Report for Congress

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Iraq War: Background and Issues Overview

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Summary

The Iraq war was launched on March 19, 2003, with a strike against a location where Iraqi President Saddam Hussein and top lieutenants were believed to be meeting. On March 17, President Bush had given Saddam an ultimatum to leave the country or face military conflict. Although some resistance was encountered after U.S. troops entered Iraq, all major Iraqi population centers had been brought under U.S. control by April 14. 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 and 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.

The Administration and its supporters assert that Iraq was 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 argued, would have endangered national security and undermined U.S. credibility. Skeptics, including many foreign critics, maintained that the Administration was exaggerating the Iraq threat and argued that the U.N. inspections process should have been extended. 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 the risk of instability and ethnic fragmentation in Iraq after the war. U.S. plans for post-war governance of Iraq are just starting to be implemented, and the role of the United Nations in administering, if any, Iraq is still under debate. Whether the overthrow of Iraq 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 also an issue in debate. The Iraq war has created concerns over the humanitarian situation, particularly in Baghdad and other cities affected by the war, but large-scale refugee flows have not occurred.

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 and the prospective occupation. Estimates of the cost of a war in Iraq vary widely. If war or its aftermath leads to a spike in the price of oil, economic growth could slow, but oil prices have fluctuated widely during the conflict to date. Conceivably, global oil production could increase significantly after the war.

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
(Last updated April 14, 2003)

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 conflict 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 speculation that the United States might soon act unilaterally against Iraq. However,

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

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."

Prelude to War. 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. 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 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] 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."

Figure 1. Iraq in the Middle East

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

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" the Al Qaeda terrorist organization, the President also condemned what he said was Iraq's "utter contempt" for the United Nations and the world. On February 5, 2003, 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

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[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].

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." The President 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. (For analysis of the issues raised by the President, see below, **The Administration**; **Weapons of Mass Destruction Issues**; **Post-War Governance Issues**; and **Implications for the Middle East**.)

Final Diplomatic Efforts. 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."[4] France, Germany, and Russia advocated a strengthened inspections regime rather than an early armed conflict with Iraq, and China took 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.

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 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." The war began on the night of March 19, with an aerial attack against a location where Saddam Hussein was suspected to be meeting with top Iraqi officials. U.S. and British troops entered Iraq on March 20, and while the invasion encountered resistance, particularly in its early stages, U.S. forces had largely gained control of Baghdad, the capital, by April 9. The northern cities of Kirkuk and Mosul fell shortly afterward, and on April 14, U.S. troops entered Tikrit, Saddam's birthplace and the

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

last major population center outside coalition control. (For information and analysis related to the war itself, see below, **Military Issues**.)

Public Reactions. 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.[5] Polls shifted further in the Administration's direction following Secretary Powell's February 5 presentation to the Security Council.[6] Although subsequent polls showed some slippage in support for a war, 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.[7] With the fighting underway, polls show that more than seven in ten Americans continue to support the war,[8] and *Washington Post-ABC News* polling finds that 69% feel that the right decision was made even if no weapons of mass destruction are found in Iraq.[9] Nonetheless, many Americans oppose the war, and large anti-war demonstrations took place in several cities on the weekend of March 15-16, followed by sharp protests in San Francisco and a large demonstration in New York after the fighting began. Major anti-war demonstrations had also occurred on the weekends of January 19-20 and February 15-16, and there have been demonstrations in support of Administration policy as well.

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,[10] 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. Large demonstrations were reported in many cities worldwide after the fighting began, and efforts to launch boycotts of U.S. products are underway in some countries. Some observers dismiss foreign protests as of little lasting significance, but others argue that rising anti-Americanism could complicate U.S. diplomacy in the years ahead.[11] Secretary of State Powell has said in an interview that the United States will seek to change foreign perceptions of U.S. policy by supporting a significant role for the

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

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

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

[8] "U.S. Public Support for War Holds at About 70%," *Dow Jones International News*, March 24, 2003; "In Poll, Support for War is Firm," *Washington Post*, March 29, 2003.

[9] "Poll: More Say War Justified without Finding Weapons," *Washington Post*, April 5, 2003.

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

[11] One columnist deplores the protests for "shortsightedness and moral hypocrisy," but at the same time expresses concern about their long-term consequences. Robert Samuelson, "The Gulf or World Opinion," *Washington Post*, March 27, 2003.

United Nations in post-war Iraq, "aggressively" restarting the Arab-Israeli peace process,[12] and reaching out to "friends with whom we may have been having some difficulty."[13] (For further discussion, see below, **Diplomatic Issues**). Some reports suggest that European opposition to the war is moderating in light of the successful overthrow of the Iraqi dictator, and the welcome given to coalition troops in some places.[14] At the same time, many Europeans are concerned by images of disorder in Iraq, and large anti-war demonstrations occurred again on April 12.

U.S. Policy

The Administration
Kenneth Katzman, 7-7612
(Last updated April 14, 2003)

On March 17, 2003, as noted above in **Background**, 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. On March 19, 2003, after the expiration of the 48-hour ultimatum, President Bush told the American people that military operations against Iraq had been authorized, and the effort began that evening. On April 11, 2003, two days after Iraq's regime had fallen from power in Baghdad, President Bush said he would declare a U.S. victory when U.S. military commanders tell him that all U.S. war objectives had been achieved.

In making its case for confronting Iraq, the Bush Administration 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 maintained that the Iraqi regime harbored active weapons of mass destruction (WMD) programs that could be used to attain Saddam Hussein's long-term goal of dominating the Middle East. These weapons, according to the Administration, could be used directly against the United States, or they could be transferred to terrorist groups such as Al Qaeda. The Administration said that the United States could not wait until Iraq made further progress on WMD to confront Iraq, since Iraq could then be stronger and the United States might have fewer military and diplomatic options.

In January 2003, the Administration revived assertions it had made periodically since the September 11, 2001 attacks that the Baghdad regime supported and had ties to the Al Qaeda organization and other terrorist groups. According to the Administration, Iraq provided technical assistance in the past to Al Qaeda to help it

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[12] Many Members of Congress are concerned, however, that renewed U.S. pressure for an Israel-Palestinian settlement could harm Israel's interests. "Bush Meets Resistance on Mideast Plan," *Washington Post*, April 4, 2003. For background, see CRS Issue Brief IB91137, *The Middle East Peace Talks.*

[13] "Powell Sees Major Role for U.N. in Post-war Iraq," *New York Times*, March 29, 2003. See also, ""Powell Says U.S. Must Repair Image," *Washington Post*, March 27, 2003; and "Straw's Remarks Spur Protest in Jerusalem," *Washington Times*, March 28, 2003.

[14] "In the Heart of France, Anti-U.S. Mood Softens," *New York Times*, April 13, 2003.

construct chemical weapons. A faction based in northern Iraq and believed linked to Al Qaeda, called the Ansar al-Islam, had been in contact with the Iraqi regime, according to the Administration. The Ansar base near Khurmal was captured by coalition forces during Operation Iraqi Freedom. Other experts 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 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 Iraq-Al Qaeda alliance, although bin Laden was highly critical of Saddam Hussein in the statement, calling his Baath Party regime "socialist" and "infidel."

In attempting to win international support for its policy, the Administration asserted that Iraq was in material breach of 17 U.N. Security Council resolutions – including Resolution 1441 of November 8, 2002 - mandating that Iraq fully declare and eliminate its WMD programs. A number of U.S. allies and Security Council members, including France, Germany, Russia, and China agreed that Iraq did not fully comply with Resolution 1441, but opposed military action, maintaining instead that U.N. inspections were working to disarm Iraq and should have been continued. Diplomatic negotiations to avert war ended after the United States and Britain could not muster sufficient support for a proposed U.N. Security Council resolution that would have authorized force if Iraq did not meet a final deadline for Iraq to fully comply with WMD disarmament mandates.

The Bush Administration's September 2002 decision to seek a U.N. umbrella for the confrontation with Iraq led officials to mute their prior declarations that the goal of U.S. policy was 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 argued that regime change is not required by any U.N. resolution. The United States drew little separation between regime change and disarmament: the Administration believes that a friendly government in Baghdad is required to ensure complete elimination of Iraq's WMD. As the U.N. option drew to a close, the Administration 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 indicates that the regime change goal was paramount. Since the war began, senior officials have stressed the goal of liberating the Iraqi people and downplayed the hunt for alleged WMD stockpiles.

Policy Debate. Several press accounts indicate that there were divisions within the Administration on whether to launch war against Iraq, and some of these divisions might be re-emerging in post-war Iraq. Secretary of State Powell had been said to typify those in the Administration who believed that a long-term program of unfettered weapons inspections could have succeeded in containing the WMD threat from Iraq.[15] He reportedly was key in convincing President Bush to work through the United Nations to give Iraq a final opportunity to disarm voluntarily. However, after January 2003, Secretary Powell insisted that Iraq's failure to cooperate fully

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

with the latest weapons inspections indicated that inspections would not succeed in disarming Iraq and that war would be required, with or without U.N. authorization.

Press reports suggest that Vice President Cheney and Secretary of Defense Rumsfeld, among others, were consistently 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 the overthrow of Saddam Hussein will likely 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.

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.*

Congressional Action
Jeremy M. Sharp, 7-8687
(Last updated April 15, 2003)

As the United States conducts Operation Iraqi Freedom to remove the regime of Saddam Hussein, Members of Congress have expressed their utmost support for U.S. military forces in the region and for their families at home. On March 20, 2003, the House of Representatives, by a vote of 392 in favor to 11 opposed, passed H.Con.Res. 104, a resolution that expressed the support and appreciation of the nation for the President and the members of the armed forces who are participating in Operation Iraqi Freedom. That same day, the Senate passed a similar resolution, S.Res. 95 by a vote of 99-0. Since the beginning of the war, Administration officials have been regularly briefing some Members of Congress on the progress of Operation Iraqi Freedom. In the weeks and months ahead, Congress will likely be looking at issues related to the rebuilding of Iraq.

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.

Recent Legislation. After the start of the war, the House of Representatives passed H.Con.Res. 118, a resolution condemning Iraq's failure to observe international rules on the treatment of prisoners of war. The House also passed H.Res. 153, a resolution that recognizes the "need for public prayer and fasting in order to secure the blessings and protection of Providence for the people of the United States and our Armed Forces during the conflict in Iraq and under the threat of terrorism at home." In addition, the Senate has passed S.Con.Res. 30, a resolution of gratitude to nations that are partners of the United States in its action against Iraq and S. 718, the Troops Phone Home Act of 2003, a bill that would provide a monthly allotment of free telephone time to U.S. troops serving in Iraq or Afghanistan. Indirectly related to the war in Iraq, both houses of Congress passed the Armed Forces Tax Fairness Act (H.R. 1307), a bill that authorizes tax relief to members of the armed services and their families. On April 3, 2003, both the House and the Senate approved supplemental funding measures (H.R. 1559 and S. 762 respectively) to provide financing for military operations in Iraq, economic aid for foreign governments, and support for homeland security. On April 12, 2003, the House approved the conference report on H.R. 1559. The Senate had deemed H.R. 1559 to be passed once the report was accepted by the House.

