sufficiently competent and unified to rebuild Iraq after a war with the United States. The opposition groups that have been active over the past few years, such as the Iraqi National Congress, believe that they are entitled to govern post-Saddam Iraq, and fear that the Administration might hand power to those who have been part of the current regime. For now, the Administration has rebuffed the opposition and decided not to back a "provisional government," composed of Iraqi oppositionists, that would presumably take power after Saddam is overthrown. Nonetheless, the opposition met in northern Iraq in late February 2003, with a White House envoy, Zalmay Khalilzad attending, to plan their involvement in a post-Saddam regime. On February 11, Iraqi exile opposition leaders reiterated their strong opposition to the installation of a U.S. military governor in post-war Iraq[48] and, at the northern Iraq meeting and against U.S. urging, the opposition named a six-man council that is to prepare for a transition government if and when Saddam Hussein is ousted. The six are Iraqi National Congress director Ahmad Chalabi; Patriotic Union of Kurdistan leader Jalal Talabani; Kurdistan Democratic Party leader Masud Barzani; Shiite Muslim leader Mohammad Baqr Al Hakim, who heads the Supreme Council for the Islamic Revolution in Iraq, SCIRI; Iraq National Accord leader Iyad Alawi; and former Iraqi foreign minister Adnan Pachachi.

Some believe that of the opposition groups, SCIRI is the best organized and can draw on support from its patrons in Iran. SCIRI controls militia units called the "Badr Brigades," which are reportedly supported by Iran's elite Revolutionary Guard and have been active against Iraqi forces in southern Iraq for the past decade. In early March, some Badr Brigade fighters entered northern Iraq, far from their traditional base in the south, possibly to position themselves to seize a share of power in cities in northern and central Iraq. Others believe that there are ex-military officers who might rally remnants of the Iraqi armed forces into a new Sunni Muslim-dominated regime.

As part of the post-war planning process, the U.S. State Department is reportedly running a $5 million "Future of Iraq" project in which Iraqi exiles are meeting in working groups to address issues that will confront a successor

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[47] "Full U.S. Control Planned for Iraq; American Would Oversee Rebuilding," *Washington Post*, February 21, 2003.

[48] "Exile Group Leaders Fault U.S. Plan for Postwar Iraq," *Washington Post*, February 12, 2003.

government.[49] The working groups in phase one of the project have discussed (1) transitional justice; (2) public finance; (3) public and media outreach; (4) democratic principles; (5) water, agriculture, and the environment; (6) health and human services; and (7) economy and infrastructure. Phase two, which began in late 2002, includes working groups on (8) education; (9) refugees, internally-displaced persons, and migration policy; (10) foreign and national security policy; (11) defense institutions and policy; (12) free media; (13) civil society capacity-building; (14) anti-corruption measures; (15) oil and energy; (16) preserving Iraq's cultural heritage; and (17) local government.

Reconstruction/Humanitarian Effects. On January 20, 2003, President Bush ordered the formation of post-war planning office called the Office of Reconstruction and Humanitarian Assistance, within the Department of Defense. The office is in the process of establishing links with U.N. agencies and non-governmental organizations that will play a role in post-war Iraq and forge links to counterpart organizations in countries that participate in U.S. military action against Iraq.

It is widely assumed that Iraq's vast oil reserves, believed second only to those of Saudi Arabia, would be used to fund reconstruction. Presidential spokesman Ari Fleischer said on February 18, 2003, referring to Iraq's oil reserves, that Iraq has "a variety of means ... to shoulder much of the burden for [its] own reconstruction." However, many observers believe that an Iraqi regime on the verge of defeat could destroy its own oil fields, and there were press reports on March 17 that Iraq had begun spilling some oil in the south as part of an effort to slow down U.S. forces expected to move into Iraq. Iraq set Kuwait's oil fields afire before withdrawing from there in 1991. The Administration reportedly is planning to try to secure Iraq's oil fields early in any offensive against Iraq to prevent this from happening, although U.S. forces entering Iraq from only the south might not quickly arrive at some of the northern oil fields in Kirkuk and Mosul.

A related issue is long-term development of Iraq's oil industry, and which foreign energy firms, if any, might receive preference for contracts to explore Iraq's vast reserves. Russia, China, and others are said to fear that the United States will seek to develop Iraq's oil industry with minimal participation of firms from other countries. Some press reports suggest the Administration is planning to exert such control,[50] although some observers speculate that the Administration had sought to create such an impression in order to persuade Russia to support use of force against Iraq.

War Crimes Trials. Analysts have debated whether Saddam Hussein and his associates should be prosecuted for war crimes. In late 2002, the Administration reportedly had reached a consensus that, in the event of U.S. military action that

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[49] "State Department Hosts Working Group Meeting for Future of Iraq Project," *Washington File*, December 11, 2002.

[50] "After Saddam, an Uncertain Future," *Insight Magazine*, February 3, 2003.

overthrows Saddam, he and his inner circle would be tried in Iraq.[51]   The Administration has been gathering data for a potential trial of Saddam and 12 of his associates, including his two sons Uday and Qusay. The U.S. ultimatum delivered March 17 is limited to Saddam and the two sons, leaving it unclear whether the Administration will consider other members of his inner circle as war criminals if they are captured in the course of a U.S.-led war. The *New York Times* reports that U.S. intelligence has catalogued and categorized about 2,000 members of the Iraqi elite, segmenting them into those that might be tried as war criminals, those that might quickly defect to the U.S. side in the event of war, and those that already could be considered opposed to Saddam or whose expertise would be crucial to running post-war Iraq.[52]

CRS Products

CRS Report RL31339, *Iraq: U.S. Efforts to Change the Regime.*

CRS Report RL31585, *Possible U.S. Military Intervention in Iraq: Some Economic Consequences.*

CRS Report RS21404, *U.S. Occupation of Iraq? Issues Raised by Experiences in Japan and Germany.*

Burden Sharing
Carl Ek (7-7286)
(Last updated March 18, 2003)

In November 2002, the U.S. government reportedly contacted the governments of 50 countries with specific requests for assistance in a war with Iraq. On March 18, 2003, the Administration released a list of 30 countries that have publicly stated their support for U.S. efforts to disarm Iraq, and Secretary of State Powell said that 15 other countries were giving private backing.[53]   Nevertheless, only a handful of countries have offered to supply ground troops, and it appears unlikely that a coalition comparable to that of *Desert Storm* in 1991 will arise.[54]

Political and Military Factors. On the international political front, analysts contend that it is important for the United States to enlist allies in order to demonstrate that it is not acting unilaterally – that its decision to use force to disarm Iraq has been endorsed by a broad global coalition. Although the political leaders of some Islamic countries are reportedly sympathetic to the Bush Administration's aims, they must consider hostility to U.S. actions among their populations. Analysts have

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[51] "U.S. Seeks War Crimes Trial Data.," *Washington Post*, October 30, 2002.

[52] "U.S. Lists Iraqis to Punish, or to Work With," *New York Times*, February 26, 2003.

[53] "U.S. Names 30 Countries Supporting War Effort," *Washington Post*, March 19, 2003.

[54] "NATO Allies Willing to Attack Iraq without U.N., Wolfowitz Says," *Bloomberg.com*, January 10, 2003; "Coalition: Only Three Allies Send Combat Troops," *Financial Times*, March 18, 2003.

suggested that some countries have sided with the United States out of mixed motives; former U.S. ambassador to NATO Robert Hunter characterized the nations backing U.S. policy as "a coalition of the convinced, the concerned, and the co-opted."[55]

From a strictly military standpoint, active allied participation may not be critical. NATO invoked Article 5 (mutual defense) shortly after the September 11, 2001 attacks against the United States, but during the subsequent war in Afghanistan, the United States initially relied mainly on its own military resources, accepting only small contingents of special forces from a handful of other countries. Allied combat and peacekeeping forces arrived in larger numbers only after the Taliban had been defeated. Analysts speculate that the Administration chose to "go it alone" because the unique nature of U.S. strategy, which entailed special forces ground units locating and then calling in immediate air strikes against enemy targets, necessitated the utmost speed in command and communications.[56] An opposing view is that the United States lost an opportunity in Afghanistan to lay the political groundwork for an allied coalition in the conflict against terrorism. During *Operation Allied Force* in Kosovo in 1999, some U.S. policy-makers complained that the requirement for allied consensus hampered the military campaign with a time-consuming bombing target approval process. Another military rationale for having primarily U.S. forces conduct operations against Iraq is that few other countries possess the military capabilities (e.g., airborne refueling, air lift, precision guided munitions, and night vision equipment) necessary for a high-tech campaign designed to achieve a swift victory with minimum Iraqi civilian and U.S. casualties.

