CRS Report for Congress

Received through the CRS Web

Iraq: U.S. Regime Change Efforts and Post-Saddam Governance

Updated November 25, 2003

Kenneth Katzman
Specialist in Middle Eastern Affairs
Foreign Affairs, Defense, and Trade Division

Iraq: U.S. Regime Change Efforts and Post-Saddam Governance

Summary

Operation Iraqi Freedom accomplished a long-standing objective, the overthrow of Saddam Hussein, but replacing that regime with a stable, moderate, democratic political structure has run into substantial difficulty. Past U.S. efforts to change the regime failed because of limited U.S. commitment, disorganization of the Iraqi opposition, and the efficiency and ruthlessness of Iraq's several overlapping security services. Previous U.S. Administrations had ruled out major U.S. military action to change Iraq's regime, believing such action would be risky and not necessarily justified by the level of Iraq's lack of compliance on WMD disarmament.

In his 2002 and 2003 State of the Union messages, President Bush characterized Iraq as a grave potential threat to the United States because of its refusal to verifiably abandon its weapons of mass destruction (WMD) programs and the potential for it to transfer WMD to terrorist groups. In September 2002, the President told the U.N. General Assembly that unless Iraq fully disarmed in cooperation with United Nations weapons inspectors, the United States would lead a coalition to achieve that disarmament militarily, making clear that this would include the ouster of Iraq's President Saddam Hussein's regime. After a November 2002 - March 2003 round of U.N. inspections in which Iraq's cooperation was mixed, on March 19, 2003 the United States launched Operation Iraqi Freedom to disarm Iraq and change its regime. The regime fell on April 9, 2003.

In the months prior to the war, the Administration stressed that regime change through U.S.-led military action would yield benefits beyond disarmament and reduction of support for terrorism; benefits such as liberation of the Iraqi people from an oppressive regime and promotion of stability and democracy throughout the Middle East. However, escalating resistance to the U.S.-led occupation has contributed to Administration implementation of several options, including attempts to recruit more foreign participation to post-war peacekeeping, building Iraqi institutions that can maintain security, and, as of November 2003, accelerating transfer of authority to Iraqi political bodies. Formerly exiled opposition groups form the core of a U.S.-appointed 25-seat "governing council" as well as a 25-person cabinet; these bodies are relatively representative of Iraq's ethnic and political factions, but they have not established themselves as effective institutions. Congress has passed legislation (H.R. 3289, P.L. 108-106) that provides supplemental FY2004 funding for military costs and reconstruction in Iraq (and Afghanistan).

See also CRS Report RL31833, *Iraq: Recent Developments in Reconstruction Assistance,* and CRS Report RL32090, *FY2004 Supplemental Appropriations for Iraq, Afghanistan, and the Global War on Terrorism: Military Operations & Reconstruction Assistance.* This report will be updated as warranted by major developments.

Contents

Iraq: U.S. Regime Change Efforts and Post-Saddam Governance

The United States sought to remove Iraq's Saddam Hussein from power after the 1991 Persian Gulf war, although achieving this goal was not declared policy until 1998. In November 1998, amid a crisis with Iraq over U.N. weapons of mass destruction (WMD) inspections, the Clinton Administration stated that the United States would seek to go beyond containment to promoting a change of regime. A regime change policy was endorsed by the Iraq Liberation Act (P.L. 105-338, October 31, 1998). Bush Administration officials emphasized regime change as the cornerstone of U.S. policy toward Iraq since shortly after the September 11, 2001, attacks. Operation Iraqi Freedom was launched on March 19, 2003, and had effectively removed Saddam Hussein from power by April 9, 2003.

The Bush Administration's stated goal is to transform Iraq into a democracy that could be a model for the rest of the region. Iraq has not had experience with a democratic form of government, although parliamentary elections were held during the period of British rule under a League of Nations mandate (1920-1932). Iraq, which became independent in 1932, was governed by kings from the Hashemite dynasty during 1921-1958, although with substantial British direction and influence.[1] Members of the Hashemite dynasty continue to rule in neighboring Jordan. Iraq's first Hashemite king was Faysal bin Hussein, son of Sharif Hussein of Mecca, who led the Arab revolt against the Ottoman Empire. Faysal ruled Iraq as King Faysal I and was succeeded by his son, Ghazi (1933-1939). Ghazi was succeeded by his son, Faysal II, who ruled until the military coup of Abd al-Karim al-Qasim in 1958. He was ousted in February 1963 by an alliance of the Baath Party and military officers.