A number of other resolutions on the Iraq war may or may not see floor action in the weeks ahead. H.Res.198 urges France, Germany, and Russia to help create a governmentally administered debt forgiveness program to assist Iraq in its reconstruction. S.876 would require public disclosure of noncompetitive contracting for the reconstruction of the infrastructure of Iraq. H.R. 1828 calls on Syria to "halt its support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, and cease its illegal importation of Iraqi oil and illegal shipments of weapons and other military items to Iraq." Finally, S.Con.Res. 34, H.Con.Res. 143, and H.Res. 203 call for the persecution of Iraq's former leaders for war crimes.

Options for the Future. With the anticipated transition of Operation Iraqi Freedom from a military to a reconstruction phase, Congress has asserted its oversight authority over post-war funding, placing requirements on how supplemental appropriations should be spent. Although H.R. 1559 was one of the largest supplemental appropriations bills ever, some analysts believe that the costs of rebuilding Iraq will require Congress to appropriate additional funds in the months ahead. Others believe that international organizations and foreign nations should make considerable contributions to the post-war rebuilding effort. At the international level, several Members recently submitted a letter to President Bush,

expressing their support for widening the role of the international community in helping to rebuild Iraq. The letter noted that by engaging the United Nations at this time, the United States could help bridge rifts in our international relationships while "strengthening ties with our allies as we continue in the war against international terrorism."[16] Based on the initial phases of the conflict, it appears that, in the short term, significant portions of Iraq will be dependent on humanitarian aid from the United States and the international community, as well as significant numbers of police and military forces to maintain civil order.

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 RL31829, *Supplemental Appropriations for FY2003: Iraq Conflict, Afghanistan, Global War on Terrorism, and Homeland Security.*

CRS Report RS21324, *Iraq: A Compilation of Legislation Enacted and Resolutions Adopted, 1990 - 2003.*

Issues for Congress

Military Issues
Steve Bowman, 7-7613
(Last updated April 14, 2003)

As of April 13, after 25 days of operations, coalition forces are in relative control of all major Iraqi cities and oilfields. Iraqi political and military leadership has disintegrated, though few of Saddam's officials have been captured Though sporadic firefights continue, the major challenge to coalition forces is now the restoration of civil order and the provision basic services to the urban population. As the U.S. ground offensive approached Baghdad, Department of Defense (DOD) civilian leadership came under criticism for not permitting the deployment of sufficient U.S. ground forces to maintain the offensive, protect lines of supply, and secure rear areas where sporadic Iraqi resistance continues. With the fall of Baghdad, Mosul, and Kirkuk, this criticism has muted. There has been no use of chemical or biological (CB)weapons, and no confirmed CB weapons caches have been found. DOD reports coalition casualties to date are 108 killed in action and 399 wounded in action.

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[16] Congress of the United States, *Letter to the President of the United States*, March 27, 2003.

Figure 2. Map of Iraq

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

CENTCOM has pursued a strategy of rapid advance, by-passing urban centers when possible, pausing only when encountering Iraqi resistance. CENTCOM spokesmen have characterized Iraqi resistance as sporadic and uncohesive. Oilfields and port facilities in southern Iraq have been secured, as have two air bases in western Iraq. Though a few oil wells were set afire, all were quelled, and there has been no widespread environmental sabotage. Allied forces have not encountered the mass surrenders characteristic of the 1991 campaign; however DOD reports that over 6,000 Iraqis have been taken prisoner, and believes that many more have simply deserted their positions. Iraqi paramilitary forces, particularly the Saddam Fedayeen, have engaged in guerrilla-style attacks from urban centers in the rear areas, but have reportedly not inflicted significant damage. The frequency of such attacks has now declined significantly. Nevertheless, greater attention than anticipated had to be paid to protecting extended supply lines, and securing these urban centers, particularly around an-Nasiriyah and Najaf, and in the British sector around Umm Qasr and Basra. The anticipated support for the invasion from the Shiia population in southern

Iraq was slow in developing, but now greater cooperation is forthcoming throughout Iraq, despite some outbreaks of factional fighting.

Without permission to use Turkish territory, CENTCOM was unable to carry out an early ground offensive in Northern Iraq. However, Special operations forces, the 173rd Airborne Brigade, and air-lifted U.S. armor, operating with Kurdish irregulars have now seized Mosul and Kirkuk. Cooperation with Kurdish militias in the north has been excellent. Even a mistaken airstrike against a allied Kurdish vehicle convoy, killing or wounding senior Kurdish leaders, has not adversely affected this cooperation. Potentially complicating the situation in the north, has been the Turkish desire to possibly augment the 8,000+ troops it has had stationed in Kurdish-held territory in order to block possible Kurdish refugees and influence the accommodations made to the Kurds in a post-conflict Iraq. Turkish miliary spokesmen have indicated that no additional Turkish forces will move into Iraq at this time. The U.S. has assured Turkey that the Kurdish forces involved in seizing Mosul and Kirkuk will be withdrawn and replaced with U.S. troops.

With the onset of widespread looting and some breakdown of public services (electricity, water) in the cities, coalition forces are confronted with the challenges of restoring public order and infrastructure even before combat operations have ceased. Though U.S. forces have come under some criticism for not having done more to prevent looting, the transition from combat to police roles is a difficult one, particularly when an important objective is winning popular support. Harsh reactions risk alienation of the population, yet inaction reduces confidence in the ability of coalition forces to maintain order. The situation is further complicated by continuing small-scale attacks on coalition troops in relatively secure areas. Increased patrols, the return of many Iraqi policemen to duty, and the emergence of civilian "watch groups" are assisting what appears to be a natural abatement of looting. In addition to looting, coalition forces will also have to ensure that factional violence and retribution against former government supporters do not derail stabilization efforts. With combat operations still on-going in some areas, and U.S. forces spread relatively thin throughout Iraq, it is clear that the addition of troops, (e.g. the 4th Infantry moving in from Kuwait) could improve the pace and breadth of stabilization operations.

The United States continues its build-up of ground forces in the Persian Gulf region and other locations within operational range of Iraq. The Department of Defense has released limited official information on these deployments; but press leaks have been extensive, allowing a fairly good picture of the troop movements underway. The statistics provided below, 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 exceeds 340,000.

Additional units that have been alerted for deployment, and elements of which have begun to transit, include the 1st Cavalry Division, 1st Armored Division, and 1st Mechanized Division. The 4th Mechanized Infantry Division, originally intended to attack through Turkey, has been diverted to Kuwait. It is not expected, however, to be ready for operations until late April. The 101st Airborne (Air Assault) Division has deployed from Kuwait to positions within Iraq. Some airborne elements (173rd

Airborne Brigade) have moved into positions in northern Iraq, and the 2nd Armored Cavalry Regiment has started deployment. In addition to U.S. deployments, British forces include an armor Battle Group, a naval Task Force (including Royal Marines), and Royal Air Force units, totaling reportedly about 47,000 personnel.[17] Australia has deployed approximately 2,000 personnel, primarily special operations forces operating in western Iraq. Poland has approximately 200 special operations troops augmenting British forces in the Basra region. DOD has announced that, as of April 2, 2003, more than 218,000 National Guard and Reservists from all services are now called to active duty. [18] 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.

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 continue to 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. U.S. and Australian forces, both ground and air, have also deployed from Jordan and are mounting special operations against Iraq from the west.[19]

Outside the Persian Gulf region, only the United Kingdom, Australia, Denmark, and Poland have offered combat force contributions. Germany, Slovakia, the Czech Republic, and Ukraine have military nuclear-chemical-biological (NBC) defense teams in Kuwait, but these will not enter Iraq. After protracted debate, NATO's Defense Policy Committee approved Turkey's request for military assistance and directed NATO headquarters to begin the deployment of airborne early-warning aircraft, air defense missiles, and chemical-biological defensive equipment. Both the Netherlands and Germany have deployed Patriot air defense missiles to Turkey.

CRS Products

CRS Report RL31701. *Iraq: 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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[17] British Ministry of Defense web site: [http://www.operations.mod.uk/telic/forces.htm].

[18] Department of Defense news release, April 2, 2003.

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

Diplomatic Issues
Raymond W. Copson, 7-7661
(Last updated April 14, 2003)

The March 17, 2003 announcement by the United States, Britain, and Spain that they were withdrawing their proposed "second resolution" at the United Nations Security Council (see above, **Background**), was followed that evening by President Bush's nationwide address giving Saddam Hussein an ultimatum to flee or risk military conflict. These events marked the end of a major U.S. diplomatic effort to win the support of a Security Council majority for action against Iraq.

Relations with European Allies. The end of the diplomatic phase of the confrontation left a bitter aftermath among many U.S. officials and the European opponents of the U.S. and British intervention. After the war was launched on March 19, Russia's Prime Minister Vladimir Putin charged that "This military action cannot be justified in any way."[20] German Chancellor Gerhard Schroeder said "A bad decision was taken: the choice of the logic of war has won over the chances for peace."[21] French President Jacques Chirac, as expected, was also highly critical. As the war went forward, however, European rhetoric moderated as leaders sought to avoid deepening the rift with the United States. Chancellor Schroeder and French Prime Minister Jean-Pierre Raffarin both said that they were hoping for a U.S. victory and the early installation of a democratic regime in Iraq, while President Putin affirmed that Russia wanted to continue to work with the United States to resolve world problems.[22] U.S. leaders also took steps to ease tensions with the Europeans. President Bush telephoned Putin on April 5, and the two leaders agreed on continued dialog with respect to Iraq.[23] Earlier, Secretary of State Powell attended a meeting of European foreign ministers in Brussels, where the atmosphere was described as "relatively harmonious."[24]

Role of the United Nations. The wounds of the Iraq debate remain nonetheless, and further diplomatic complications seem possible, particularly with respect to the United Nations role in post-war Iraq. These complications could extend even to U.S.-British relations, since Prime Minister Blair is a leading advocate of a major U.N. role, whereas U.S. officials seem to favor confining the U.N. to humanitarian relief operations. The British government reportedly favors the appointment of a U.N. special coordinator for Iraq, who would oversee the creation of an interim authority consisting of Iraqis, the drafting of a new constitution, and an

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[20] "Wave of Protests, From Europe to New York," *New York Times*, March 21, 2003.