Direct and Indirect Contributions. In February, an Administration official stated that "a core group of eight nations ... has pledged either combat forces or support units ... ."[57] Britain, the only other country that has had warplanes patrolling the no-fly zones in Iraq, is expected to contribute up to 45,000 ground troops, as well as air and naval forces. Australia has committed 2,000 troops, and it is believed that other countries, such as Poland, the Netherlands, Denmark, Romania, and Albania may support coalition forces once a conflict begins. The Czech Republic has reinforced a contingent of anti-chemical weapons specialists in Kuwait, stationed there since March 2002, and Slovakia has deployed a similar, smaller unit.[58] Japan, constitutionally barred from dispatching ground troops, reportedly may also help in the disposal of chemical and biological weapons, and has recently reinforced its fleet of naval vessels patrolling the Indian Ocean.[59] Sweden and New Zealand have indicated that they might contribute medical support.

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[55] "U.S. Builds War Coalition With Favors – and Money," *USA Today*, February 25, 2003.

[56] "On Iraq, Can Too Many Troops Spoil A War?" *Christian Science Monitor,* January 22, 2003.

[57] "America's Allies Pledge Array of Support," *Baltimore Sun*, February 14, 2003. For domestic political reasons, some countries wish to delay announcement of their support.

[58] Bratislava and Washington reportedly are discussing possible U.S. assistance in covering some of the costs of Slovakia's deployment. *Radio Free Europe/Radio Liberty*, February 26, 2003.

[59] "We'll Help, But um ... ah ...," *Economist*, February 15, 2003.

Other forms of support might prove valuable. For example, countries have granted overflight rights or back-filled for U.S. forces that might redeploy to Iraq from Central Asia or the Balkans: Canada is sending nearly 3,000 troops to Afghanistan, freeing up U.S. soldiers for Iraq. In addition, gaining permission to launch air strikes from countries close to Iraq would reduce the need for mid-air refueling, allow aircraft to re-arm sooner, and enable planes to respond more quickly to ground force calls for air strikes; Djibouti, Kuwait, Spain, Italy, Portugal, and Bulgaria have offered the use of their airbases and seaports. About 1,000 U.S. troops have been stationed in Constanța, Romania, which is acting as an "air bridge" to the Persian Gulf. At the Bush Administration's request, the Hungarian government is allowing the use of an air base for the training of up to 3,000 Iraqi opposition members to assist coalition forces as non-combatant interpreters and administrators.[60]

On January 15, the United States formally requested several measures of assistance from the NATO allies, such as AWACS (Airborne Warning and Control System aircraft), refueling, and overflight privileges; the request was deferred. On February 10, France, Germany and Belgium vetoed U.S. and Turkish requests to bolster Turkish defenses on the grounds that it would implicitly endorse an attack on Iraq; German Chancellor Schroeder sought to sharpen the distinction by announcing that his government would provide defensive missiles and AWACS crews to help protect Turkey on a bilateral basis. The impasse was broken by an agreement over language indicating that such assistance "relates only to the defense of Turkey" and does not imply NATO support for a military operation against Iraq.[61] Despite the compromise, many observers believe the temporary rift may have lasting consequences for NATO.

The Bush Administration asked permission of the Turkish government to use Turkish bases and ports and to move American troops through southeast Turkey to establish a northern front against Iraq – a key issue for U.S. planners. The negotiations over troop access proceeded in tandem with discussions over a U.S. aid package.[62] An initial agreement was struck, permitting 62,000 U.S. troops in Turkey; in return, the United States was to provide $6 billion in assistance. On March 1, however, the Turkish parliament by a 3-vote margin failed to approve the deal. Ruling party leader Recep Erdogan urged Washington to wait, but by March 18, the

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[60] "Canada Will Send 3,000 on Afghan Mission" *Toronto Globe and Mail*, February 13, 2003. "Hungary Approves US Request For Training Base For Iraqi Exiles," *Agence France Press,* December 18, 2002.

[61] NATO works on a consensus basis; France, Germany, Belgium and Luxembourg opposed the initial U.S. request. "NATO Blocked on Iraq Decision," *Washington Post,* January 23, 2003. At the end of January, however, eight European leaders signed an open letter supporting U.S. efforts to disarm Iraq. "European Leaders Declare Support for U.S. on Iraq," *Wall Street Journal,* January 30, 2003. That statement was followed by a declaration of support by the ten countries aspiring to join NATO. "Who Stands with U.S.? Europe Is of Two Minds," *New York Times,* January 31, 2003. "East Europeans Line Up Behind Bush," *International Herald Tribune,* February 6, 2003. "NATO Agrees to Begin Aid to Turkey," *Washington Post,* February 17, 2003.

[62] Israel, Jordan, and Egypt also reportedly have requested U.S. aid to offset possible effects of war. "Congress Questions Cost of War-Related Aid," *Washington Post,* March 17, 2003.

U.S. military cargo vessels that had been standing anchored off the Turkish coast were reported to be steaming toward the Gulf.[63] The two countries are still discussing flyover rights. Some Members of Congress and other U.S. policymakers have criticized Turkey, claiming it sought to leverage U.S. strategic needs to squeeze a large aid package out of Washington. However, Turkish officials argue that more than 90% of their country's population opposes a war and that Turkey suffered severe economic losses from the 1991 Gulf War. Ankara also is concerned over the possibility that a new conflict in Iraq could re-kindle the efforts of Kurdish separatists to carve out a Kurdish state. Finally, Turkey has sought assurances that Iraq's 2-3 million ethnic Turkmen will be able to play a post-war role in Iraq.[64]

In late February, Jordan's prime minister acknowledged the presence of several hundred U.S. military personnel on Jordanian soil; the troops were reportedly there to operate Patriot missile defense systems and to conduct search-and-rescue missions; the deployment marked a reversal from Jordan's neutral stance during the 1991 Gulf war.[65] Egypt is permitting the U.S. military to use its airspace and the Suez Canal. Although the Persian Gulf states generally oppose an attack on Iraq in public statements, between 225,000 and 280,000 U.S. military personnel are ashore or afloat in the region, and Saudi Arabia and Qatar host large U.S. military command centers; according to recent reports, the Saudi government has sanctioned limited use of the Prince Sultan airbase command center and will permit search-and-rescue operations to be conducted along the Saudi-Iraqi border. The Saudis also have pledged to step up their oil output to compensate for any drop in Iraqi production. U.S. troops based in Kuwait would likely play a key role in any ground attack against Iraq. In addition, several U.S. aircraft carriers will be positioned in the region.

Post-Conflict Assistance. After the 1991 Gulf War, several nations – notably Japan, Saudi Arabia and Germany – provided monetary contributions to offset the costs of the conflict; it is not yet known if such would be the case after a war against Iraq. However, U.S. policymakers hope that several nations likely would contribute to caring for refugees and to the post-war reconstruction of Iraq by providing humanitarian assistance funding, programs for democratization, as well as peacekeeping forces. France, Japan, Sweden, Russia, and Romania have indicated that they might play a role.

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[63] However, some U.S. military equipment apparently was off-loaded and trucked to the Iraqi border. "U.S. Continues Military Buildup In Turkey Despite Access Denial," *Wall Street Journal*, March 11, 2003.

[64] "Turkey Conditions Troop Deployment on More U.S. Aid," *Washington Post,* February 19, 2003; "Turkey Seems Set To Let 60,000 G.I.'s Use Bases For War," *New York Times*, February 26, 2003. "Turkey Needs Week or More to Reconsider U.S. Request," *New York Times,* March 4, 2003; "Turkey Says It May Alter Decision on Use Of Bases," *Washington Post*, March 18, 2003.

[65] "U.S. Troops Deployed In Jordan," *Boston Globe*, February 25, 2003.

Implications for the Middle East
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(*Last updated March 18, 2003*)

A U.S.-led war against Iraq – depending on its intensity, duration, and outcome– could have widespread effects on the broader Middle East. Demographic pressures, stagnant economic growth, questions over political succession, and festering regional disputes already raise many uncertainties regarding the future of the Middle East. Although some have voiced fears that Iraq might fragment along ethnic or sectarian lines as a by-product of such a war, a redrawing of regional boundaries as occurred after World War I (and to a lesser extent World War II) is highly unlikely; however, political realignments could take place, along with new alliances and rivalries that might alter long-standing U.S. relationships in the region.