One of the Baath Party's allies in the February 1963 coup was Abd al-Salam al-Arif. In November 1963, Arif purged the Baath, including Baathist Prime Minister Ahmad Hasan al-Bakr, and instituted direct military rule. Arif was killed in a helicopter crash in 1966 and was replaced by his elder brother, Abd al-Rahim al-Arif, who ruled until the Baath Party coup of July 1968. Following the Baath seizure, Ahmad Hasan al-Bakr, a military figure, returned to government as President of Iraq and Saddam Hussein, a civilian, became the second most powerful leader as Vice Chairman of the Revolutionary Command Council. In that position, Saddam developed and oversaw a system of overlapping security services to monitor loyalty among the population and within Iraq's institutions, including the military. On July 17, 1979, the aging al-Bakr resigned at Saddam's urging, and Saddam became President of Iraq.

---

[1] See Eisenstadt, Michael and Eric Mathewson, eds. *U.S. Policy in Post-Saddam Iraq: Lessons From the British Experience.* The Washington Institute for Near East Policy, 2003.

Past Attempts to Oust Saddam

Prior to the launching on January 16, 1991 of Operation Desert Storm, an operation that reversed Iraq's August 1990 invasion of Kuwait, President George H.W. Bush called on the Iraqi people to overthrow Saddam. Within days of the end of the Gulf war (February 28, 1991), opposition Shiite Muslims in southern Iraq and Kurdish factions in northern Iraq, emboldened by the regime's defeat and the hope of U.S. support, launched significant rebellions. The revolt in southern Iraq reached the suburbs of Baghdad, but the Republican Guard forces, composed mainly of regime loyalists, had survived the war largely intact, having been withdrawn from battle prior to the U.S. ground offensive, and it defeated the Shiite rebels by mid-March 1991. Many Shiites blamed the United States for not supporting their uprising and standing aside as the regime retaliated against those who participated in the rebellion. Kurds, benefitting from a U.S.-led "no fly zone" established in April 1991, drove Iraqi troops out of much of northern Iraq and subsequently remained free of Baghdad's rule.

According to press reports, about two months after the failure of the Shiite uprising, President George H.W. Bush forwarded to Congress an intelligence finding stating that the United States would undertake efforts to promote a military coup against Saddam Hussein; a reported $15 million to $20 million was allocated for that purpose. The Administration apparently believed — and this view apparently was shared by many experts and U.S. officials — that a coup by elements within the current regime could produce a favorable new government without fragmenting Iraq. Many observers, however, including neighboring governments, feared that Shiite and Kurdish groups, if they ousted Saddam, would divide Iraq into warring ethnic and tribal groups, opening Iraq to influence from neighboring Iran, Turkey, and Syria.

Emergence of An Anti-Saddam Coalition

Reports in July 1992 of a serious but unsuccessful coup attempt suggested that the U.S. strategy might ultimately succeed. However, there was disappointment within the George H.W. Bush Administration that the coup had failed and a decision was made to shift the U.S. approach from promotion of a coup to supporting the diverse opposition groups that had led the post-war rebellions. At the same time, the Kurdish, Shiite, and other opposition elements were coalescing into a broad and diverse movement that appeared to be gaining support internationally. This opposition coalition was seen as providing a vehicle for the United States to build a viable overthrow strategy. Congress more than doubled the budget for covert support to the opposition groups to about $40 million for FY1993.[2]

---

[2] Sciolino, Elaine. "Greater U.S. Effort Backed To Oust Iraqi." *New York Times*, June 2, 1992.

The Iraqi National Congress/Ahmad Chalabi

The growing opposition coalition took shape in an organization called the Iraqi National Congress (INC). The INC was formally constituted when the two main Kurdish militias, the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK), participated in a June 1992 meeting in Vienna of dozens of opposition groups. In October 1992, major Shiite Islamist groups came into the coalition when the INC met in Kurdish-controlled northern Iraq.