[21] "War on Iraq a Bad Decision, Must End Soon: Germany's Schroeder," *Agence France-Presse*, March 20, 2003.

[22] "Germany, France Finesse Anti-war Stance as Saddam Crumbles," *Agence France-Presse,* April 5, 2003; "Russia to Work with U.S. to Resolve Crises," *Agence France-Presse*," April 3, 2003.

[23] "Putin and Bush Agree on Need for Russian-American Dialog," *Agence France-Presse,* April 5, 2003.

[24] "Powell and Europeans See U.N. Role in Iraq," *New York Times*, April 4, 2003.

eventual handover to an Iraqi government.[25] However, statements by U.S. officials, including Secretary Powell, National Security Advisor Condoleezza Rice, and Deputy Defense Secretary Paul Wolfowitz indicate that they foresee the United States orchestrating these events.[26] President Bush and Prime Minister Blair discussed the issue during their summit on Belfast on April 7-8, and the President affirmed that the United Nations had a "vital role" to play in post-war Iraq. Wolfowitz, however, testified on April 10, that the U.N. "can't be the managing partner. It can't be in charge."[27]

The European critics of the U.S. and British intervention, by contrast, advocate a "central role" for the United Nations. On April 11, 2003, after a meeting in St. Petersburg, Schroeder, Putin, and Chirac affirmed that they were glad the Saddam dictatorship had been overthrown, but insisted that Iraq should be rebuilt through a broad-based effort under U.N. control.[28] for the United Nations in administering Iraq and in overseeing a transition to a democratic regime.[29] Many in Europe see a U.N. administration as essential to assuring that their governments and the European private sector have a role to play in the recovery and reconstruction of Iraq. A similar debate could also occur over the extension of the Oil-for-Food Program, which under U.N. Security Council Resolution 1472 remains under U.N. administration until May 12, 2003. France, Russia, and Germany want this arrangement to continue, but some in the Bush Administration favor U.S. management of Iraq's oil exports.[30] (For more information, see below, **Post-war Governance Issues** and **Humanitarian Issues**.)

Debate on Improving Relations. How heavily the United States should invest in achieving compromise with European allies on these and other issues is an issue in debate. Some see little value in mending relations with European critics of the war on grounds that the capabilities of their countries for contributing to global threat reduction are limited.[31] In this view, Atlantic cooperation and multilateral approaches to world problems may have played a useful role during the Cold War, but today may restrict the ability of the United States to respond to the threats it faces. There is concern that President Chirac in particular may see it as the role of France and the European Union (EU) to "balance" and constrain U.S. power, so that

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[25] "Bush Flies in for War Talks," *BBC News*, April 7, 2003; "Britain Offers Plan for U.N.'s Postwar Role," *Washington Post*, April 5, 2003.

[26] "U.N. Role in Postwar Government Debated," *Washington Post*, April 7, 2003; "U.S. Won't Install Iraqi Expatriates," *Washington Post*, April 5, 2003. However, some Powell statements suggest that he might want a larger role for the United Nations in Iraq than others in the Administration. "Powell Sees Major Role for U.N. in Postwar Iraq," *New York Times*, March 29, 2003.

[27] "U.S. to Recruit Iraqi Civilians to Interim Posts," *New York Times*, April 11, 2003.

[28] "Anti-War Trio Says Iraq's Future is What Counts," *Washington Post*, April 12, 2003.

[29] "U.S., U.N. in a Cautious Dance," *Washington Post*, April 12, 2003.

[30] "U.S., Allies Clash Over Plan to Use Iraqi Oil Profits for Rebuilding," *Washington Post*, April 3, 2003.

[31] For a recent review of arguments on this point and other aspects of the U.S.-European relationship, see Richard Lambert, "Misunderstanding Each Other," *Foreign Affairs*, March/April 2003.

any U.S. move to compromise with European critics could play into this objective and damage U.S. interests.[32] The counter-view is that the controversy over Iraq has placed great strains on the United Nations, NATO, and the European Union – international institutions that many see as important components of global stability in the years ahead. From this perspective, healing relations with European critics of the United States can reduce tensions within these organizations and help them to recover.[33] Moreover, some maintain that the United States will have an easier time of achieving its objectives in world affairs generally if it is regarded as a friendly and cooperative country by Europeans and others. Specifically, some note that a major EU financial contribution to the recovery of Iraq or to the resolution of other world problems is more likely if U.S. relations with Germany and France improve. These two countries are central EU financial backers. Those who favor greater understanding of European positions point out that many European countries have significant Muslim populations and see developments in the nearby Middle East as directly affecting their security interests.

Use of Diplomatic Instruments in Support of the War. With the onset of war, the United States asked countries having diplomatic relations with Iraq to close Iraqi embassies, freeze their assets, and expel Iraqi diplomats. U.S. officials argued that the regime in Iraq would soon change and that the new government would be appointing new ambassadors. Press reports suggest that the U.S. request met with a mixed response. Australia did expel Iraqi diplomats and close the embassy, while a number of other countries expelled individual diplomats suspected of espionage and left embassies open. Some countries explicitly refused the U.S. request.[34] On March 20, 2003, President Bush issued an executive order confiscating Iraqi assets, frozen since Iraq's invasion of Kuwait in 1990, for use for humanitarian purposes. The United States asked other countries holding Iraqi assets to do the same, but this request too seems to have met with a mixed response to date.[35]

U.S. policymakers are concerned that Turkey might send a large number of troops into northern Iraq, but have been successful in using diplomatic means to prevent this from happening. Turkey fears that any drive by Iraqi Kurds toward independence would encourage Kurdish separatists in Turkey, but fighting between Turks and Kurds in northern Iraq would greatly complicate U.S. efforts to stabilize the country. Turks also worry that Turkmen in northern Iraq, regarded as ethnic kin, will be persecuted by Kurds. President Bush warned Turkey not to come into

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[32] Timothy Garton Ash, "The War After War with Iraq," *New York Times*, March 20, 2003. See also, Charles Krauthammer, "Don't Go Back to the U.N.," *Washington Post*, March 21, 2003.

[33] Richard Bernstein, "Hyper Power," *New York Times Week in Review*, March 23, 2003.

[34] "World Governments Snub U.S. Requests to Expel Iraqi Diplomats," *Agence France-Presse*, March 21, 2003. See also, "Switzerland Rejects U.S. Request to Expel Iraqi Diplomats, Shut Embassy," *Associated Press* March 26, 2003; "Three Iraqi Diplomats Ordered to Leave Turkey within a Week," *Agence France-Presse*, April 6, 2003; and "Cabinet Says No to Bush on Iraq Envoys," *Business Day* (South Africa), April 3, 2003.

[35] "Swiss Signal No Need Yet to Freeze Iraqi Assets," *Agence France-Presse*, March 21, 2003. Switzerland, however, may release funds to a future Iraqi authority for post-war recovery. See "Swiss to Free Iraqi Funds for Rebuilding," *Daily News*, March 25, 2003.

northern Iraq on March 24.[36] Secretary of State Powell visited Turkey on April 2, 2003, and an agreement was reached permitting Turkey to send a small monitoring team into northern Iraq to assure that conditions did not develop that might compel Turkey to intervene. Turkey also agreed that nonlethal supplies for U.S. troops in Iraq would be permitted to transit Turkey.[37] To date, Turkey seems to be accepting assurances that Kurdish guerrillas who have entered the cities of Kirkuk and Mosul will not remain and are already withdrawing.

Finally, U.S. officials are applying firm diplomatic pressure to end any foreign support for the Iraqi war effort. The U.S. government has delivered a protest to the government of Russia for failing to prevent Russian firms from selling military equipment to Iraq in violation of United Nations sanctions. The sales reportedly included electronic jamming equipment and night vision goggles. On March 28, Defense Secretary Rumsfeld accused the Syrian government of "hostile acts"for the delivery of military goods, including night vision goggles, across the Syrian border to Iraq, and said that the passage of armed Iraqi opposition elements from Iran into Iraq was a threat to U.S. forces. These opposition forces, known as the Badr Brigade, oppose Saddam Hussein, but U.S. officials fear they could sow disunity in post-war Iraq.   The warnings against Syria intensified on April 13, when President Bush accused Syria of harboring leaders of the Saddam regime and of possessing chemical weapons, while Defense Secretary Rumsfeld charged that Syria was allowing busloads of mercenaries to cross into Iraq to attack American troops.[38] On April 14, Secretary Powell threatened diplomatic, economic, or other economic sanctions against Syria.

Use of Diplomatic Means to Promote Iraq's Recovery. Secretary of the Treasury John Snow is heading an effort to persuade the international financial community, including the World Bank and the International Monetary Fund, to support the rebuilding of Iraq.   On April 12, Snow reported that representatives of the G-7 industrialized nations had reached a preliminary agreement on multilateral effort to help Iraq after a meeting in Washington – if the U.N. Security Council grants authorization. Efforts to persuade governments to forgive debt owed by Iraq are facing difficulties, however. Russia, which is owed a reported $8 billion by Iraq and is heavily in debt itself, seems particularly resistant.[39]

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[36] "U.S. Special Envoy in Turkey,"*Associated Press*, March 24, 2003; "Turkey Says it Won't Send More Troops into Iraq," *New York Times*, March 26, 2003.

[37] "Powell Patches Things Up as Turkey Consents to Help," *New York Times*, April 3, 2003.

[38] "Bush Demands Cooperation from Syrians," *New York Times*, April 14, 2003.

[39] "G-7 Agrees that Iraq Needs Help with Debt," *Washington Post*, April 13, 2003; "Help is Tied to Approval by the U.N., "Anti-War Trio Says Iraq's Future is What Counts," *Washington Post*, April 12, 2003.

Weapons of Mass Destruction Issues

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(*Last updated April 15, 2003*)

Iraq's chemical, biological, and nuclear weapons programs, along with its long-range missile development and alleged support for terrorism, were the justifications put forward for forcibly disarming Iraq. However, weapons of mass destruction (WMD) have neither been used by Iraqi forces yet nor found by U.S. forces. General Amir Saadi, who oversaw UN inspections and who gave himself up on April 13, reiterated his position that Iraq did not possess WMD, but few observers find his assertions credible. Although some observers believe it critical for the United States to find evidence of WMD to justify invading Iraq, others believe that public opinion at home and abroad would not be swayed by failure to find WMD.[40] Many analysts believe however, that international verification will be necessary to validate any WMD-related discoveries.[41]

Iraq's Deployable Weapons of Mass Destruction?. U.S. intelligence reports suggested that Hussein had chemical and biological weapons dispersed, armed and ready to be fired, with established command and control.[42] Some observers suggested that U.S. forces toppled Iraq's military command structure and with it, the authorization to use such weapons. Others suggested that Iraq had few incentives to use such weapons, for several reasons: they would have limited military utility against U.S. forces, which moved fast; Iraq had few delivery options, given U.S. and allied command of the air; and the use of such weapons could have turned world opinion against Iraq.[43] Many believed the threat of WMD use would increase

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[40] "U.S. Has 2 Chemical-Arms Issues: Finding Them, Convincing World," *Wall Street Journal*, April 8, 2003; "'Smoking Gun' May Not Affect World's Opinion," *Christian Science Monitor*, April 9, 2003.