The opportunity to craft a new government and new institutions in Iraq might increase U.S. influence over the course of events in the Middle East. Conversely, U.S. military intervention could create a significant backlash against the United States, particularly at the popular level, and regional governments might feel even more constrained in accommodating U.S. policy goals. Governments that decide to support the U.S. effort would expect to be rewarded with financial assistance, political support, or both. Saudi Arabia, for example, if it assents to U.S. use of its bases or facilities, is likely to push for political concessions, including a stronger U.S. effort to resolve the Arab-Israeli conflict, as well as a possible reduction in U.S. military presence in the long term. (See below.)

The ability of the U.S. government to obtain the support or acquiescence of Middle East governments and their citizens for a U.S.-led campaign against Iraq will be a critical factor determining the effects of such a war on regional issues of interest to the United States. These include democracy and governance, the protracted Arab-Israeli peacemaking process, and security arrangements in the Gulf region. Two other issues, terrorism and access to oil, are treated elsewhere in this report.

Democracy and Governance. Some commentators believe that a war with Iraq culminating in the overthrow of Saddam Hussein would lead to a democratic revolution in large parts of the Middle East. The Bush Administration itself has repeatedly expressed support for the establishment of a more democratic order in the Middle East, although skeptics point out that key U.S. allies in the region have authoritarian regimes. Some link democracy in the Middle East with a broader effort to pursue development in a region that has lagged behind much of the world in economic and social development, as well as in individual freedom and political empowerment. In a speech at the Heritage Foundation on December 12, 2002, Secretary of State Colin Powell announced a three-pronged "Partnership for Peace"

initiative designed to enhance economic development, improve education, and build institutions of civil society in the Middle East. Separately, Crown Prince Abdullah of Saudi Arabia has reportedly proposed an "Arab Charter" that would encourage wider political participation, economic integration, and mutual security measures. In his ultimatum to Saddam Hussein on March 17, 2003, President Bush commented that after Saddam departs from the scene, the Iraqi people "can set an example to all the Middle East of a vital and peaceful and self-governing nation." The President promised that the United States would work for liberty and peace in the Middle East region.

Democratic reform in the Middle East, however, is likely to entail trade-offs and compromises that may affect U.S. strategic plans in the region. Critics have often charged that U.S. Middle Eastern policy is overly tolerant of autocratic or corrupt regimes as long as they provide support for U.S. strategic or economic objectives in the region. Some commentators imply that U.S. pursuit of democracy in the Middle East is likely to be uneven, effectively creating an "exemption" from democracy for key U.S. allies. Other critics argue that the minimal amount of assistance contained in the Powell initiative ($29 million during the first year) reflects only a token effort to support democratization and development, although the Administration is requesting significantly more funding for this initiative–$145 million–in FY2004. Arab reactions to the Powell initiative tended to be cool, some arguing that the United States should deal with Arab-Israeli issues first. Still others fear that more open political systems could lead to a takeover by Islamic fundamentalist groups, who often constitute the most viable opposition in Middle East countries, or by other groups whose goals might be inimical to U.S. interests. Finally, lack of prior experience with democracy may inhibit the growth of democratic institutions in the Middle East.

Arab-Israeli Peacemaking. Administration officials and other commentators argue that resolving the present crisis with Iraq will create a more favorable climate for future initiatives to resume currently stalled Arab-Israeli peace negotiations. Proponents of this view cite the experience of the first Bush Administration, which brought Arabs and Israelis together in a landmark peace conference at Madrid in 1991, after first disposing of the Iraqi occupation of Kuwait. Many believe that the then Bush Administration secured wide Arab participation in the coalition to expel Iraq from Kuwait by promising a major post-war effort to address the Arab-Israeli conflict. Officials of the present Bush Administration continue to speak of their vision of pursuing an Arab-Israeli peace settlement after eliminating current threats from Iraq. In a statement to the press on March 14, 2003, President Bush affirmed that "America is committed, and I am personally committed, to implementing our road map toward peace" between Arabs and Israelis.

Others believe that U.S. priorities should be reversed, arguing that the current stalemate in Arab-Israeli negotiations, together with on-going violence between Israelis and Palestinians, poses a greater potential threat to U.S. interests than a largely contained Iraq. They point out that support in the Middle East for a U.S.-led coalition against Iraq is far weaker than it was in 1991, and cooperation from Arab and Muslim states at best is likely to be limited and reluctant as long as Arab-Israeli issues continue to fester. They warn that disillusionment over the present stalemate in Arab-Israeli negotiations, combined with a war against Iraq, runs the risk of

inflaming popular opinion against the United States and encouraging an increase in anti-U.S. terrorism.

Security Arrangements in the Gulf Region. Large-scale deployment of U.S. troops to the Middle East to wage war against Iraq and the likelihood of a continued major U.S. military presence in the region will exert added pressures on Middle East governments to accommodate U.S. policies in the near term. Long-lasting major U.S. military commitments in the region, however, could heighten resentment against the United States from Islamic fundamentalists, nationalists, and other groups opposed to a U.S. role in the Middle East; such resentment could manifest itself in sporadic long-term terrorism directed against U.S. interests in the region. Even friendly Middle East countries may eventually seek a reduction in U.S. military presence. According to a *Washington Post* report on February 9, 2003, Saudi Arabia's Crown Prince Abdullah plans to request the withdrawal of U.S. armed forces from Saudi territory after Iraq has been disarmed. U.S. and Saudi officials declined to comment on this report, which an unnamed White House official described as "hypothetical." Periodic dissension within the Arab world could also affect future security arrangements in the Middle East, particularly any arrangements involving the United States.[66]

CRS Products

CRS Report RS21325, *Iraq: Divergent Views on Military Action*.

CRS Report RL31533, *The Persian Gulf: Issues for U.S. Policy.*

CRS Issue Brief IB92117, *Iraq: Weapons Threat, Compliance, Sanctions, and U.S. Policy*.

Humanitarian Issues
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(Last updated March 18, 2003)

With the Administration's announcement on March 17, 2003, giving Iraq a final 48-hour ultimatum and bringing a close to any diplomatic channels, the humanitarian situation appears to be changing quickly. There are reports of Kurdish civilians either leaving cities that lie along Iraqi front lines or safeguarding their homes with sheets of plastic in the event of a chemical attack by Hussein. In Baghdad, civilians bought water and canned food, converted currency, and filled gas tanks in preparation for war. The U.N. Secretary-General Kofi Annan authorized an immediate

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[66] Unprecedented strife erupted between several Middle East leaders at meetings of the 22-member Arab League and the 56-member Organization of the Islamic Conference in early March 2003, partly over the question of defense ties with the United States and its allies. "An Arab House, Openly Divided," *Washington Post*, March 9, 2003.

withdrawal of United Nations (U.N.) personnel from Iraq and suspended the Oil-for-Food Program (OFFP).[67]

Background. Because much of the information available on the conditions within Iraq is considered unreliable, it is difficult to determine how much of the suffering is due to the sanctions imposed on Iraq and how much is due to other factors such as government policies.[68] In general, there seems to be a consensus that the humanitarian situation remains precarious, and to some observers, a humanitarian crisis could arise from war.[69]

U.N. and other humanitarian agencies have been providing aid to Iraq through the OFFP, which uses revenue from Iraqi oil sales to buy food and medicines for the civilian population.[70] Both bilateral and multilateral aid have continued to flow into the country since the end of the war, although it is difficult to assess the total amount provided by all donors outside the OFFP. Since 1996, the OFFP has alleviated some of the worst effects of the sanctions, but the humanitarian crisis (defined as urgent need for food, shelter, and basic health care) remains serious. While some improvements have been seen in nutrition, health services, water supply and sanitation, there is greater dependence on government services. Observers of the Iraq situation have identified disturbing health and nutrition problems affecting the civilian population. These have been tied to the consequences of war, sanctions, shortcomings of assistance, and the deliberate policies of the Iraqi regime.