The INC appeared viable because it brought under one banner varying Iraqi ethnic groups and diverse political ideologies, including nationalists, ex-military officers, and defectors from Iraq's ruling Baath Party. The Kurds provided the INC with a source of armed force and a presence on Iraqi territory. Its constituent groups publicly united around a platform that appeared to match U.S. values and interests, including human rights, democracy, pluralism, "federalism" (see below), the preservation of Iraq's territorial integrity, and compliance with U.N. Security Council resolutions on Iraq.[3] However, many observers doubted its commitment to democracy, because most of its groups have an authoritarian internal structure, and because of inherent tensions among its varied ethnic groups and ideologies. The INC's first Executive Committee consisted of KDP leader Masud Barzani, ex-Baath Party and military official Hassan Naqib, and moderate Shiite cleric Mohammad Bahr al-Ulum. (Barzani and Bahr al-Ulum are now on the 25-member post-war Governing Council and both are part of its nine member rotating presidency.)

Ahmad Chalabi. When the INC was formed, its Executive Committee selected Ahmad Chalabi, who is about 59 years old, a secular Shiite Muslim from a prominent banking family, to run the INC on a daily basis. Chalabi was educated in the United States (Massachusetts Institute of Technology, MIT) as a mathematician. He fled Iraq to Jordan in 1958, when the Hashemite monarchy was overthrown in a military coup. This coup occurred 10 years before the Baath Party took power in Iraq (July 1968). In 1978, he founded the Petra Bank in Jordan but later ran afoul of Jordanian authorities on charges of embezzlement and he left Jordan, possibly with some help from members of Jordan's royal family, in 1989. In 1992, he was convicted in absentia of embezzling $70 million from the bank and sentenced to 22 years in prison. The Jordanian government subsequently repaid depositors a total of $400 million. Chalabi maintains that the Jordanian government was pressured by Iraq to turn against him, and he asserts that he has since rebuilt ties to the Jordanian government. In April 2003, senior Jordanian officials, including King Abdullah, called Chalabi "divisive" and stopped just short of saying he would be unacceptable to Jordan as leader of Iraq. Chalabi's critics acknowledge that, despite allegations about his methods, he was single-minded in his determination to overthrow Saddam Hussein, and he is said to be favored by those Administration officials, particularly in the Department of Defense, who most supported changing Iraq's regime by force.

---

[3] The Iraqi National Congress and the International Community. Document provided by INC representatives, February 1993.

Since Chalabi returned to Iraq, there have been no large public demonstrations supportive of him or the INC, indicating that he might not have a large following inside Iraq. However, anecdotal press reporting suggest that he has attracted some support from those Iraqis that most welcomed the U.S. military offensive against Iraq and subsequent occupation. On April 6, Chalabi and about 700 INC fighters ("Free Iraqi Forces") were airlifted by the U.S. military from their base in the north to the Nasiriya area, purportedly to help stabilize civil affairs in southern Iraq, later deploying to Baghdad and other parts of Iraq. After establishing his headquarters in Baghdad, Chalabi tried to build support by searching for fugitive members of the former regime and arranging for U.S. military forces in Iraq to provide security or other benefits to his potential supporters. However, the Free Iraqi Forces accompanying Chalabi were disbanded following the U.S. decision in mid-May 2003 to disarm independent militias.

Chalabi is part of a grouping of five leaders of major exile parties that held a series of planning meetings shortly prior to the 2003 war. The major-party grouping was hoping to become the core of a successor regime, and the major parties are represented on the Governing Council. Chalabi is a member of the Governing Council and one of the nine that will rotate its presidency. He was president of the Council during the month of September 2003 and represented Iraq at the U.N. General Assembly meetings that month.

A prominent INC intellectual is Kanaan Makiya, who wrote a 1989 book, *Republic of Fear: The Politics of Modern Iraq*, detailing alleged Iraqi regime human rights abuses. Makiya supports a Western-style democracy for Iraq, including full rights for women and Iraq's minorities. A self-described atheist, he taught Middle Eastern politics at Brandeis University prior to returning to Iraq after the fall of Saddam. In August 2003, Makiya was tapped by the Governing Council to head a 25-person committee that was to propose a process for drafting a new constitution (see below).

On November 23, 2003, the Governing Council announced the appointment of a pro-INC Iraqi-American woman, Rend Rahim Francke, as "Ambassador" to the United States. Since the 1991 Gulf war, she headed an opposition group called the Iraq Foundation, which has an office in Washington and received some U.S. democratization funds since the early 1990s. She will work out of Bahrain's embassy in Washington, at least temporarily.