[41] "In Search of Horror Weapons," *New York Times*, April 8, 2003.

[42] "Intelligence Suggests Hussein Allowed Chemical-Weapon Use," *Wall Street Journal*, March 24, 2003.

[43] "Iraq's WMD: How Big A Threat?" *Time*, March 27, 2003. One former UNSCOM inspector has noted that 70% of Iraq's declared and suspected WMD were designed to be delivered by aircraft, yet the Iraqi Air Force was virtually eliminated in the first Gulf War

the closer U.S. forces got to Baghdad, and then decrease once they were in the city (presumably because of collateral effects).

Targeting WMD and WMD Sites. As of April 15, no WMD or WMD-related sites have been found by U.S. forces. On April 7, there were two reports of potential discoveries of Iraqi chemical weapons. Knight-Ridder reported that U.S. forces at an Iraqi military compound at Albu Muhawish came down with symptoms of nerve agent exposure on April 5. Although two tests showed the presence of nerve agents, later tests indicated the chemicals were likely pesticides. A report from NPR that medium-range missiles potentially containing sarin and mustard gas were found has not been verified by the Pentagon or CENTCOM. Many defense officials, including Secretary Rumsfeld, have stressed the fact that many initial reports do not prove to be correct.

The Army's 75th Intelligence Exploitation Task Force is leading teams of weapons experts to hunt on the ground for WMD. These teams include former UNSCOM and UNMOVIC inspectors and U.S. civilian and military personnel. According to one report, the teams will be focusing on 36 priority sites of a potential 1000 sites.[44] The Defense Threat Reduction Agency (DTRA) has been negotiating contracts with private companies, including Halliburton, to destroy WMD stocks that are found. This approach contrasts sharply with the 1991 Gulf War experience. In that war, first U.S. airstrikes and then ground forces destroyed significant portions of Iraq's WMD and WMD capabilities. Air strikes were able to target well-known chemical weapon and missile capabilities, in contrast to lesser known biological or nuclear capabilities.[45]

Corralling WMD capabilities before destroying them could help limit environmental and health consequences associated with destruction, as well as opportunities for terrorist acquisition. Iinadvertent destruction of WMD will likely be a continuing concern. During the 1991 Gulf War, U.S. and coalition forces destroyed warehouses that contained chemical warheads, including at the Khamisiyah site, and a DoD investigation concluded that as many as 100,000 U.S. personnel could have been affected by environmental releases.[46] According to one report, the United States' nuclear, biological and chemical (NBC) units "have made major advancements since the Persian Gulf War of 1991," when Czech NBC units detected sarin and mustard gas, but American detection units could not verify the results.[47] The impact of potential inadvertent destruction would depend on 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; and geographic, geological, and temporal circumstances.

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[44] "U.S. Search for Illegal Arms Narrowed to About 36 Sites," *New York Times*, April 14, 2003.

[45] See *Iraq's Weapons of Mass Destruction,* the International Institute for Strategic Studies, September 2002, for further detail.

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

[47] "Toxin Specialists Can Aid, Not Invade," *Washington Times*, March 21, 2003.

U.S. warplanners' approach of encircling and guarding key WMD sites rather than destroying them could also help prevent the transfer of capabilities to those seeking WMD capabilities. Although there is no evidence in the past or the present for Iraq sharing its WMD technologies, capabilities, or materials with terrorists, there is also no guarantee that this could not happen.

Role for U.N. Inspectors? 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; two R-400 aerial bombs at a site where Iraq unilaterally destroyed BW-filled aerial bombs; 2,000 pages of undeclared documents on uranium enrichment; undeclared remotely piloted vehicles; and cluster bombs that could be used with chemical or biological agents. As a result of the inspections, however, Iraq destroyed 70 (of a potential 100-120) Al-Samoud-2 missiles. On the eve of war, about 200 U.N. staff left Iraq. UNMOVIC's Executive Chairman Dr. Hans Blix expressed disappointment at the unfinished job of the inspectors. The U.N. has not been asked to help verify whatever WMD U.S. forces might uncover.

Reportedly, the White House is considering international verification of what it finds in Iraq, but this may not include UN inspectors. Blix, who has stated he will leave in June 2003 at the end of his contract, said UNMOVIC would not accept "being led, as a dog" to sites that allied forces choose to display.[48] UN officials hope to revive a role for UN inspectors; U.N. Secretary General Kofi Annan, has stated that inspectors will return after the war and Mexico, the current president of the Security Council, has made a formal proposal. Reportedly, the UN Security Council will meet with Blix on April 15. At a minimum, the IAEA will conduct inspections per Iraq's nuclear safeguards agreement under the Nuclear Non-Proliferation Treaty. A post-Hussein Iraq might consent to sign and ratify the Chemical Weapons Convention, but there are no equivalent international inspection regimes for biological weapons or missiles at present.[49] Some have suggested that the United States, if it took possession of Iraq's chemical weapons, would be bound as a party to the Chemical Weapons Convention, to allow international inspections of destruction.[50] The world community's confidence in Iraq's disarmament, and hence, the necessity for an ongoing monitoring regime, may depend on the level of verifiable disarmament during and after the war, and on the assurances of the future leaders of Iraq.

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[48] "U.S.-Led Covert Searches Yield No Banned Weapons," *Washington Post*, March 30, 2003.

[49] The Biological and Toxin Weapons Convention, which Iraq has ratified, has no associated inspection regime at the present time.

[50] "U.S. May Have to Allow Others to Inspect Iraqi Arms," *New York Times*, April 14, 2003.

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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.*

Post-War Governance Issues
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(Last updated April 14, 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 Administration debates over post-war policy in Iraq. One of the concerns 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 fight each other, and open 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 post-war Iraq might most effectively be governed by a military or Baath Party figure who is not necessarily committed to full democracy but would comply with applicable U.N. resolutions. To date, no such figure has stepped forward to offer to play a leadership role.

Administration Policy on Governance. The Administration insists that it will do what is necessary to bring about a stable, democratic successor regime that complies with all applicable U.N. resolutions. In press interviews on April 6, 2003, Deputy Secretary of Defense Paul Wolfowitz indicated that the Administration is hoping to turn post-war governance over to an Iraqi interim administration within six months. Experts note that all projections, including the duration of the U.S. military occupation and the numbers of occupation troops, could be determined by the amount of Iraqi resistance and U.S. casualties. 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, including Wolfowitz, have disputed the Shinseki assessment.

Under plans formulated before hostilities began, U.S. officials said that Lt. Gen. Jay Garner (ret.) is directing U.S. civilian occupation forces, which are to include U.S. diplomats and other U.S. government personnel serving as advisers and administrators in Iraq's various ministries. He heads the Office of Reconstruction and Humanitarian Assistance, within the Department of Defense, created by a January 20, 2003 executive order. He and most of his staff of about 200 have deployed to Umm Qasr, just inside Iraq, to begin work. During the interim period, the United States goals are to eliminate remaining WMD and terrorist cells in Iraq, begin economic reconstruction, and purge Baath Party leaders. Iraq's oil industry is to be rebuilt and upgraded.

The exact nature of post-war governance might depend on the outcome of discussions between the United States and its European allies over a U.N. role in post-war Iraq, which was also the focus of President Bush's meeting in Belfast with British Prime Minister Blair on April 7 and 8. Britain and most European countries believe that the Iraqi people would more easily accommodate to a U.N.- administered post-war Iraq. Senior U.S. officials, with the reported exception of Secretary of State Powell, want to keep the U.N. role limited to humanitarian relief and economic reconstruction, reserving most decisions about a post-war Iraqi power structure to the United States and Britain. U.S. officials say they would support a new U.N. Security Council resolution that would endorse a new government, and, with U.S. support, Secretary-General Annan said on April 7 that he was appointing a U.N. coordinator, Pakistani diplomat Rafeuddin Ahmedm, to run U.N. operations in Iraq. However, U.S. officials note that some of the countries that opposed the war might object to adopting a resolution that they believe might legitimize a U.S.-British occupation. (For further discussion, see above, **Diplomatic Issues**.)

The exiled Iraqi opposition, including those groups most closely associated with the United States, generally opposes a direct role for U.S. officials in running a post-war Iraqi government. The opposition groups that have been active over the past few years, such as the Iraqi National Congress, believe that they are able to and entitled to govern post-Saddam Iraq, and fear that the Administration might yield substantial power to those associated with the Baathist regime. The exiled opposition met in northern Iraq in late February 2003 to plan their involvement in a post-Saddam regime. At that meeting, against U.S. urging, the opposition named a six-man council that is to prepare for a transition government: 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 Iran-backed Supreme Council for the Islamic Revolution in Iraq (SCIRI); Iraq National Accord leader Iyad Alawi; and former Iraqi foreign minister Adnan Pachachi.

Establishing an Interim Administration. The Bush Administration asserts that it wants Iraqis who stayed in Iraq and were not part of the exiled opposition to participate in an interim government, and that it will not play a role in choosing who leads Iraq next. However, the U.S. military airlifted about 700 opposition fighters (Free Iraqi Forces), led by Chalabi, into the Nasiriyah area on April 6, appearing to give him and the exiled opposition an endorsement for key roles in an interim government. Press reports on April 14 suggest that Chalabi and the Free Iraqi Forces might soon be deployed to Baghdad to help U.S. forces restore civil order now that the regime has fallen. The Administration says that on April 15 it will hold, in Nasiriyah, the first of a series of local meetings to begin organizing an interim administration. Some key exile groups, including SCIRI, have said they will not attend the meeting, indicating that some groups do not want to appear to be associated with a U.S.-led selection process. At the same time, some recent violence in the Shiite-dominated areas of Iraq, including the early April killing of prominent cleric Abd al-Majid Khoi, could be connected with a jockeying for power within the Shiite community, and between it and other contenders.

Reconstruction and Oil Industry Issues. 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." Many observers have been concerned that an Iraqi regime on the verge of defeat could destroy its own oil fields. Iraq set Kuwait's oil fields afire before withdrawing from there in 1991, but coalition forces say they have secured Iraq's southern oil fields since combat began on March 19, 2003. Only about 9 oil wells were set on fire, of a total of over 500 oil fields in that region, and virtually all have now been put out. No fires were set in the northern oil fields in Kirkuk and Mosul, now under control of U.S.-led forces. British forces are attempting to get Iraqi oil workers in southern Iraq to return to work in Iraq's oil industry, and some press reports say U.S. officials expect that at least some oil exports could resume in a few weeks. Press reports on April 14, 2003 said the United States is considering former senior Iraqi oil professional Fadhil Othman to be an interim oil minister, reportedly with some oversight by a U.S. oil administrative official.