War-Related Concerns. It is widely believed that the current humanitarian situation inside Iraq could worsen during a conflict, though this would likely depend on the nature and duration of the conflict and the extent and quality of humanitarian assistance. Problems could arise from malnutrition and disruption of food supplies, inadequate sanitation and clean water, and reduced health and medical care. The impact of war in Iraq could also include a potential humanitarian emergency with population movements across borders or within Iraq itself. Although any predictions are highly speculative without a sense of the extent and duration of a war, the United Nations reportedly expects that 600,000 to 1.45 million refugees and asylum seekers might flee Iraq, 2 to 3 million could become internally displaced, and 4.5 to10 million inside Iraq (nearly 40% of the Iraqi population) could require food assistance

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[67] Iraq appears to still be allowed to export oil via Turkey as U.N. staff were evacuated only from inside Iraq.

[68] Some groups question the accuracy of statistics published by the government, but have no independent sources of information. All estimates of the number of deaths due to lack of food or medical care vary widely based on the source.

[69] "U.N. Official Warns of Iraqi Food Crisis," *Washington Post*, February 28, 2003.

[70] For more information about the Oil-for-Food Program (OFFP), see CRS Report RL30472, *Iraq: Oil-for-Food Program, International Sanctions, and Illicit Trade.*

within weeks.[71] Some argue that supplies of water, food, medicine, and electricity are a matter of urgent concern now.[72]

Iraq's population is estimated to be between 24 and 27 million people, of which 60% have been receiving monthly food distributions under the OFFP. Reportedly, families cannot make their rations last the full month or they need to sell part of them for other necessities – leaving many people without any food stored in reserve and more vulnerable, particularly since food distribution will likely be interrupted with the suspension of the OFFP. Most of the warehouses that store food in OFFP are now empty, which means there are few reserves within Iraq. Reportedly, Administration officials have indicated that once the military gains control, the OFFP will be restarted. It is unclear what assumptions are being made about estimates of food aid and the cost per Iraqi citizen: how much will be required for how many people over what period of time? There is also concern about whether food delivery will be dependent on keeping the OFFP distribution network in place and to what extent contingency plans are being coordinated and implemented with the OFFP.

Considering the potential scope of the conflict, in recent weeks questions have been raised about the level of preparedness on the part of the United States and the international community for the humanitarian consequences likely to result. There are also concerns about the absorptive capacity of neighboring countries, whether they can provide adequately for these populations, and the impact of refugee flows on stability in the region.

Iranian leaders have stated that refugees will not be allowed over Iranian borders, but refugees would be provided assistance in Iraq, which is a similar strategy used by Iran in Afghanistan.[73] However, Iran is also setting up 19 camps within its borders just in case. Turkey has said that it would prefer not to allow refugees over its borders and is planning to build 13 camps in northern Iraq. However, Turkey is also planning five more camps within its borders and has started preparations to build one camp of 24,000 tents. The Red Crescent team in Iraq is making preparations to accommodate up to 100,000 people and treat up to 7,000 injured by bombs and fighting.[74] It is also prepared to provide assistance to up to one million refugees crossing into neighboring countries. Kuwait's government has said it will not let refugees enter the country from Iraq but that displaced people could be cared for on the Iraqi side of the demilitarized border zone between the two countries. The

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[71] "Shortfall Imperils U.N.'s Iraq Aid; Funds Sought for Humanitarian Work," *Washington Post*, February 14, 2003.

[72] "Agencies Fear Consequences But Plan for War in Iraq; Iraq Stocks up Food Ahead of Possible US War." *Turkish Daily News*, December 27, 2002.

[73] Iranian police chief Mohammad Baqer Qalibaf recently said, "No refugees will be allowed into our territory if America attacks Iraq." "Tehran Sends Mixed Signals on Iraqi Refugees," *Radio Free Europe/Radio Liberty*, January 16, 2003; "Iran Prepares for Possible Iraqi Refugee Influx," *Reuters*, January 16, 2003.

[74] "Turkey to Set Up 24,000 Tents at Iraq Border for Possible Refugee Influx," *Agence France-Presse*, January 15, 2003; "Supplies Amassed Along Front Line of Iraq's 'Other' War; As U.S. Military Prepares for Fighting, Relief Groups Mobilize to Save Lives," *Washington Post*, January 5, 2003.

government is also preparing to establish a camp for refugees. According to relief agency officials, while Jordan is also reluctant to accept Iraqi refugees, it is preparing one site 60 kms from the Iraqi border and establishing a possible transit area at a border crossing point. A camp is also being constructed in Syria 100 kms from the Iraqi border. Saudi Arabia has not publicly discussed the need for preparation for refugees, but there have been reports that the government is making some plans.[75]

Contingency Planning. Given the challenge of current conditions in Iraq, relief agencies acknowledge that a conflict there would disrupt critical infrastructure, delivery of basic services, and food distribution. They are planning for humanitarian needs amid great uncertainty about conditions in the aftermath of conflict. Although the humanitarian issues in Iraq have in recent weeks been getting much more attention in the United States and abroad, the state of preparedness for humanitarian contingencies, degree of transparency over planning, and lack of funding have many concerned about the impact of war and capacity of the international community to meet the humanitarian needs on the ground.

On January 20, 2003, a presidential directive established the Office of Reconstruction and Humanitarian Assistance in the Pentagon to prepare for war and post-war aid needs. The Office, headed by retired Army Lt. Gen. Jay M. Garner, is set up under the Department of Defense (DOD) but staffed by officials from agencies throughout the U.S. government, including the United States Agency for International Development (USAID) and the State Department. Civilian coordinators in charge of three substantive areas – humanitarian relief, reconstruction, and civil administration – and a fourth coordinator, responsible for communications, logistics, and budgetary support, are expected to work on the planning and implementation of assistance programs.[76]

According to Pentagon planners, U.S. armed forces would initially take the lead in relief and reconstruction, later turning to Iraqi ministries, NGOs, and international organizations to assume some of the burden.[77] The group has developed an operational concept for the delivery of aid, relief coordination, and a transitional distribution system. U.S. forces are pre-positioning food and relief aid near Iraq and making plans to deal with a possible humanitarian crisis. How long the civil affairs teams, a special section with in each of the armed services, will be leading the relief efforts remains to be seen.

DOD is taking an inter-agency approach to the potential need for humanitarian assistance. On February 11 in congressional testimony, Marc Grossman, Under Secretary of State for Political Affairs, stated that USAID and the Department of State were working with NGOs and international organizations, which would be "important partners in addressing Iraq's humanitarian needs," adding "civilian and military officials regularly consult and coordinate plans." With funding from

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[75] Ibid.

[76] General Garner arrived in Kuwait on March 18 to oversee the potential postwar Iraq effort.

[77] "U.S. Military Lays Out Postwar Iraq Plan," *Washington Post*, February 12, 2003.

USAID, U.S. NGOs have formed a consortium, the Joint NGO Emergency Preparedness Initiative, for better coordination. Grossman noted that the United States had allocated $15 million for planning, and $35 million was being made available from other accounts.[78]

Since October 2002, USAID has been putting a Disaster Assistance Response Team (DART) together and is making preparations to deal with the basic needs of one million people. According to USAID, so far it has spent $26 million from contingency planning funds. Another $56 million will be drawn from existing funding sources within USAID. Whether adequate preparations are being made to meet the needs of enough people is difficult to predict. Still, the total amounts being spent by the United States on contingency planning for humanitarian assistance and the projected funds required are not yet readily available. The Administration's request for an FY2003 supplemental appropriations, including additional aid for Iraq, is expected shortly.

U.N. agencies have met with key donors to develop possible humanitarian scenarios and contingency plans. For example, UNHCR's contingency planning is based on an initial working figure of 600,000 refugees. Emergency stocks are being prepositioned around the region. The United Nations is appealing for $120 million to provide humanitarian assistance and food, increase staffing for relief operations, develop joint services for the aid community, and prepare for post-war Iraqi relief. So far, it has received pledges of about $30 million.

The absence of international organizations and NGOs operating in and around Iraq means there are few networks in place and there is little experience in the area. The Pentagon has stated that humanitarian agencies may not have access to all of Iraq immediately. In addition, U.S.-based organizations are required by the U.S. government to have a license to operate in Iraq.[79] The United Nations has an extensive infrastructure in Iraq to oversee the OFFP, but expatriate staff, some of whom have been leaving voluntarily in recent weeks, are now being evacuated. Those who leave will not be available to administer assistance while the fighting lasts.[80] Some NGOs are concerned that U.S. and other military leaders underestimate the potential humanitarian crisis in Iraq[81] and the large-scale humanitarian operation required in the case of conflict. They complain that, despite U.S. statements to the contrary, they are not being adequately consulted on relief plans and at present lack the resources to send into Iraq behind advancing U.S. forces, as projected by military

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[78] Senate Foreign Relations Committee Hearing, February 11, 2003. Transcript provided by Federal Document Clearing House.