The Kurds/KDP and PUK. The Kurds, among the most pro-U.S. of all the groups in Iraq, do not have ambitions to play a major role in governing Arab Iraq, but Iraq's neighbors have always been fearful that the Kurds might still seek outright independence. In committing to the concept of federalism, the INC platform assured the Kurds substantial autonomy within a post-Saddam Iraq. Turkey, which has a sizable Kurdish population in the areas bordering northern Iraq, particularly fears that independence for Iraq's Kurds would likely touch off an effort to unify into a broader "Kurdistan." Iraq's Kurds have been fighting intermittently for autonomy since their region was incorporated into the newly formed Iraqi state after World War I. In 1961, the KDP, then led by founder Mullah Mustafa Barzani, current KDP leader Masud Barzani's father, began an insurgency that has continued until today, although interrupted by periods of autonomy negotiations with Baghdad. Masud

Barzani's brother, Idris, commanded Kurdish forces against Iraq during the Iran-Iraq war but was killed in that war. The PUK, headed by Jalal Talabani, split off from the KDP in 1965; the PUK's members are generally more well-educated, urbane, and left-leaning than those of the KDP. Together, the PUK and KDP have about 40,000-60,000 fighters, some of which are trained in conventional military tactics.

In the aftermath of the 1991 Gulf war, the KDP and the PUK agreed in May 1992 to share power after parliamentary and executive elections. In May 1994, tensions between them flared into clashes, and the KDP turned to Baghdad for backing. In August 1996, Iraqi forces helped the KDP capture Irbil, seat of the Kurdish regional government; Iraqi forces acted at the KDP's invitation. With U.S. mediation, the Kurdish parties agreed on October 23, 1996, to a cease-fire and the establishment of a 400-man peace monitoring force composed mainly of Turkomens (75% of the force). The United States funded the force with FY1997 funds of $3 million for peacekeeping (Section 451 of the Foreign Assistance Act), plus about $4 million in DOD drawdowns for vehicles and communications gear (Section 552 of the FAA). Also set up was a peace supervisory group consisting of the United States, Britain, Turkey, the PUK, the KDP, and Iraqi Turkomens.

A tenuous cease-fire held after November 1997, and the KDP and PUK leaders signed an agreement in Washington in September 1998 to work toward resolving the main outstanding issues (sharing of revenues and control over the Kurdish regional government). Reconciliation efforts showed substantial progress in 2002 as the Kurds perceived that the United States might act to overthrow the regime of Saddam Hussein. On October 4, 2002, the two Kurdish factions jointly reconvened the Kurdish regional parliament for the first time since their 1994 clashes. In June 2002, the United States gave the Kurds $3.1 million in new assistance to further the reconciliation process.

In post-Saddam Iraq, both Barzani and Talabani were part of the major-party grouping that has now been incorporated into the Governing Council, and both are part of the Council's rotating presidency. Talabani was Council president during November 2003.

Ansar al-Islam/Al Qaeda/Zarqawi. In the mid-1990s, the two main Kurdish parties enjoyed good relations with a small Kurdish Islamic faction, the Islamic Movement of Iraqi Kurdistan (IMIK), which is headed by Shaikh Ali Abd-al Aziz. Based in Halabja, Iraq, the IMIK publicized the effects of Baghdad's March 1988 chemical attack on that city, and it allied with the PUK in 1998.

A radical faction of the IMIK split off in 1998, calling itself the Jund al-Islam (Army of Islam). It later changed its name to Ansar al-Islam (Partisans of Islam). This Ansar faction was led by Mullah Krekar, an Islamist Kurd who reportedly had once studied under Shaikh Abdullah al-Azzam, an Islamic theologian of Palestinian origin who was the spiritual mentor of Osama bin Laden. Ansar reportedly associated itself with Al Qaeda and agreed to host in its northern Iraq enclave Al Qaeda fighters, mostly of Arab origin, who had fled the U.S.-led war in Afghanistan in 2001. Prior to Operation Iraqi Freedom, during which its base was captured, about 600 primarily Arab fighters lived in the Ansar al-Islam enclave, near the town

of Khurmal.[4] Ansar fighters clashed with the PUK around Halabja in December 2002, and Ansar gunmen were allegedly responsible for an assassination attempt against PUK prime minister Barham Salih in April 2002. Possibly because his Ansar movement was largely taken over by the Arab fighters from Afghanistan, Krekar left northern Iraq for northern Europe. He was detained in Norway in August 2002 and now lives there under varying degrees of official restriction.