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,[51] although some observers speculate that the Administration had initially sought to create such an impression in order to persuade Russia to support use of force against Iraq.

Continuation of the Oil-for-Food Program. Before the war, about 60% of Iraqis received all their foodstuffs from the U.N.-supervised Oil-for-Food Program. The program, which is an exception to the comprehensive U.N. embargo on Iraq put in place after the 1991 Persian Gulf war, began operations in December 1996. It was suspended just before hostilities began, when U.N. staff in Iraq that run the various aspects of the program departed Iraq. As of March 14, 2003, about $9 billion worth of humanitarian goods were in the process of being delivered or in production. On March 28, 2003, the U.N. Security Council unanimously adopted Resolution 1472 that restarts the program's operations and empowers the United Nations, for a 45-day period, to take direct control of all aspects of the program. Under the new resolution, the United Nations is setting priorities for and directing the delivery of already contracted supplies. The Bush Administration envisions that a post-war Iraqi interim administration will reassume those functions from U.N. staff when an interim administration is in place and able to perform these duties.

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

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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.*

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Burden Sharing
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(Last updated April 15, 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; according to the White House, the number of countries publicly providing a range of types of support has since grown to 49. Nevertheless, only three countries supplied ground combat troops in significant numbers– in contrast to the 1991 Gulf war when more than 30 countries provided military support or to the 2002 campaign in Afghanistan, when 21 sent armed forces.[52]

Political and Military Factors. On the international political front, analysts contend that it was important for the United States to enlist allies in order to demonstrate that it was not acting unilaterally–that its use of force to disarm Iraq had been endorsed by a broad global coalition. Although the political leaders of some Islamic countries were reportedly sympathetic to the Bush Administration's aims, they had to consider hostility to U.S. actions among their populations. Analysts have suggested that some countries 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."[53] Some western governments that provided support asked that the Bush Administration remove their names from the coalition list.[54]

From a strictly military standpoint, active allied participation was not 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

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[52] "Coalition: Only Three Allies Send Combat Troops," *Financial Times*, March 18, 2003. "The 'Coalition of the Willing' – How Willing and Why?, *WMRC Daily Analysis*, March 21, 2003. "Bush's Coalition Doesn't Add Up Where It Counts," *Newsday*, March 24, 2003.

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

[54] "Coalition Members Redefine What They Are Willing To Do," *AP*, March 28, 2003.

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.[55]

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. However, 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 was 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 victory with minimum Iraqi civilian and U.S. casualties.

Direct and Indirect Contributions. Britain, the only other country that had warplanes patrolling the no-fly zones in Iraq, sent or committed 45,000 ground troops, as well as air and naval forces, and Australia committed 2,000 special forces troops, naval vessels, and fighter aircraft. Poland authorized 200 troops, including both special forces and non-combat personnel. In a non-combat capacity, Denmark sent two warships and a medical unit, South Korea approved the deployment of 700 engineers and medics, and Spain has dispatched three naval vessels. Bulgaria, the Czech Republic, Germany, Romania, Slovakia, and Ukraine pledged contingents of anti-chemical and -biological weapons specialists.[56] Romania dispatched non-combat troops (engineers, medics, and military police), and about 1,000 U.S. personnel have been stationed in Constanţa, which is acting as an "air bridge" to the Persian Gulf. Japan, constitutionally barred from sending ground troops, reportedly may also help in the disposal of chemical and biological weapons, and reinforced its naval fleet patrolling the Indian Ocean.[57]

Other forms of support were also valuable. For example, countries 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 reduced the need for mid-air refueling, allowed aircraft to re-arm sooner, and enabled planes to respond more quickly to ground force calls for air strikes; several countries, including Djibouti, Ethiopia, Kuwait, Spain, Italy, Portugal, Romania, and Bulgaria are allowing the use of their airbases and seaports. At the Bush Administration's request, Hungary approved the use of its Taszar airbase for the training of Iraqi dissidents as non-combatant interpreters and administrators;

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

[56] Bratislava and Washington reportedly discussed possible U.S. assistance in covering some of the costs of Slovakia's deployment, and the United States is partially financing a Czech field hospital. *Radio Free Europe/Radio Liberty*, February 26, 2003; April 10, 2003.

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

the initial plan was to train up to 3,000 Iraqi expatriates, but on April 1 it was announced that the program had been suspended after 100-150 had been trained.[58]

On January 15, the United States formally requested several measures of assistance from the NATO allies, such as AWACS, 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 assent 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 would not imply NATO support for a military operation against Iraq.[59] 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. The talks over troop access proceeded in tandem with negotiations over a U.S. aid package.[60] An initial agreement was struck, permitting 62,000 U.S. troops in Turkey; in return, the United States would provide $6 billion in assistance. On March 1, however, the Turkish parliament rejected the deal by a 3-vote margin. Prime Minister Erdogan urged Washington to wait, but by March 18, the U.S. military cargo vessels that had been standing anchored off the Turkish coast were sent steaming to the Gulf. On March 20, the Turkish parliament authorized overflight rights but also agreed to send Turkish troops into Iraq, a move opposed by the United States and other countries. After an early April visit by Secretary Powell, it was announced that Turkey would permit the transshipment of nonlethal military supplies and equipment to U.S. forces in Iraq. (See above, **Diplomatic Issues**). Some Members of Congress criticized Turkey, claiming it sought to leverage U.S. strategic needs to squeeze aid out of Washington. However, Turkish officials argued that more than 90% of their country's population opposed war and that Turkey suffered severe economic losses from the 1991 Gulf War. Ankara also was concerned that the Iraq conflict might re-kindle efforts of Kurdish separatists to carve out a Kurdish state; such a move would likely prompt Turkish

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[58] "Canada Will Send 3,000 on Afghan Mission" *Toronto Globe and Mail*, February 13, 2003. U.S. Suspends Iraqi Exiles Training in Hungary As More Head For the Gulf ," *Agence France Press,* April 1, 2003.

[59] 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.

[60] 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.

intervention. Finally, Turkey has sought assurances that Iraq's 2-3 million ethnic Turkmen would be able to play a post-war role in Iraq.[61]

In late February 2003, 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.[62] Egypt is permitting the U.S. military to use its airspace and the Suez Canal. Although the Persian Gulf states generally opposed an attack on Iraq in public statements, more than 225,000 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 sanctioned limited use of the Prince Sultan airbase command center and permitted search-and-rescue operations to be conducted along the Saudi-Iraqi border. The Saudis also pledged to step up their oil output to compensate for any drop in Iraqi production. Kuwait served as the launch pad for the U.S.-led ground attack against Iraq. In addition, five U.S. aircraft carriers were 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 many countries will 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. Before hostilities, several countries, including France, Japan, Sweden, Russia, Estonia, Lithuania, and Romania indicated that they might play a role. In late April, it was announced that U.S. diplomats had approached 65 governments requesting assistance in reconstruction efforts, and that 58 countries had responded favorably. Deputy Defense Secretary Wolfowitz stated that the Bush Administration would "pressure all our friends and allies to contribute as much as they can."[63] Various types of commitments already are being announced; for example, the Japanese and Canadian governments have pledged $100 million and $65 million in assistance, respectively, and Rome has said that it would dispatch up to 3,000 troops to help in humanitarian activities.

> **CRS Products**
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> CRS Report RL31843, *Iraq: Foreign Stances Toward U.S. Policy.*
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> CRS Report RL31794, *Iraq: Turkey and the Deployment of U.S. Forces.*
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> CRS Report RL31533, *The Persian Gulf: Issues for U.S. Policy, 2003.*

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[61] "Turkey Conditions Troop Deployment on More U.S. Aid," *Washington Post,* February 19, 2003; "Iraq: The Turkish Factor," *Jane's Defence Weekly,* April 2, 2003.

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

[63] "U.S. Asks Allies To Assist In Rebuilding," *Washington Post*, April 11, 2003.

Implications for the Middle East

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(*Last updated April 15, 2003*)

The current U.S.-led military campaign to disarm Iraq and end the regime of Iraqi President Saddam Hussein could have widespread effects on the broader Middle East. The opportunity to craft a new government and new institutions in Iraq is likely to 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 may feel even more constrained in accommodating future U.S. policy goals. Middle East governments providing support to the U.S. effort against Iraq have done so with minimal publicity and will expect to be rewarded with financial assistance, political support, or both, in the war's aftermath.

Allegations by senior U.S. officials including President Bush that Syria facilitated the movement of military equipment into Iraq and offered safe haven to Iraqi leaders have fed speculation that Syria and possibly other Middle East countries may follow Iraq as future targets of U.S. military action. Such warnings could encourage more cooperation on the part of other Middle Eastern countries with U.S. policy goals in an effort to forestall possible U.S. reprisals against them. On the other hand, the U.S. warnings could have the opposite effect by inducing resentment within the region over what many may regard as unwarranted U.S. interference in Middle East affairs.

Democracy and Governance. Some commentators, including officials in the Bush Administration, believe that the war with Iraq, if it culminates in the overthrow of Saddam Hussein, will lead to a democratic revolution in large parts of the Middle East. 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 spheres, 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."

Skeptics, however, charge that U.S. Middle Eastern policy has traditionally been tolerant of autocratic or corrupt regimes as long as they provide support for U.S. strategic or economic objectives in the region. 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. 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. Some commentators are concerned that lack of prior experience with democracy may inhibit the growth of democratic institutions in the Middle East. Finally, a U.S.-installed government in Iraq may find it difficult to gain acceptance within the Arab world.[64]

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. 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 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 argue that cooperation from Arab and Muslim states will remain 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 the 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. However, some fear that long-lasting major U.S. military commitments in the region, 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

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[64] A leading Lebanese Shi'ite Muslim cleric, for example, stated on April 5, 2003 that Arabs and Muslims "will not give any legitimacy to any government set up in Iraq under an American administration." "Top Shi'ite cleric rejects any US-led govt [sic] in Iraq," *Reuters*, April 5, 2003.

Arab world could also affect future security arrangements in the Middle East, particularly any arrangements involving the United States.[65]

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 April 14, 2003)

Humanitarian Assistance.[66]

U.S. Assistance. Large-scale humanitarian and reconstruction assistance programs are expected to be undertaken by the United States during and following the war with Iraq. So far, initial U.S. assistance expenditures have been aimed at preparations for the delivery of humanitarian aid, including 610,000 tons of food. However, with the main fighting now finished in Iraq, attention is also quickly turning to plans for reconstruction.