[79] "U.S. Plans Humanitarian Assistance for Iraqi People in Case of War," January 16, 2003, [http://usinfo.state.gov/regional/nea/iraq]. "Uncertainty Dogs Relief Groups' Plans to Care for Iraq Refugees," *Financial Times*, January 6, 2003.

[80] The United Nations High Commissioner for Refugees (UNHCR) has four offices inside Iraq, and works primarily with 100,000 Palestinians, 23,000 Iranians, and 13,000 Turks–all of whom are refugees. "U.N. Seeks $37.4 Million Humanitarian Supplies in Case of Iraq War," *Dow Jones International News*, December 23, 2002.

[81] AlertNet, "Agencies Should Resist Being Taken for Granted," January 17, 2003, [http://www.reliefweb.org].

planners.[82] NGOs also maintain that the U.S. government has delayed approval of the licenses required for organizations not already present in Iraq to set up operations.[83] As of March 13, new interim regulations on humanitarian aid to Iraq have been established that are more relaxed. Some have also questioned whether military operational security will impair the communication necessary to evaluate the humanitarian situation and provide assistance.

How the war is fought and for how long – whether it will be a protracted, urban war with heavy civilian casualties or a shorter war with less impact on the Iraqi people – will in part determine the scale of the humanitarian problems. How assistance is to be implemented, such as through U.S. occupation, U.N. administration, or donor assistance, could affect the response to humanitarian problems. Within this context, the type of humanitarian assistance provided can also determine the scale of the problems. DOD has clearly stated that it is not the lead agency for humanitarian relief beyond "creating humanitarian space," but it is not known how assistance will be implemented in a postwar Iraq, the role of the U.S. government, U.N. agencies, and NGOs, and what agency will coordinate this effort for the United States and the international community.[84]

Congress has been concerned about burden sharing, about how much the United States should pay in relation to other donors, the aid priorities, and the possible use of oil revenues to offset humanitarian and reconstruction costs. Still to be determined is the role of the international donor community and neighboring countries in contributing to immediate post-war efforts. Another area of concern is the time required to transition from humanitarian assistance to reconstruction. Frustration with slow progress on the ground and growing disinterest on the part of the international community are risks in any conflict, but particularly in Iraq where there is broad international opposition to intervention in the first place.[85]

CRS Products

CRS Report RL30472. *Iraq; Oil-For-Food Program, International Sanctions, and Illicit Trade*.

CRS Report RL31766. *Iraq: United Nations and Humanitarian Aid Organizations*.

CRS Report RS21454. *Iraq: Potential Post-War Foreign Aid Issues.*

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[82] "AID Groups Say U.S. Shut Them Out of Post-Invasion Plan," *Boston Globe*, February 18, 2003.

[83] Ibid.

[84] "Pentagon News Briefing on Humanitarian Assistance for Iraq," February 25, 2003.

[85] For example, on March 12, the European Union stated it might be unwilling to fund the reconstruction of Iraq if war was declared on Iraq without U.N. authority.

International and Domestic Legal Issues
Relating to the Use of Force
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(Last Updated, March 17, 2003)

The potential use of United States military force against Iraq necessarily raises a number of domestic and international legal issues – (1) its legality under Article I, § 8, of the Constitution and the War Powers Resolution; (2) its legality under international law if seen as a preemptive use of force; and (3) the effect of United Nations Security Council resolutions on the matter. The following subsections give brief overviews of these issues and provide links to reports that discuss these matters in greater detail.

The Constitution and the War Powers Resolution. The potential use of military force by the United States against Iraq necessarily raises legal questions under both the Constitution and the War Powers Resolution. Article I, Section 8, of the Constitution confers on Congress the power to "declare War"; and Congress has employed this authority to enact both declarations of war and authorizations for the use of force. Article II of the Constitution, in turn, vests the "executive Power" of the government in the President and designates him the "Commander in Chief of the Army and Navy of the United States ...." Because of these separate powers, and because of claims about the inherent authority that accrues to the President by virtue of the existence of the United States as a sovereign nation, controversy has often arisen about the extent to which the President may use military force without congressional authorization. While all commentators agree that the President has the constitutional authority to defend the United States from sudden attack without congressional authorization, dispute still arises concerning whether, and the extent to which, the use of offensive force in a given situation, such as may be contemplated against Iraq, must be authorized by Congress in order to be constitutional.

The War Powers Resolution (WPR) (P.L. 93-148), in turn, imposes specific procedural mandates on the President's use of military force. The WPR requires, *inter alia*, that the President, in the absence of a declaration of war, file a report with Congress within 48 hours of introducing U.S. armed forces "into hostilities or situations where imminent involvement in hostilities is clearly indicated by the circumstances." Section 5(b) of the WPR then requires that the President terminate the use of the armed forces within 60 days (90 days in certain circumstances) unless Congress, in the interim, has declared war or adopted a specific authorization for the continued use of force. The WPR also requires the President to "consult" with Congress regarding uses of force.

In the present circumstance these legal requirements, at least facially, seemingly have been met and any controversy about the President's unilateral use of force resolved. As noted earlier in this report, P.L. 107-243, signed into law on October 16, 2002, authorizes the President "to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to (1) defend the national security of the United States against the continuing threat posed by Iraq; and (2) enforce all relevant United Nations Security Council resolutions regarding Iraq." As predicates for the use of force, the statute requires the President to communicate to

Congress his determination that the use of diplomatic and other peaceful means will not "adequately protect the United States ... or ... lead to enforcement of all relevant United Nations Security Council resolutions" and that the use of force is "consistent" with the battle against terrorism.

P.L. 107-243 also specifically states that it is "intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution" and requires the President to make periodic reports to Congress "on matters relevant to this joint resolution." The statute expresses congressional "support" for the efforts of the President to obtain "prompt and decisive action by the Security Council" to enforce Iraq's compliance with all relevant Security Council resolutions, but it does not condition the use of force on prior Security Council authorization. The authorization does not contain any time limitation.

Nonetheless, it should be noted that on February 23, 2003, twelve members of the House of Representatives, along with a number of U.S. soldiers and the families of soldiers, filed suit against President Bush seeking to enjoin any military action against Iraq on the grounds it would exceed the authority granted by the October resolution or, alternatively, that the October resolution unconstitutionally delegates Congress' power to declare war to the President. On February 24, 2003, the trial court dismissed the suit on the grounds it raised a nonjusticiable political question; and on March 13, 2003, the U.S. Court of Appeals for the First Circuit affirmed, albeit on different grounds. The appellate court stated that, although the current mobilization clearly imposes hardships on the plaintiffs soldiers and family members, the current situation is too fluid to determine whether there is an irreconcilable conflict between the political branches on the matter; and, thus, the issues are not ripe for judicial review. On the nondelegation issue, the appellate court observed that the Constitution allows Congress to confer substantial discretionary authority on the President, particularly with respect to foreign affairs, and that in this instance there was no "clear evidence of congressional abandonment of the authority to declare war to the President." "[T]he appropriate recourse for those who oppose war with Iraq," the First Circuit concluded, "lies with the political branches." *See Doe v. Bush,* 203 U.S. App. LEXIS 4477 (1ˢᵗ Cir. 2003).

CRS Products

CRS Electronic Briefing Book, *Terrorism, "War Powers: Statutory Authority for the Use of Force Against Iraq,"* available online from the CRS site at [http://www.congress.gov/brbk/html/ebter226.html].

CRS Electronic Briefing Book, *Terrorism*, *"War Powers: Domestic Legal Considerations"* [http://www.congress.gov/brbk/html/ebter126.html].

CRS Report RL31133, *Declarations of War and Authorizations for the Use of Military Force: Historical Background and Legal Implications*.

CRS Report RL30352, *War Powers Litigation Since the Enactment of the War Powers Resolution.*

International Law and the Preemptive Use of Force. In his speech to the United Nations on September 12, 2002, President Bush described the regime of Saddam Hussein in Iraq as "a grave and gathering danger," detailed that regime's persistent efforts to acquire weapons of mass destruction and its persistent defiance of numerous Security Council resolutions requiring Iraq to disarm, and raised the specter of an "outlaw regime" providing such weapons to terrorists. In that speech and others, the President has left little doubt that, with or without U.N. support, the United States intends to act to force Iraq to disarm and otherwise abide by its past commitments and that the U.S. may well use military force to accomplish that objective.