The leader of the Arab contingent within Ansar al-Islam is said by U.S. officials to be Abu Musab al-Zarqawi, an Arab of Jordanian origin who reputedly fought in Afghanistan. Zarqawi has been linked to Al Qaeda plots in Jordan during the December 1999 millennium celebration, the assassination in Jordan of U.S. diplomat Lawrence Foley (2002), and to reported attempts in 2002 to spread the biological agent ricin in London and possibly other places in Europe. In a presentation to the U.N. Security Council on February 5, 2003, Secretary of State Powell tied Zarqawi and Ansar to Saddam Hussein's regime, which might have viewed Ansar al-Islam as a means of pressuring Baghdad's Kurdish opponents. Although Zarqawi reportedly received medical treatment in Baghdad in May 2002 after fleeing Afghanistan, many experts believed Baghdad-Ansar links were tenuous or even non-existent; Baghdad did not control northern Iraq even before Operation Iraqi Freedom.[5] Zarqawi's current whereabouts are unknown, although some unconfirmed press reports indicate he might have fled to Iran after the fall of the Ansar camp to U.S.-led forces. Some recent press accounts say Iran might have him in custody.[6] U.S. officials have said since August 2003 that some Ansar fighters, possibly at the direction of Zarqawi, might have remained in or re-entered Iraq and are participating in the resistance to the U.S. occupation, possibly including organizing acts of terrorism such as recent car/truck bombings (see below). One press report quotes U.S. intelligence as assessing the number of Ansar fighters inside Iraq at 150.[7] Ansar al-Islam is not listed by the State Department as Foreign Terrorist Organization (FTO).

Shiite Islamist Organizations

Some U.S. officials and outside experts have had concerns about the potential strength and ideological orientation of Iraq's Shiite Islamic fundamentalist groups in post-Saddam Iraq. Many perceive these factions as aligned with Iran. Others believe that Iraq's Shiite clerics consult with but do not answer to Iran and do not seek to model a post-war Iraqi state after Iran's Islamic republic. The United States sought to work with some Shiite Islamist opposition factions during the 1990s but had few if any contacts with others. Shiite Islamist factions hold at least five seats on the Governing Council unveiled July 13, 2003.

---

[4] Chivers, C.J. Repulsing Attack By Islamic Militants, "Iraqi Kurds Tell of Atrocities." *New York Times*, December 6, 2002.

[5] "U.S. Uncertain About Northern Iraq Group's Link to Al Qaida." *Dow Jones Newswire*, March 18, 2002.

[6] Finn, Peter and Susan Schmidt. Al Qaeda Plans a Front in Iraq. *Washington Post*, September 7, 2003.

[7] Schmitt, Eric. Cheney Theme of Qaeda Ties to Bombings in Iraq Is Questioned by Some in Administration. *New York Times*, November 11, 2003.

SCIRI/Badr Corps. The most well known among these Shiite factions is the Supreme Council for the Islamic Revolution in Iraq (SCIRI), which was a member of the INC in the early and mid-1990s but progressively distanced itself from the INC banner. SCIRI was set up in 1982 to increase Iranian control over Shiite opposition groups in Iraq and the Persian Gulf states. SCIRI's leader, Ayatollah Muhammad Baqr al-Hakim, died in a car bomb by unknown assailants in Najaf on August 29, 2003.

Mohammad Baqr Al Hakim was the late Ayatollah Khomeini's choice to head an Islamic Republic of Iraq, a vision that, if realized, might conflict with U.S. plans to forge a democratic Iraq. Baqr Al Hakim and his family fled Iraq to Iran in 1980, during a major crackdown on Shiite activist groups by Saddam Hussein. Saddam feared that Iraqi Shiite Islamists, inspired and emboldened by the Islamic revolution in Iran in 1979, posed a major threat to his regime. Prior to the formation of SCIRI, Hakim and his family were leaders of the Da'wa (Islamic Call) Party (see below). Mohammed Baqr was the son of the late Ayatollah Muhsin Al Hakim, who was a prominent Shiite leader in southern Iraq and an associate of Ayatollah Khomeini when Khomeini was in exile in southern Iraq during 1964-1978. Baqr Al Hakim had returned to Iraq on May 10, 2003, welcomed by crowds in Basra and Najaf.