Oil-for-Food Program (OFFP). The OFFP was suspended between March 18 and March 28, 2003. Prior to its suspension, approximately $10 billion worth of humanitarian supplies were in the process of being delivered or produced, of which one quarter covered food needs. On March 28, the U.N. Security Council unanimously approved Resolution 1472, which gives Secretary General Annan authority to prioritize and coordinate the immediate humanitarian needs of Iraqi civilians for an initial 45-day period under an expanded OFFP. The resolution authorizes the transfer of responsibility for the distribution of food and medicine in central and southern Iraq from the Iraqi government to the U.N. Secretary-General. Iraq rejected the resolution on March 29. The OFFP is dependent upon Iraq's future cooperation with the OFFP (and use of its distribution network) and the security of the personnel working for the United Nations once inside Iraq.[67] Furthermore, a number of agencies have indicated they plan to use the OFFP system, but how the

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[65] 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. A resolution adopted at a subsequent Arab League meeting on March 24 enjoined member states not to participate in military operations against Iraq.

[66] Given the rapidly-evolving situation concerning events in Iraq, some of these reported developments are based on press accounts.

[67] "Iraq Threatens the Oil-for-Food Programme," *Financial Times*, March 31, 2003.

provision of aid is to be coordinated among multiple donors remains to be worked out. A broader discussion taking place between the United States and members of the international community is the role of the United Nations in a post-conflict Iraq, how the process will be shaped, and who will have primary responsibility for the relief and reconstruction effort. (See above, **Diplomatic Issues**.)

Other Donors. On March 28, U.N. agencies issued a $2.2 billion "flash appeal" for humanitarian aid to Iraq to cover expenditures for a six-month period. Of that total, $1.3 billion would be for food aid. As of April 5, $1.2 billion in pledges had been received. International contributions have been pledged or received from a number of other donors in funds for Iraq to ease the humanitarian burden in neighboring countries and for in-kind emergency supplies. Donor contributions with respect to reconstruction and long-term aid remain unclear.

U.S. Aid Policy Structure in Iraq.

To prepare for the use of aid, a post-war planning office was established on January 20, 2003, by a presidential directive. The Office of Reconstruction and Humanitarian Assistance (ORHA), although located in the Defense Department, is staffed by officials from agencies throughout the government. While immediate overall responsibility for the war and management of U.S. activity in post-war Iraq belongs to General Tommy Franks, Commander of U.S. Central Command, the ORHA is charged with producing plans for his use in carrying out that role. In addition, it is responsible for implementing U.S. assistance efforts in Iraq. The Office, headed by retired Army Lt. Gen. Jay M. Garner, has three civilian coordinators: for reconstruction, civil administration, and humanitarian relief.[68] While most of the staff awaits deployment from Kuwait, 62 staff members are now in Iraq to begin assessing needs and coordinating assistance.

According to planners, U.S. armed forces will take the lead in relief and reconstruction, later turning to existing Iraqi ministries, nongovernmental organizations (NGOs), and international organizations to assume some of the burden.[69] The U.S. Agency for International Development (USAID) has put together Disaster Assistance Response Teams (DARTs) which will eventually be deployed around the country. Reportedly, some U.S. humanitarian groups are objecting to the U.S. military taking charge of all relief efforts. They are concerned that operating under DOD jurisdiction complicates their ability to help the Iraqis, jeopardizes their neutrality, and increases the risk to aid workers because they will be perceived as being closely allied with the U.S. campaign.

Humanitarian Assistance: Relief Operations.

Background. Until it was suspended on the eve of war, U.N. and other humanitarian agencies were providing aid to Iraq through the OFFP, which used

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[68] Background briefing on reconstruction and humanitarian assistance in post-war Iraq, *Department of Defense*, March 11, 2003.

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

revenue from Iraqi oil sales to buy food and medicines for the civilian population.[70] Sixty percent of Iraq's estimated population of 24 to 27 million were receiving monthly food distributions under the OFFP. Sources say that families were not able to make their rations last the full month or they need to sell part of them for other necessities – leaving many people with little food stored in reserve and more vulnerable. Others say that the average Iraqi has food supplies lasting a few months. Food security remains uncertain, just as the amount of food stored in OFFP warehouses is also unclear. Some argue that while food may not be an issue at the moment, supplies need to be entering the country now in order to prevent a crisis in a few weeks.

Contingency Preparations. In the weeks leading up to the war, aid organizations planned for humanitarian needs amid great uncertainty about conditions in the aftermath of conflict. They report that emergency supplies such as water, food, medicine, shelter materials, and hygiene kits are in place in countries bordering Iraq. While some argue that there is still a huge shortfall of resources and funding available for humanitarian assistance, the borders remaining quiet allowed more time for further preparation. There were concerns about the absorptive capacity of neighboring countries, whether they could provide adequately for these populations, and the impact of refugee flows on stability in the region. Iran, Turkey, Jordan, Syria, Saudi Arabia, and Kuwait all publicly stated that they would prevent refugees from entering their countries, although each continues to make preparations for assistance either within Iraq's borders or at transit areas at border crossing points. The U.N. Humanitarian Coordinator in Iraq, Ramiro Lopez da Silva, has set up an interim logistics hub in Cyprus. Although NGOs have also been putting together plans, the absence of international organizations and NGOs with experience operating in and around Iraq means there are few networks in place and some concern over the implementation of relief operations.

Current Operating Environment. The war is disrupting critical infrastructure, delivery of basic services, and food distribution and impacting the humanitarian situation inside Iraq. The amount of assistance that is ultimately needed will obviously depend on the nature and duration of the conflict. It is anticipated that problems could arise from malnutrition and disruption of food supplies, inadequate sanitation and clean water, and reduced health and medical care. The United Nations reportedly expects that nearly 40% of the Iraqi population could require food assistance within weeks.[71] In parts of Iraq supplies of water, food, medicine, and electricity are already a matter of urgent concern.[72] Some humanitarian aid has been delivered to Iraq since the opening days of the war, but ongoing fighting has not allowed consistent, comprehensive delivery.

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[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.*

[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.

In the short term, security of humanitarian aid delivery and distribution is becoming a matter of concern. During the height of the military campaign, when small amounts of aid got through, logistical problems and unruly mobs made distribution very difficult. Now, widespread looting and lawlessness have increased dramatically, particularly in places where heavy fighting has subsided. It has even spread to looting hospitals and water supply installations which is having an increased impact on health care. Aid agencies have not been able to get in due to the security situation, and the chaos and violence is hampering their efforts to provide vital assistance. There are concerns about how long aid agencies posed Iraq's border will have to wait. The UN has appealed to coalition forces to act quickly to avoid the complete breakdown of aid efforts, calling for them to protect essential infrastructure such as hospitals and water supply systems and to enable a full-scale effort to deliver food, water, and medical aid. Some UN staff were reportedly returning to certain parts of Iraq on April 14, security permitting.

The International Committee of the Red Cross (ICRC) has been operating in Iraq since the war began. ICRC teams report that hospitals in Baghdad are overwhelmed by casualties and in need of additional medical supplies and staff. For some, access to hospitals has been difficult or impossible because of military operations. It is impossible to obtain accurate statistics on casualties and treatment provided. An ICRC convoy was fired on in Baghdad on April 8 and one of its aid workers was killed. Corpses are piling up in some places. This coupled with summer heat and deteriorating water and electricity have some concerned about the high risks of epidemic disease. The WHO is making plans to conduct a full assessment of hospital situations.

An insufficient water supply is proving to be one of the biggest humanitarian challenges. Deliveries by tanker to some towns and building an extension to the pipeline from Kuwait to Umm Qasr are mechanisms underway to address the problem.[73] Lack of electricity is a problem for many Iraqis; shortages of fuel have also been reported. Emergency supplies have been provided to aid agencies assisting Internally Displaced Persons (IDPs). In northern Iraq, the ICRC has continued to monitor the condition of the IDPs and provided emergency and non-aid items to displaced families. High food prices together with poor reserves are said to be a growing problem. For the moment, food supplies appear to be adequate. The WFP has started moving food from Turkey into northern Iraq and has made plans to open another humanitarian corridor in Iran. The WFP predicts that the food program in Iraq will be the largest in history, providing four times the amount supplied to Afghanistan after the Taliban was ousted.

Limited or no access by the United Nations and aid agencies makes it difficult to confirm reports of population displacement. According to the United Nations, there is a reported increase in the number of people leaving Baghdad for the countryside and small towns.[74] There have been some increased population

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[73] "Ships Arrival at Umm Qasr with First Cargo of Aid Seen as Bringing Iraq Back into World Fold," *Financial Times*, March 31, 2003.

[74] U.N. Office of the Humanitarian Coordinator for Iraq, *Iraq: Humanitarian Situation*

movements within Iraq, which in recent weeks appeared to be occurring mainly in the north. Apparently 90% of these IDPs have been able to find local accommodation with friends and relatives. Few refugees have been moving out of Iraq. However, for several weeks some people were gathering close to the Iraq/Iran border in the south. Since the fall of Baghdad, up to 30,000 displaced Iraqis have reportedly gathered at the Iraqi border near western Iran. UNHCR is responding with assistance and reports that these IDPs do not intend to cross into Iran. Third Country Nationals (TCNs) represented the main bulk of individuals leaving Iraq. Asylum seekers have been reported at several border areas, but there are no confirmed arrivals.

The now coalition-controlled port of Umm Qasr, Iraq's main outlet to the Persian Gulf, is a crucial gateway for humanitarian supplies. British and Australian forces continue to sweep it for mines, but massive dredging and rebuilding is required to prepare the port for large cargo ships. In the meantime, once the port is operational, some sources fear that offloading will be slow and inefficient, leading to risks of delay in the delivery and distribution of relief materials. The Royal Fleet Auxiliary ship Sir Galahad, containing humanitarian supplies, arrived at the port on March 28. The food will be stored in a warehouse until the OFFP can be revived. Australian cargo ships carrying food aid have been delayed entry into the port because of the need for further mine sweeping. A team of port management specialists and engineers are reported to be assessing the damage to the port and determining what needs to be done to make it operational for the distribution of humanitarian aid.

Relief and Security. Throughout the country military operations and logistical problems continue to complicate the security of supply routes, and although the situation on the ground remains precarious for aid agencies, reports indicate that U.N. agencies are beginning to plan detailed operations there. Once security is firmly established, questions remain about delivery of aid (whether roads used by the military will be usable or whether separate supply routes will need to be put in place); availability of cargo and water trucks (currently in short supply); and distribution (particularly in cities where the military may not have gained full control over population centers.