Given that the United States has not itself been attacked by Iraq, one question that arises is whether the unilateral use of force against Iraq by the United States would be deemed legitimate under international law. International law traditionally has recognized the right of States to use force in self-defense, and that right continues to be recognized in Article 51 of the U.N. Charter. That right has also traditionally included the right to use force preemptively. But to be recognized as legitimate, preemption has had to meet two tests: (1) the perceived threat of attack has had to be imminent, and (2) the means used have had to be proportionate to the threat.

In the past the imminence of a threat has usually been readily apparent due to the movement of enemy armed forces. But the advent of terrorism, coupled with the potential availability of weapons of mass destruction, has altered that equation. The Bush Administration, in particular, has argued that "we must adapt the concept of imminent threat to the capabilities and objectives of today's ... rogue states and terrorists" and allow what has in the past been deemed "preventive" rather than preemptive war.[86] As a consequence, an attack on Iraq, if deemed to be without Security Council authorization, could provide an occasion not only for determining whether the traditional criteria under international law regarding a preemptive attack have been satisfied but also whether those traditional criteria ought to be reformulated. Indeed, the justifications proffered for such an attack, if not successfully challenged, could shape what in the future is deemed to be a lawful preemptive use of force.

CRS Products

CRS Report RS21314, *International Law and the Preemptive Use of Force Against Iraq.*

CRS Report RS21311, *U.S. Use of Preemptive Military Force.*

Security Council Authorization. Prior to widespread adoption of the Charter of the United Nations (U.N.), international law recognized a nation's use of force against another nation as a matter of sovereign right. But the Charter was intended to change this legal situation. The Charter states one of its purposes to be "to save succeeding generations from the scourge of war." To that end it mandates

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[86] White House, *The National Security Strategy of the United States of America* (Sept. 2002), at 15.

that its member states "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations" and that they "settle their disputes by peaceful means ...." It also creates a system of collective security under Chapter VII to maintain and, if necessary, restore international peace and security, effectuated through the Security Council. While that system was often frustrated by the Cold War, the Security Council has directed its member states to impose economic sanctions in a number of situations and to use military force in such situations as Korea, Iraq's invasion of Kuwait, and the Balkans. In addition, the Charter in Article 51, as noted above, continues to recognize the "inherent right" of States to use force in self-defense.

Whether further Security Council authorization is necessary to give U.N. authority to the use of force against Iraq is debatable. It is at least arguable that the authorization the Council adopted in 1990 remains in effect. Subsequent to Iraq's invasion of Kuwait that year, the Security Council adopted a number of resolutions demanding its withdrawal. Finally, in Resolution 678, adopted on November 29, 1990, the Council authorized Member States "to use all necessary means to uphold and implement Resolution 660 (1990) and all subsequent relevant resolutions and to restore international peace and security in the area." In Resolution 687, adopted April 3, 1991, the Council set forth various requirements – including unconditional Iraqi disarmament and unconditional Iraqi agreement not to develop or acquire chemical, biological or nuclear weapons or facilities or components related to them – as obligations that Iraq had to meet as conditions of the cease-fire. Resolution 687 specifically reaffirmed previous U.N. resolutions on Iraq, including Resolution 678. It can be contended, therefore, that a failure of Iraq to meet the conditions set forth in Resolution 687 vitiates the cease-fire and brings the authorization contained in Resolution 678 back into play. That argument has, in fact, been made recently by the Attorney General of Great Britain. In a legal opinion released on March 17, 2003, Lord Goldsmith argued that Iraq is in material breach of its obligations under the cease-fire resolution (Resolution 687) and that "[a] material breach of resolution 687 revives the authority to use force under resolution 678."

Nonetheless, that does not appear to be the view of a number of members of the Security Council, including some of the permanent members; and it remains a fact that the Council has not enacted any further explicit authorization for the use of force against Iraq since 1990. On November 8, 2002, in the wake of President Bush's challenging address to the United Nations a month earlier, the Security Council did adopt Resolution 1441. Resolution 1441 stated that Iraq was in "material breach" of its obligations under earlier resolutions, imposed "an enhanced inspections regime" in order to give Iraq "a final opportunity to comply with its disarmament obligations," and stated that Iraq would face "serious consequences" if it continued to fail to meet its obligations. The resolution obligated the Council to "convene immediately" should Iraq interfere with the inspections regime or otherwise fail to meet its disarmament obligations. Whether Resolution 1441 necessitates an additional resolution specifically authorizing the use of force appears debatable. The Bush Administration has taken the position, however, that the United States is prepared to take military action against Iraq to force its disarmament, even in the absence of further authorization from the U.N. Security Council.

> **CRS Products**
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> CRS Report RS21323, *The United Nations Security Council – Its Role in the Iraq Crisis: A Brief Overview*.
>
> CRS Report RL31611, *Iraq-Kuwait: United Nations Security Council Resolutions Texts – 1992-2002*.

Cost Issues
Stephen Daggett, 7-7642; Amy Belasco, 7-7627
(Last updated March 18, 2003)

Currently, the Defense Department is financing the mobilization of forces and the deployment of troops and equipment for a war with Iraq using regular FY2003 funding, with over $2.6 billion already incurred. In briefings to Congress before the President's March 17 speech giving an ultimatum to Saddam Hussein, the Administration promised to deliver the FY2003 supplemental shortly, but the Administration may choose to delay submission of the supplemental until after debate on the FY2004 budget resolution because of concerns that the size of the supplemental could undercut support for its tax cut proposals. Many in Congress have been concerned about the Administration's unwillingness to provide any estimates of the cost of a war in Iraq, which press reports peg at between $60 billion and $100 billion.[87] In a hearing before the House Budget Committee, Deputy Secretary of Defense Wolfowitz refused to provide any estimate.[88]

According to various sources in the executive branch, the Administration's supplemental is likely to include both about $62 billion to cover the cost of the war in Iraq, occupation, and keeping U.S. forces in Afghanistan and enhanced security in the United States for the remainder of the year, plus aid to Allies, reconstruction costs, and humanitarian assistance.[89] The Administration has apparently told the services that only one supplemental will be requested.

For the cost of the war itself, the Administration's request appears to be based on assumptions of a short, one-month war, rapid de-activation of the 150,000 reservists who have been mobilized for Iraq, and a six-month occupation, all assumptions that some observers would consider optimistic. The bulk of DOD's funding is being requested in the Defense Emergency Response Fund, a transfer

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[87] "Bush To Seek Up To $95 Billion to Cover Cost of War In Iraq," *Wall street Journal*, February 26, 2003; "Iraq War Cost Could Soar, Pentagon Says," *Los Angeles Times,* February 26, 2003; "War Tab Could Hit $95 Billion," Dallas Morning News, March 3, 2003; "Bush Has An Audacious Plan to Rebuild Iraq Within A Year," *Wall Street Journal*, March 17, 2003.

[88] House Budget Committee, Transcript, *Hearing on the FY2004 Defense Budget*, February 27, 2003.

[89] DOD received $6.1 billion for its first quarter costs for Afghanistan and the global war on terrorism and $3.9 billion for intelligence activities in the Consolidated Appropriations Resolution, P.L. 107-7/H.J.Res. 2. Based on DOD's recent estimates, costs for the remainder of the year could be about $12 billion, or about $1.5 billion per month.

account that gives the department maximum flexibility to move funds between accounts but may raise concerns about accountability among the appropriators.[90]

The Administration's request may also include funding for aid to nations supporting the United States in the Iraqi war including Israel, Egypt, and some 19 other countries, proposals that have already raised concerns in Congress both because of their potential size and the effect on domestic spending levels as well as possible foreign policy repercussions.[91] Funding of about $3 billion may be proposed for reconstruction and humanitarian assistance, which appear to be underway with contracts already out for bids according to press reports.[92] About $1.8 billion may be requested for reconstruction and about $800 million for relief assistance.[93]

Because of uncertainties about both the course of the war itself and postwar needs, estimates of the total cost of war and war-related costs by observers outside the Administration range widely (see **Table 1** below). On the basis of current deployments, CBO recently raised its estimate for the cost of the war alone to $33 billion for a one-month war and $41 billion for a two-month war.[94] Some observers have emphasized that the cost for the United States could be substantially higher than in the first Persian Gulf war because U.S. allies are less likely to contribute to either the cost of the war itself or to post-war occupation.[95]

The role of allies in postwar occupation is a particular concern of Army officials who worry that if a large postwar occupation force is required for one or two years, the readiness of U.S. forces could be taxed.[96] Estimates of the number of occupation forces needed have ranged from 50,000-75,000, an estimate reportedly under consideration by the Joint Chiefs of Staff, to over 200,000, an estimate proposed by both General Eric K. Shinseki, Chief of Staff of the Army, and retired military and other experts with recent experience in the Balkans or the 1991 Gulf war.[97] The Administration's estimate appears to include funding for a relatively small occupation force for six months.