Until August 2002, when Abd al-Aziz al-Hakim joined other opposition figures for meetings in Washington, D.C., SCIRI had publicly refused to work openly with the United States or accept U.S. assistance, although it was part of the INC and did have contacts with the United States prior to the 2003 war effort. Unlike some other Shiite Islamist groups, SCIRI has had good working relations with some Iraqi Sunni Arab factions and most Kurdish parties.

In post-Saddam Iraq, SCIRI leaders have participated in U.S.-led efforts to establish a post-war government and counseled their followers to tolerate, at least temporarily, the U.S. occupation as a necessary vehicle for building an Iraq in which Shiites are adequately represented. At the same time, SCIRI has called for the rapid restoration of Iraqi sovereignty. After he returned to Iraq, Mohammed Baqr Al Hakim had said he was for a democracy and would not seek to establish an Iranian-style Islamic republic. Abd al-Aziz al Hakim met with other opposition leaders in late April 2003 at a post-war governance planning session in Iraq, sponsored by U.S. officials. Abd al-Aziz later helped constitute the major-party core of the Governing Council, and he is part of the nine-person rotating Council presidency. (He will head the Council during December 2003.) Nonetheless, U.S. officials are said to be mistrustful of SCIRI's goals and its ties to Iran.

In addition to its agents and activists in the Shiite areas of Iraq, SCIRI has about 10,000-15,000 fighters/activists organized into a "Badr Brigades" (named after a major battle in early Islam) that, during the 1980s and 1990s, conducted forays from Iran into southern Iraq to attack Baath Party officials there. The Badr Brigades are headed by Mohammed Baqr's younger brother, Abd al-Aziz al-Hakim, who returned to Iraq on April 20, 2003, to pave the way for Mohammed Baqr's return. Abd al-Aziz has taken over the leadership of the movement in the wake of his elder brother's death on August 29. (Another Hakim brother, Mahdi, was killed in Sudan in 1990, allegedly by agents of Iraq's security services.) Abd al-Aziz al-Hakim's key aide is Adel Abd-al Mahdi.

Iran's Revolutionary Guard, which is politically aligned with Iran's hard line civilian officials, has been the key patron of the Badr Brigades, providing it with weapons, funds, and other assistance; the Brigades fought alongside the Guard against Iraqi forces during the Iran-Iraq war. However, many Iraqi Shiites view SCIRI as an Iranian creation and SCIRI/Badr Corps operations in southern Iraq prior to Operation Iraqi Freedom did not spark broad popular unrest against the Iraqi regime. Some Badr fighters deployed inside northern Iraq on the eve of Operation Iraqi Freedom, and the rest have since entered Iraq. Asserting that the United States failed to create a secure environment that might have prevented the August 29, 2003, bombing that killed Ayatollah Al Hakim, some Brigade fighters have deployed throughout Najaf since the bombing.

A variety of press reports say that some other individual militias now providing security in many towns in southern Iraq are linked to the Badr Brigades. One such militia is derived from the fighters who challenged Saddam Hussein's forces in the marsh areas of southern Iraq, around the town of Amara, north of Basra. It goes by the name Hizbollah (Party of God)-Amara, and it is headed by marsh guerrilla leader Abdul Karim Muhammadawi, nicknamed "Prince of the Marshes" who was named to the Governing Council. He is widely perceived as an ally of SCIRI and is considered by observers to have substantial Shiite support north of Basra.

Da'wa Party. The Da'wa Party, Iraq's oldest organized Shiite Islamist grouping, continues to exist as a separate group, but many Da'wa activists appear to be at least loosely allied with SCIRI. The party was founded in 1957 by a revered Iraqi Shiite cleric, Ayatollah Mohammed Baqr Al Sadr, a like-minded associate of Ayatollah Khomeini. It was the most active Shiite opposition movement in the few years following Iran's Islamic revolution in February 1979; Da'wa activists conducted guerrilla attacks against the Baathist regime and attempted assassinations of senior Iraqi leaders, including Tariq Aziz. Baqr Al Sadr and his sister were hung by the Iraqi regime in 1980 for the unrest, and many other Da'wa activists were killed or imprisoned. After the Iraqi crackdown, many surviving Da'wa leaders moved into Iran; some subsequently joined SCIRI, but others rejected Iranian control of Iraq's Shiite opposition movement and continued to affiliate only with Da'wa.