Aid agencies plan to establish bases within Iraq to support relief operations as soon as possible. However, they fear that receiving protection from coalition-led forces could mean an increase in security risks for their staff because they risk losing neutrality. The EU is also concerned about the "independence and integrity of delivering humanitarian aid."[75] Continuing instability has prevented attempts to fully assess the needs of local people and provide humanitarian assistance. The apparent bitterness towards the coalition forces also remains an issue.

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[74] (...continued)
Report No. 12, March 31, 2003.

[75] "Keep Aid Neutral, Urges EU Relief Chief," *Financial Times*, March 31, 2003.

CRS Products

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

CRS Report RL31833. *Iraq: Recent Developments in Humanitarian and Reconstruction Assistance*.

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

CRS Report RL31814. *Potential Humanitarian Issues in Post-War Iraq: An Overview for Congress.*

International and Domestic Legal Issues Relating to the Use of Force

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(Last Updated April 14, 2003)

The use of United States military force against Iraq raised 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. Domestic legal issues raised by the use of military force against Iraq concerned both the Constitution and the War Powers Resolution. Article I, Section 8, of the Constitution confers on Congress the power to "declare War"; and historically 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, as in 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.

With respect to Iraq, these legal requirements were met. As noted earlier in this report, P.L. 107-243, signed into law on October 16, 2002, authorized 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 required the President to communicate to Congress his determination that the use of diplomatic and other peaceful means would not "adequately protect the United States ... or ... lead to enforcement of all relevant United Nations Security Council resolutions" and that the use of force would be "consistent" with the battle against terrorism. On March 18, 2003, President Bush sent a letter to Congress making these determinations.

P.L. 107-243 also specifically stated that it was "intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution." Thus, it waived the time limitations that would otherwise have been applicable under the WPR. The statute also required the President to make periodic reports to Congress "on matters relevant to this joint resolution." P.L. 107-243 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, but it did not condition the use of force on prior Security Council authorization. The authorization did not contain any time limitation.

Subsequent to enactment of the authorization but prior to the initiation of military action, 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 military action against Iraq on the grounds it would exceed the authority granted by the October resolution or, alternatively, that the October resolution unconstitutionally delegated 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 mobilization of U.S. forces clearly imposed hardships on the plaintiffs soldiers and family members, the situation was too fluid to determine whether there was an irreconcilable conflict between the political branches on the matter of using force; and, thus, the separation of powers issues raised by the suit were not ripe for judicial review. On the delegation issue, the appellate court ruled 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,* 240 F.Supp.2d 95 (D. Mass. Feb. 24, 2003), *aff'd*, 322 F.3d 109 (1st Cir. March 13, 2003), *rehearing denied*, 2003 U.S. App. LEXIS 4830 (1st Cir. March 18, 2003).

CRS Products

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

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

CRS Report RL30352, *War Powers Litigation Initiated by Members of Congress Since the Enactment of the War Powers Resolution*.

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].

International Law and the Preemptive Use of Force. Given that the United States had not itself been attacked by Iraq, one question that arose with respect to the use of force against Iraq concerned its legitimacy under international law, if considered apart from Security Council resolutions. 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. Self-defense has also traditionally included the right to use force preemptively. But to be recognized as legitimate under international law, preemption has had to meet at least 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 some contend that the advent of terrorism, coupled with the potential availability of weapons of mass destruction, has altered that equation. The Bush Administration, in particular, argued in a national security strategy document released in 2002 that "we must adapt the concept of imminent threat to the capabilities and objectives of today's ... rogue states and terrorists" by expanding the parameters of preemptive self-defense to include war against potential threats, *i.e.*, preventive war.[76] Subsequently, with respect to the legality under international law of its use of force against Iraq, the Administration relied primarily on prior resolutions of the United Nations Security Council.[77] But it also claimed that its use of force was justified on the basis of our "inherent right of self defense, recognized in Article 51 of the UN Charter."[78]

There is considerable doubt that Iraq posed a threat of attack on the U.S. sufficiently imminent to fall within the traditional justification for preemption. Arguably, therefore, the use of force against Iraq can be seen as an exercise not of the traditional right of self-defense but of the Administration's expanded doctrine of

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

[77] H. Doc. 50, 108th Cong., 1st Sess. (March 19, 2003) (Report in Connection with Presidential Determination under Public Law 107-243).

[78] *Id.*

preemption that incorporates preventive war. To the extent that is the case, critics argue that the military action against Iraq has loosened the legal constraints the international community has attempted to impose on the use of force since World War II and presages similar justifications for the use of force against other states deemed to be potential, but not imminent, threats. India, in particular, it is noted, has been drawing parallels between Iraq and Pakistani actions regarding Kashmir; and, it is argued, other states may do so as well. Thus, the use of force against Iraq has provided a singular opportunity to examine whether the international legal standards governing preemption have been violated and, if so, whether the traditional standards ought to be reformulated.

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 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.

On March 17, 2003, the United States, Great Britain, and Spain abandoned efforts in the Security Council to obtain a new explicit authorization for the use of force against Iraq. Nonetheless, the U.S. and Great Britain both contended that earlier resolutions of the Security Council adopted in the wake of Iraq's invasion of Kuwait in 1990 provided sufficient and continuing authority for the use of force. They noted that after a number of resolutions in 1990 calling on Iraq to withdraw had gone unheeded, the Council in Resolution 678, adopted on November 29, 1990, 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." They further noted that following Gulf War I, the Council on April 3, 1991, adopted Resolution 687, which set forth numerous obligations that Iraq had to meet as conditions of securing a cease fire, including total disarmament and unconditional agreement not to develop or acquire chemical, biological or nuclear weapons or facilities or components related to them, and that Iraq accepted those obligations. Resolution 687, they also observed,

specifically reaffirmed previous U.N. resolutions on Iraq, including Resolution 678. Noting that the Council had on numerous occasions – most recently in Resolution 1441 in the fall of 2002 – found Iraq to be in material breach of its disarmament obligations and contending that it was in material breach of that resolution as well, the U.S. and Great Britain argued that the use of force continued to be authorized to remedy those breaches and to restore the conditions of the cease fire. Thus, the Attorney General of Great Britain in a legal opinion released on March 17, 2003, and the White House in a report to Congress released on March 19, 2003, asserted that "a material breach of resolution 687 revives the authority to use force under resolution 678."

Nonetheless, that was not the view of a number of Members of the Security Council, including some of the permanent Members, or of many international legal specialists. They contended that the question of whether past Security Council resolutions continue to authorize the use of force is for the Security Council to decide and not individual Member states. In particular, they noted that Iraq's agreement to the conditions of the cease fire, embodied in Resolution 687, was with the Security Council and not with the Member states that had forced its withdrawal from Kuwait. They further stressed that Resolution 1441, while deeming Iraq to be 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. They also emphasized that Resolution 1441 did not itself authorize Member states to use force but mandated that the Council "convene immediately" in the event Iraq interfered with the inspections regime or otherwise failed to meet its disarmament obligations. Thus, they concluded, Resolution 1441 contemplated that the use of force against Iraq would be legitimate only upon the adoption of another resolution.

In the absence of a judicial forum that might provide a final resolution of this legal debate, what may be most significant is that both supporters and opponents of the military action against Iraq found it necessary, or at least advantageous, to argue the legality of the action within the framework of the U.N. Charter. Pronouncements about the demise of that legal framework, in other words, may have been premature.

CRS Products

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*.

CRS Electronic Briefing Book, *Terrorism – International Law and the Use of Force*, [http://www.congress.gov/brbk/html/ebter141.html].

Cost Issues
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(Last updated April 14, 2003)

On April 12, 2003, the House and Senate passed the conference version of the FY2003 supplemental providing funding for the war with Iraq, foreign assistance, homeland security and aviation assistance (H.Rept. 108-76). Final Congressional action was completed less than three weeks after the Administration's request was submitted shortly after the beginning of the war. The bill is likely to be signed by the President soon.[79] For a more detailed discussion of the FY2003 supplemental, see CRS Report RL31829, *Supplemental Appropriations FY2003: Iraq Conflict, Afghanistan, Global War on Terrorism, and Homeland Security*.

Final Congressional Action on the FY2003 Supplemental. The conference version of H.R. 1559 provides the $62.6 billion requested for the Department of Defense for the war in Iraq, the continued U.S. presence in Afghanistan, enhanced security at U.S. military bases, postwar occupation costs in Iraq, and repair of equipment and replacement of munitions and equipment lost in the war. Of the $62.6 billion total, DOD requested $59.9 billion in the Defense Emergency Response Fund (DERF), a transfer account where DOD can exercise discretion about where the monies would be spent and then move the funds to the appropriate account, and $2.6 billion for specified activities.

That proposal has aroused considerable concern among many Members of Congress.[80] Although DOD provided Congress with estimates of where the funds would be spent, these proposed allocations would not be binding. In response to that concern, the conference version of the bill distributes all but $15.7 billion of the funds for DOD to regular appropriations accounts. To give the additional flexibility requested, Congress appropriated the $15.7 billion to a new Iraq Freedom Fund where those funds can be spent as desired as long as DOD stays within certain ceilings and floors set within the bill and gives five days advance notification of transfers to the defense committees. This approach blends the two different approaches for allocating the funds more specifically devised by House and Senate appropriators.

DOD Request and Congressional Action. According to DOD's justification materials, the request assumed a "short but extremely intense" war and covered deployment and re-deployment of forces and equipment, repair and replenishment of equipment and munitions damaged or used during the war, mobilization of reserve forces, special pays for active-duty forces, and a "lower-intensity" operations phase after the war is over. The request also includes funds for

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[79] See H. Report 108-76 or *Congressional Record*, April 12, 2003, pages H. 3358-H. 3385 for bill and report language, and p. H. 3385-p. H. 3404 for debate in the House. By unanimous consent, the Senate agreed to the conference report as long as the two leaders concurred; see Daily Digest in *Congressional Record*, April 11 and *Congressional Record*, April 12, 2003, p. S5392.

[80] See CRS, General Distribution Memo, "Prior Administration Requests for Funding Flexibility in Financing Military Operations;" available from CRS.

the cost of the U.S. presence in Afghanistan and enhanced security in the United States for the remainder of the fiscal year.[81]

The request included several controversial proposals that broadened DOD's role in military assistance including requests for $1.4 billion for aid to Pakistan, Jordan, and other nations for logistical and military-related support; $150 million that DOD could use to pay irregular or "indigenous" foreign military forces; and $50 million for foreign military regular forces of unspecified countries who cooperate with the U.S. in the "global war on terrorism." Although the Secretary of Defense would need the concurrence of the Secretary of State for the aid to regular or irregular foreign military forces, congressional oversight would be limited because reporting of expenditures would be after the fact.[82] The conference version required 15-day advance notifications for the $1.4 billion in logistical and military support, eliminated the Administration's request for $150 million for irregular forces, and reduced the $50 million for regular foreign military forces was reduced to $25 million and limited that funding to counter terrorism training.