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[90] In FY2002, the Administration requested $20.1 billion in this account and Congress re-allocated the funds to regular appropriations accounts.

[91] "Congress questions Cost of War-Related Aid," *Washington Post*, March 17, 2003.

[92] "Bush Has An Audacious Plan To Rebuild Iraq Within A Year," *Wall Street Journal* March 17, 2003.

[93] *Ibid.*

[94] CBO, *An Analysis of the President's Budgetary Proposals for Fiscal Year 2004*, March 2003, p. 4.

[95] "Allies Unlikely to Help Pay for Second Iraq Invasion," *Washington Times*, March 10, 2003. U.S. costs in the Gulf war were about $3 billion in today's dollars.

[96] "Shinseki Vs. Wolfowitz: Policy-makers Should Be Wary When Counting Costs of Peace," *Washington Times*, March 4, 2002.

[97] "Army Fears Postwar Strife Will Test Occupation Force," *Washington Post,* March 11, 2003.

Members of Congress have cited concern about the effect of war costs on the deficit. If war costs reach $100 billion in the first year, the FY2003 deficit would increase by one-third from about $300 billion to $400 billion, setting a new record in real terms (i.e. when adjusted for inflation) though still a smaller percent of the GDP than in 1983.[98] The effect of war costs on the deficit is part of the ongoing debate on the FY2004 budget resolution.

The full costs of a war with Iraq could include not only the cost of the war itself but also the cost of aid to allies to secure basing facilities and to compensate for economic losses (e.g. Pakistan, Israel, Egypt, and Jordan), post-war occupation costs, reconstruction costs, humanitarian assistance, and paying Iraqi government officials. Post-war costs could be higher than the cost of the war itself according to the estimates below. Those estimates suggest war costs could range between $33 billion and $60 billion, while the costs of aid to allies, occupation, reconstruction, and humanitarian assistance could range between $35 billion and $69 billion in the first year depending on the size of the occupation force, the amount for aid to Allies, the scope of humanitarian assistance, and the sharing of reconstruction aid. Total costs in the first year could range from about $68 billion to $129 billion. (see **Table 1** below).

The Defense Department has not provided any official estimates of the potential costs of a war with Iraq although Secretary of Defense Rumsfeld stated in interviews several weeks ago that $50 billion would be "on the high side."[99] The Office of Management and Budget has prepared an internal estimate, which reportedly projects costs of $50-60 billion, but it has not issued the estimate publicly, and it has not explained the assumptions underlying its projections. An earlier estimate by former chief White House economist Larry Lindsey of $100 billion to $200 billion was dismissed by the Administration.

War Costs. Predicting the cost of a war is uncertain and would vary with the size of the force deployed and the duration of the conflict. Although most observers predict that a war would be short, others predict that the war could last longer, particularly if the U.S. encountered chemical or biological attacks, had to fight urban warfare in Baghdad, or encountered more resistance than anticipated.

Table 1. Estimates of First Year Cost of a War with Iraq
(in billions of dollars)

Category	Lower End[a]	Higher End[b]
One or Two Month War	33.0	59.8
War Only Subtotal	**33.0**	**59.8**
Occupation Force	19.0	38.8

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[98] Calculated based on U.S. Office of Management and Budget (OMB), *FY 2004 Historical Tables;* OMB, *FY2004 Analytical Perspectives;* and White House, *Economic Report of the President 2003*.

[99] "Iraq War Cost Could Soar, Pentagon Says," *Los Angeles Times*, February 26, 2003.

Reconstruction	5.0	10.0
Aid to Allies	10.0	18.0
Humanitarian aid	1.2	2.4
War-related Subtotal	**34.6**	**69.2**
Total	**67.6**	**129.0**

Notes and Sources:
[a] Lower end reflects CBO revised estimate of cost of one-month war reflecting current deployments, a 10 month occupation of 100,000 troops, the U.S. paying half of the U.N.'s estimate of $30 billion for reconstruction over three years, humanitarian aid for 10 % of the population, and $10 billion in aid to allies based on State Department sources cited in *Los Angeles Times*, "Iraq War Cost Could Soar, Pentagon Says," February 26, 2003.

[b] Higher end estimate reflects House Budget Committee estimate of cost of a 250,000 force, a 10-month occupation of 200,000 troops, the U.S. paying the full cost of reconstruction, humanitarian aid for 20% of the population and $18 billion in aid to allies based on State Department sources cited in *Los Angeles Times*, "Iraq War Cost Could Soar, Pentagon Says," February 26, 2003.

The Congressional Budget Office has published revised estimates of the costs of a war reflecting current force deployments. Using their assumptions, a one-month war would cost $33 billion and a two-month war would cost $41 billion.[100] Using a methodology based on the costs of the Persian Gulf War of 1991, the Democratic staff of the House Budget Committee estimated that a two-month war that deployed 250,000 troops would cost $53 billion to $60 billion, an estimate closer to that used by Secretary Rumsfeld.[101] An estimate by the Center for Strategic and Budgetary Assessments (CSBA) that blends the two approaches, suggested that a two month war would cost about $35 billion. A six-month war, with the same force size, could cost substantially more, ranging from $50 billion using CBO's figures to $85 billion using CSBA's approach.[102]

Related Aid to Allies. The cost of aid to allies to ensure access for U.S. troops, as in the case of Turkey or to provide compensation for economic losses or refugee costs, as in the case of Pakistan or Jordan and Egypt and Israel, is uncertain. Discussions are reportedly underway. Press reports have mentioned requests from allies for both grants and loan guarantees including from Israel, Egypt, Jordan, and others.[103] Based on those press reports, such aid to allies could add many billions to

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[100] CBO revised its estimates based on current deployments in CBO, *An Analysis of the President's Budgetary Proposals for Fiscal Year 2004,* March 2003, p. 4; see [http://www.cob.gov]. CBO's methodology uses cost factors of the services.

[101] See [http://www.house.gov/budget_democrats/analyses/spending/iraqi_cost_report.pdf]

[102] See House Budget Committee, above, and Center for Strategic and Budgetary Assessments, Backgrounder, Potential Cost of a War with Iraq and its Post-War Occupation by Steven M. Kosiak, February 25, 2003 [http://www.csbaonline.org].

[103] "Congress Questions Cost of War-Related Aid," *Washington Post*, March 17,l 2003;
(continued...)

the cost of the war. With Turkey's refusal to provide basing support for U.S. forces, their aid package is unlikely to materialize. It is not clear how much is included for aid to allies in the reported totals for the FY2003 supplemental.

Occupation. The cost of a post-war occupation would vary depending on the number of forces and the duration of their stay. Using factors based on the recent experience for peacekeepers, CBO estimated that monthly occupation costs would range from $1.4 billion for 75,000 personnel to $3.8 billion for 200,000 personnel, a force size that was considered by the U.S. Central Command.[104] A year-long occupation force of 100,000 troops would cost $22.8 billion and a force of 200,000 troops would cost $45.6 billion using these factors. That estimate was recently buttressed by testimony from the Army Chief of Staff, General Eric Shinseki, stating his view that several hundred thousand troops could be needed initially.[105] Under Secretary of Defense Wolfowitz recently disavowed this estimate, suggesting that a smaller U.S. force was likely and that Allies would contribute as well.

An estimate by the Center for Strategic and Budgetary Assessments has pegged the post-war occupation cost at $105 billion over 5 years, assuming an initial peacekeeping force of 150,000 troops declining to 100,000 troops the second year and 65,000 troops for the following 3 years.[106] If the peacekeeping role were shared with the U.N. or other nations, the costs to the U.S. would be lower. Press reports suggest that the Administration is considering an occupation of about 2 years.