In post-Saddam Iraq, Da'wa's current leader, Ibrahim Jafari, and its leader in Basra, Abd al Zahra Othman, are on the Governing Council, as is a former Da'wa activist turned human rights activist, Muwaffaq Al-Ruba'i. Jafari is one of the nine members of the Council that is rotating the presidency; he was first to hold that post - August 2003.)

The Kuwaiti branch of the Da'wa Party allegedly was responsible for a May 1985 attempted assassination of the Amir of Kuwait and the December 1983 attacks on the U.S. and French embassies in Kuwait. The Hizballah organization in Lebanon was founded by Lebanese clerics loyal to Ayatollah Baqr Al Sadr and the late Ayatollah Khomeini, and there continue to be personal and ideological linkages between Hizballah and the Da'wa Party. The Hizballah activists who held U.S. hostages in that country during the 1980s often attempted to link release of the Americans to the release of 17 Da'wa Party prisoners held by Kuwait for those attacks in the 1980s. Some Iraqi Da'wa members look to Lebanon's senior Shiite cleric Mohammed Hossein Fadlallah, who was a student and protege of Ayatollah

Mohammed Baqr Al Sadr, for spiritual guidance. These linkages could explain reports that security personnel and other activists from Lebanese Hizballah have entered Iraq since the fall of Saddam Hussein, although other explanations include an effort by Iran to work through Lebanese Hizballah to build leverage in southern Iraq.[8]

Sadr Movement/Moqtada Al Sadr.[9] Members of the clan of the late Ayatollah Mohammed Baqr Al Sadr have become highly active in post-Saddam Iraq. The Sadr clan, based in Iraq during Saddam Hussein's rule, was repressed and not politically active during that time. The United States had no contact with this grouping prior to the 2003 war and did not attempt to enlist it in any overthrow efforts during 1991-2002. Although the Sadr clan has been closely identified with the Da'wa Party (see above), it appears that members of the clan and their followers currently are operating in post-war Iraq as a movement separate from Da'wa. Another revered member of the clan, Mohammed Sadiq Al Sadr, and two of his sons, were killed by Saddam's security forces in 1999. A surviving son of Mohammad Sadiq, Moqtada Al Sadr, who is about 28 years old, has attempted to rally his followers to attain a prominent role in post-Saddam Shiite politics. He and his clan apparently have a large following in the poorer Shiite neighborhoods of Baghdad, which, after the fall of the regime on April 9, renamed their district "Sadr City," from the former name of "Saddam City." However, Moqtada is viewed by many Iraqi Shiites as a young radical who lacks religious and political weight. To compensate for his lack of religious credentials, he has sought spiritual authority for his actions from exiled Iraqi senior cleric, Ayatollah Kazem Haeri, who is living in Qom, Iran. An alternate interpretation by some experts is that Haeri is acting at the direction of Iran's leadership to keep Moqtada Sadr under a measure of control.

Moqtada's reputation was tarnished in early April 2003 when his supporters allegedly killed Abd al-Majid Khoi, the son of the late Grand Ayatollah Abdol Qasem Musavi-Khoi, shortly after his return to Najaf from exile in London. Abd al-Majid Khoi headed the Khoi Foundation, based in London, and he returned to Iraq after U.S.-led forces took Najaf. Grand Ayatollah Khoi differed with the political doctrines of Ayatollah Khomeini of Iran.

The Sadr grouping is not represented in the Governing Council. Moqtada has used his Friday prayer sermons in Kufa (near Najaf) and other forums to denounce the Council as a puppet of the U.S. occupation. In July 2003, Moqtada and his aides began recruiting for an Islamic army, for now unarmed, that Sadr says must challenge the U.S. occupation, although he has thus far stopped short of openly calling for armed attacks on American forces. He is openly calling for a cleric-led Islamic state similar to that of Iran. In August 2003, Shiites in Basra and in Baghdad rioted against British and U.S. occupation forces over fuel shortages and perceived slights, and there was speculation that Moqtada was helping fuel the riots. Several days of anti-U.S. demonstrations by pro-Sadr Shiites broke out in Baghdad in early

---

[8] Risen, James. Hezbollah, in Iraq, Refrains from Attacks on Americans. *New York Times*, November 24, 2003.

[9] See also, White, Jeffrey. To the Brink: Muqtada Al Sadr Challenges the United States. *Washington Institute for Near East Policy*, Policywatch 794. October 17, 2003.