In addition to funds for DOD, the Administration's request includes $2.4 billion for an Iraqi Relief and Reconstruction Fund with the Administration retaining flexibility both as to how to spend the funds and which agency would manage those funds. The prospect that much of these funds would be managed by DOD, rather than by USAID and the State Department as is the case for foreign assistance programs, created controversy within the Administration, among American international non-governmental organizations (NGOs), and internationally. Critics argue that military control of civilian operations would be inappropriate. The conference version agreed to place the new Relief and Reconstruction Fund under the control of the president, and permitted funds to be transferred to DOD reversing earlier action by the House bill and Senate appropriators. The conference version, however, requires that these funds be spent to carry out the purposes of the Foreign Assistance Act of 1961, and requires consultation prior to transfers and 5-day advance notification to the appropriations committees before obligation of funds.[83]

The FY2003 supplemental also included specified requests for aid to 22 countries that have assisted the U.S. in some fashion in Iraq or the global war on terrorism and that face economic and political risks because of the Iraqi war. This request totaled $4.7 billion. Major recipients would include Jordan ($700 million), Israel ($1 billion plus $9 billion in guaranteed loans), Turkey ($1 billion which could be applied to $8.5 billion in loans), $325 million for Afghanistan, $300 million for Egypt for grants or loan guarantees, and $200 million for Pakistan. The conference

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[81] Department of Defense, *FY2003 Supplemental Request for Military Operation in Iraq and the Global War on Terrorism*, March 25, 2003.

[82] See OMB, Transmittal to Speaker of the House, J. Dennis Hastert, FY2003 Supplemental Appropriations Request, March 25, 2003, provisions on the DERF and general provisions; see [http://www.whitehouse.gov/omb/budget/amendments/supplemental_3_25_03.pdf]

[83] See *Congressional Record*, April 12, 2003, Chapter 5 on p. H3361, p. H3375, and p. H.3403, and H.R. 1559, Chapter 4, and H.Rept. 108-55, p.26, and S.Rept. 108-33, p. 20.

version generally provides the funds requested by Administration but reduces the request for Afghanistan to $167 million.[84]

The FY2003 supplemental only addresses costs for the war itself, initial occupation, and replenishment of equipment and supplies for the remainder of the fiscal year. The Administration's request does not specify its assumptions about how many or how long troops would remain deployed in Iraq as an occupation force after the war is over, an issue that has aroused considerable controversy. Some current and retired Army leaders suggest that large numbers would be needed and that the Army's readiness could be affected (see **Occupation,** below). To address the issue of long-term costs, the Senate passed an amendment to the FY2004 budget resolution that creates a $100 billion reserve fund for the next 10 years to cover the cost of the war in Iraq, to be financed by reducing the size of the tax cut by $10 billion annually between 2003 and 2013. The House version of the FY2004 budget resolution does not include this reserve fund, so this issue remains to be resolved in conference.[85]

Estimates of the Total War and Post-war Costs. Because of uncertainties about both the course of the war itself and post-war needs, estimates of the total cost of war and war-related costs by observers outside the Administration range widely (see **Table 1** below). 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 unlikely to contribute to either the cost of the war itself or to post-war occupation.[86] The Administration is hopeful, however, that other countries will contribute to postwar reconstruction of Iraq.[87]

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.[88] 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.[89] The Administration's estimate appears to include funding for a relatively small occupation force for six months.

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[84] See *Congressional Record*, April 12, 2003, p.H3376, and CRS Report RL31829, *Supplemental Appropriations FY2003: Iraq Conflict, Afghanistan, Global War on Terrorism, and Homeland Security.*

[85] *Congressional Record*, March 20, 2003, p. S4071-S4072, and March 21, p. S. 4230, and S.Con.Res. 23 as reported.

[86] "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.

[87] Transcript, *Hearing before Senate Appropriations Committee on FY2003 Supplemental*, March 27, 2003.

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

[89] "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.[90] 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. Estimates of total costs in the first year could range from about $68 billion to $129 billion. (see **Table 1** below). (The FY2003 supplemental covers costs for Iraq that begin with initial deployment of forces in December 2002 and January 2003.)

The Defense Department has not provided any official estimates of the potential costs of a war with Iraq beyond FY2003, although Secretary of Defense Rumsfeld stated several weeks ago that $50 billion would be "on the high side."[91] The Office of Management and Budget prepared an internal estimate, which reportedly projects costs of $50-60 billion, but it did not issue the estimate publicly or explain 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.

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[90] 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*.

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

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
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.

War Costs. On the basis of current deployments, the Congressional Budget Office (CBO) has published revised estimates of the costs of a war reflecting current force deployments. Using its assumptions, a one-month war would cost $33 billion and a two-month war would cost $41 billion.[92] 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.[93] 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.[94]

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[92] 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.

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

[94] 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].

Related Aid to Allies. The long-term cost of assistance to allies that could be affected by the war is uncertain. The supplemental includes assistance requests for the next 12 months but does not address any longer term cost issues.

Occupation. The cost of a post-war occupation would vary depending on the number of forces and the duration of their stay. The FY2003 supplemental includes $12 billion for "stabilization" costs for the remainder of FY2003, but it is not clear what the Administration is assuming about troop levels.[95] 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.[96] 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.[97] Deputy Secretary of Defense Wolfowitz 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.[98] If the peacekeeping role were shared with the U.N. or other nations, the costs to the United States 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.[99] 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.[100]

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[95] Department of Defense Briefing to Congressional Oversight Committees, *FY2003 Supplemental: Military Operations in Iraq and the Global War on Terrorism*, March 25, 2003.

[96] CBO, Letter to Senator Kent Conrad and Congressman John M. Spratt, Jr, concerning costs of a potential war with Iraq, September 30, 2002; see [ftp://ftp.cbo.gov/38xx/doc3822/09-30-Iraq.pdf]. Costs would be higher if U.S. peacekeepers engaged in reconstruction activities like rebuilding bridges.

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

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

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

[100] 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
(continued...)

If Iraqi oil fields are not substantially damaged, observers have suggested that oil revenues could pay for occupation or reconstruction. To help ensure that those revenues would be available, the FY2003 supplemental includes a DOD request for $489 million for a Natural Resource Remediation Fund to cover DOD costs for emergency firefighting and repair of Iraqi oil wells to which other nations could also contribute.[101] Most of Iraq's oil revenues, however, have been 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 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.[102]

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.[103] If the number needing help were lower or other nations or the U.N. contributed, the cost to the United States would be lower.

Economic Repercussions. Some observers suggested before the war that a conflict 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, imposing major additional costs on the U.S. economy.[104] During the war itself, oil prices have fluctuated widely. For an analysis, see below, **Oil Supply Issues**.

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[100] (...continued)
[http://www.amacad.org/publications/monographs/War_with_Iraq.pdf].

[101] See CRS Report RL31829, _Supplemental Appropriations FY2003: Iraq Conflict, Afghanistan, Global War on Terrorism, and Homeland Security_

[102] 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].

[103] 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.

[104] 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]; see section on costs by Edward Nordhaus who estimates that a recession generated by an oil spike could cost the U.S. economy $175 billion in the first year and $778 billion over the next ten years.

Oil Supply Issues

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(Last updated April 14, 2003)

The armed conflict in Iraq has raised concerns over the supply and price of crude oil in 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 pre-war rate of oil production is much below its ultimate potential. With investment in facilities, technology, and better operating methods, Iraq could rank as a top producer, a development that could change world oil market dynamics.

Under the now-suspended Oil-for-Food Program (OFFP), Iraq's oil exports varied greatly. In some weeks virtually no oil was exported, in others as much as 3.0 million barrels per day (mbd) entered world markets. On March 17, 2003, the U.N. withdrew its staff from Iraq, leaving the program in limbo. Fighting in the southern part of Iraq – source of roughly half the oil exported under the program – has caused the halt of exports from the Persian Gulf port at Umm Qasr. The remainder of Iraq's exports, mainly produced in and around the Kirkuk field in the north, had been shipped via twin pipelines across Turkey to the Mediterranean port of Ceyhan. Tanker loadings there reportedly halted shortly after the fighting began because of vessels' unwillingness to call. Storage facilities at Ceyhan are virtually full, and the pipeline has likely stopped shipping. Conditions in the northern oil fields near Kirkuk, where this oil is produced, are not clear at this update, although it does appear that damage to wells and infrastructure is minimal.

On average, prior to the onset of fighting, the U.N. Office of the Iraq Program reported that exports averaged 1.7 mbd under the OFFP. In addition, Iraq likely supplied another 400,000 barrels to adjacent countries outside the U.N.-run program as well as producing for internal consumption. Despite the off-and-on nature of Iraq's international oil flow, the oil market relied on Iraqi supply, and it played a role in the determination of crude oil prices and other supplier-consumer arrangements. Iraq accounted 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 have been controlled by the U.N. The U.N. has expressed an interest in restarting the Oil-for-Food Program as soon as is practical, and Security Council Resolution 1472 of March 28, 2003, authorized the program under U.N. administration through May 12. (For further information, see above, **Post-War Governance Issues** and

Humanitarian Issues.) It is too early to predict, however, when Iraqi exports might resume, under whose auspices, and in what quantity they may flow.

Crude prices recently touched $40 per barrel, equaling levels reached during 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 slowly approaching pre-strike amounts, although it is not clear if and when old levels might be re-attained. But tribal violence in Nigeria, another important world market supplier, has resulted in output cuts as much as 800,000 barrels per day. These intermittent difficulties present add variables to the international oil supply shortfall situation, where Iraq is the largest component.

War jitters about crude supply appear to ebb and flow. But the cessation of exports from Iraq, and Venezuelan and Nigerian supply concerns have combined to create volatile market conditions. Prices, which have fallen from March highs, now range in the mid-to-upper $20s. Were the supply shortfalls from Venezuela and Nigeria to continue through spring, and Iraq's crude oil supply remain shut-in, OPEC members–who upped output by nearly 2 million barrels per day to offset the impact of Iraq–would be hard pressed to make up further crude supply losses. Were events in the Persian Gulf, Nigeria or Venezuela to adversely effect the availability of petroleum for the world market, a genuine oil shortfall of significant proportion would result, with dramatic impact on supply and price. At this update, as noted, prices are well off recent highs, but oil markets are extremely volatile and prices can fluctuate markedly depending on events and their interpretation.

For the longer outlook, under a future Iraqi government, the country could have the resources to become a much larger oil producer, increasing world supply and changing the oil price paradigm that has prevailed since the Iranian political upheaval of 1978-1979. 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 by enhancing future crude oil availability.

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.

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

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

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.