Reconstruction. According to United Nations agencies, the cost of rebuilding Iraq after a war could run at least $30 billion in the first 3 years.[107] Nobel prize-winning economist William D. Nordhaus has indicated that reconstruction in Iraq could cost between $30 billion over 3 to 4 years, based on World Bank factors used in estimating rebuilding costs elsewhere, to $75 billion over 6 years using the costs of the Marshall Plan as a proxy.[108]

If Iraqi oil fields are not damaged, some observers have suggested that oil revenues could pay for occupation or reconstruction. Most of those revenues, however, are used for imports under the U.N. Oil for Food Program or for domestic consumption. Although expansion of Iraqi oil production may be possible over time, additional revenues would not be available for some time. The only additional

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[103] (...continued)
"U.S. Builds War Coalition With Favors And Money," *USA Today*, February 25, 2003.

[104] CBO, Letter cited. Costs would be higher if U.S. peacekeepers engaged in reconstruction activities like rebuilding bridges.

[105] "A Huge Postwar Force Seen," *Los Angeles Times,* February 26, 2003.

[106] Center for Strategic and Budgetary Assessments, Backgrounder. CSBA uses the same factors as CBO.

[107] "U.N. Estimates rebuilding Iraq Will Cost $30 Billion." *New York Times*, January 31, 2003.

[108] American Academy of Arts and Sciences, *War with Iraq: Costs, Consequences, and Alternatives*, November 2002, p. 66-67; available online from the Academy's web site at [http://www.amacad.org/publications/monographs/War_with_Iraq.pdf].

revenues available immediately might be those from the estimated 400,000 barrels per day that Iraq currently smuggles and that generate about $3 billion a year.[109]

Humanitarian Assistance. Estimates of post-war humanitarian assistance for emergency food and medical supplies have been estimated at about $2.5 billion the first year, and $10 billion over 4 years, assuming that about 20% of Iraq's population of 24 million needed help.[110] If the number needing help were lower or other nations or the U.N. contributed, the cost to the U.S. would be lower.

Economic Repercussions. Some observers have suggested that a war with Iraq could lead to a spike in the cost of oil generated by a disruption in the supplies that could, in turn, tip the economy into recession. (See below, **Oil Supply Issues**) Such a scenario could increase the cost to the U.S. economy substantially. According to recent press reports, however, the Saudis have promised to increase their production to offset any potential shortfall caused by a drop or the cessation of Iraqi oil production in the aftermath of a war.

CRS Products

CRS Report RL31585, *Possible U.S. Military Intervention in Iraq: Some Economic Consequences*.

Oil Supply Issues
Larry Kumins, 7-7250
(Last updated March 18, 2003)

The threat of an armed conflict in Iraq raises concerns over its supply of crude oil to world markets. The *International Petroleum Encyclopedia 2001* reports that Iraq held 112.5 billion barrels of proven crude oil reserves – 11% of the world's currently known reserves – second only to Saudi Arabia's 259 billion barrels. Despite holding such large reserves, Iraq's current rate of crude oil production is much below its ultimate potential. With investment in technology and better operating methods, Iraq could rank as a top producer, a development that could change world oil market dynamics.

Under U.N. Resolution 986, the "oil for food" program, Iraq's oil exports have varied greatly; in some weeks virtually no oil has been exported, in others as much as 3.0 million barrels per day (mbd) enter world markets. During the past two

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[109] CBO, Letter to Senator Kent Conrad and Congressman John M. Spratt, Jr, concerning cots of a potential war with Iraq, September 30, 2002; see [ftp://ftp.cbo.gov/38xx/doc3822/09-30-Iraq.pdf].

[110] American Academy of Arts & Sciences, *War with Iraq: Costs, Consequences, and Alternatives,* November 2002, p. 67; available online from the Academy's web site at [http://www.amacad.org/publications/monographs/War_with_Iraq.pdf]. This estimate assumes a cost of $500 per person per year based on the experience in Bosnia and Herzegovina in the 1990s.

months, the U.N. Office of the Iraq Program reports that exports have averaged 1.5 mbd under the oil-for-food program. In addition, Iraq likely supplies another 400,000 barrels to adjacent countries outside the U.N. run program. Despite the off-and-on nature of Iraq's international oil flow, the oil market relies on the Iraqi supply, and it plays a role in the determination of crude oil prices and other supplier-purchaser arrangements.

Iraq accounts for about 10% of average oil production by the Organization of Petroleum Exporting Countries (OPEC). Iraq is an OPEC member but does not participate in the cartel's quota program (as do the 10 other members) because Iraqi exports are controlled by the U.N. under Resolution 986. Iraq's financial incentive to keep supplying the world market is strong. Crude prices recently touched $40 per barrel, the record levels from 1990-1991. The price spike resulted from supply difficulties due to an oil workers' strike in Venezuela, as well as overriding concerns about Persian Gulf oil supply. The Venezuelan strike – which began on December 2, 2002 – seems at least partially resolved; oil exports appear to be about half pre-strike amounts.

When and if pre-strike output levels will be reached is uncertain. Were the supply shortfall to continue through spring – and events in the Persian Gulf cause a halt in Iraqi crude oil supply – OPEC members could be hard pressed to make up the lost crude. OPEC members upped production in February 2003 by 1.3 million barrels per day, and Saudi Arabia reports that it has amassed a reserve of nearly 50 million barrels to be tapped if there is a supply shortfall.[111] Nonetheless, with little surplus producing capacity elsewhere in the world, a crude supply shortfall may occur, and oil prices could spike to new highs. If any conflict involving Iraq were to spread beyond its borders to Kuwait – as Saddam Hussein has threatened – or affect tanker traffic in the Persian Gulf, a greater oil shortfall could take place, resulting in more significant price and supply impacts.

On the other hand, should Iraq experience a change of government, the country could become a much larger oil producer, increasing world supply, and changing the oil price paradigm that has prevailed since the Iranian political upheaval of 1978-79. This eventuality could unleash a new set of political and economic forces in the region; it could also change the complexion of the world oil market.

CRS Products

CRS Report RL31676, *Middle East Oil Disruption: Potential Severity and Policy Options.*

Information Resources

This section provides links to additional sources of information related to a possible war with Iraq.

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[111] "Saudis Stock Oil Reserve to Make up for Iraq Loss," *New York Times*, March 18, 2003.

CRS Experts

A list of CRS experts on Iraq-related issues may be found at
[http://www.crs.gov/experts/iraqconflict.shtml].

Those listed include experts on U.S. policy towards Iraq, Iraqi threats, U.N. sanctions
and U.S. enforcement actions, policy options and implications, war powers and the
use of force, nation-building and exit strategies, and international views and roles.
Information research experts are also listed.

CRS Products

For a list of CRS products related to the Iraq situation, see
[http://www.congress.gov/erp/legissues/html/isfar12.html].

The reports listed deal with threats, responses, and consequences; international and
regional issues and perspectives; and authorities and precedents for the use of force.

Military Deployments

For information on U.S. armed forces deployed in connection with the Iraq
crisis, see CRS Report RL31763, *Iraq: Summary of U.S. Forces*.

Humanitarian Aid Organizations and Iraq

CRS Report RL31766, *Iraq, United Nations and Humanitarian Aid
Organizations*.

Iraq Facts

For background information on Iraq, including geography, population, ethnic divisions, government structure, and economic information, see the *World Factbook, 2002* published by the U.S. Central Intelligence Agency.

[http://www.cia.gov/cia/publications/factbook/geos/iz.html]

Maps

For basic maps related to the Iraq situation, see CRS Report RS21396, *Iraq: Map Sources*. The html version of the report includes hot links to a wide range of map resources.

Reports, Studies, and Electronic Products

This CRS web page includes links to a wide range of sources relevant to the Iraq confrontation.
[http://www.congress.gov/brbk/html/ebter233.html].
The following CRS page focuses on official sources, including sources in both the legislative and executive branches of the U.S. government, foreign government sources, and sources of information at international organizations.
[http://www.crs.gov/products/browse/iraqdocs.shtml].

United Nations Resolutions

For the draft "second resolution" introduced by the United States, the United Kingdom, and Spain on February 24, 2003, see
[http://www.un.int/usa/scdraft-iraq-2-24-03]

On November 8, 2002, the United Nations Security Council unanimously adopted Resolution 1441, holding Iraq in "material breach" of its disarmament obligations. For background and text, see
[http://www.un.org/News/Press/docs/2002/SC7564.doc.htm]

For a compendium of resolutions since 1992, see CRS Report RL31611, *Iraq-Kuwait: United Nations Security Council Texts, 1992-2002.*