October 2003. One report says that Sunni Islamists, led by Shaikh Ahmad Qubaysi, who returned in April 2003 from exile in the UAE, is assisting the Sadr faction in opposing the occupation.[10] If true, this could represent the emergence of a Sunni-Shiite Islamist anti-occupation coalition.

Later in October 2003, and amid assessments that Moqtada's popularity is low and waning further, his supporters stepped up the challenge to the United States. He named an alternate "government" for Iraq, and some of his followers formed armed militias and attempted unsuccessfully to seize control of some mosques in Najaf. Pro-Sadr militants also ambushed some U.S. forces. Press reports say U.S. commanders are debating how to control Moqtada Al Sadr, with the option of arresting him apparently under consideration. Possibly to head off any U.S. action against him, Moqtada tempered some of his statements in October 2003. Another possible explanation is that Moqtada might be trying to position his movement for involvement in the transition regime that is to replace the Governing Council; his involvement would probably require the acquiescence of U.S. authorities in Iraq.

Ayatollah Sistani/Hawza al-Ilmiyah. The revered Grand Ayatollah Ali al-Sistani, based in Najaf, was repressed during Saddam's rule and is emerging as a major potential force in post-Saddam Iraq. The United States had no contact with Sistani when Saddam was in power and has had only limited contact with him since; he reportedly refuses to meet with representatives of the U.S. occupation. He is the most senior of the Shiite clerics that lead the Najaf-based "Hawza al-Ilmiya," a major grouping of seminaries and Shiite clerics, and numerous assessments say many Iraqi Shiites follow him and respond to his pronouncements. Other senior clerics include Ayatollah Mohammad Sa'id Al Hakim, uncle of the slain SCIRI leader Mohammad Baqr, Ayatollah Mohammad Isaac Fayadh, and Ayatollah Bashir al-Najafi. The Hawza, which is well funded through donations, is becoming an important source of political authority in the Shiite regions of Iraq, hiring Iraqis to perform functions performed by the former regime and issuing directives, often obeyed, to some Iraqi civil servants. Sistani and the Hawza are generally allied with SCIRI in the intra-Shiite power struggle, seeking to contain Moqtada Al Sadr, whom Sistani and SCIRI both view as radical and impulsive.

Sistani, who is of Iranian ethnicity, is considered to be in the tradition of Ayatollah Khoi in opposing a direct role for clerics in governmental affairs, and Sistani and the Hawza have spoken against a direct role for the clerics in governing post-war Iraq. However, in early July 2003, Sistani began to take a more active role in Iraq's post-war decision-making by issuing a statement that the drafters of a new constitution should be elected, not appointed. That statement, according to some Iraqi officials, caused a deadlock in the effort to develop a roadmap to the writing of a constitution; Shiites on the Governing Council reportedly insisted that Sistani's directive be followed. Sistani has not himself commented on whether or not he supports the November 15, 2003 agreement on a political transition (see below), although several Shiite activists claim he supports it.

---

[10] Shadid, Anthony. Iraqi Clerics Unite in Rare Alliance. *Washington Post*, August 17, 2003.

Islamic Amal.   Another Shiite Islamist organization, the Islamic Amal (Action) Organization, has traditionally been allied with SCIRI. In the early 1980s, Islamic Amal was under the SCIRI umbrella but later broke with it. It is headed by Mohammed Taqi Modarassi, a Shiite cleric, who returned to Iraq from exile in Iran in April 2003, after Saddam Hussein's regime fell. Islamic Amal, which has a following among Shiite Islamists mainly in Karbala, conducted attacks against Saddam Hussein's regime in the 1980s. However, it does not appear to have a following nearly as large as SCIRI or the other Shiite Islamist groups. Modarassi's brother, Abd al-Hadi, headed the Islamic Front for the Liberation of Bahrain, which tried to stir up Shiite unrest against the Bahrain regime in the 1980s and 1990s. Since returning to Iraq in April 2003, Mohammad Taqi has argued against violent opposition to the U.S. occupation, saying that such a challenge would plunge Iraq into civil warfare. On November 14, 2003, Modarassi criticized the United States for not holding elections to any of the political bodies formed thus far.

Schisms Among Anti-Saddam Groups

The differences among the various anti-Saddam organizations led to the near collapse of the U.S. regime change effort the mid-1990s. As noted above, in May 1994, the KDP and the PUK began clashing with each other over territory, customs revenues levied at border with Turkey, and control over the Kurdish enclave's government based in Irbil. The infighting contributed to the defeat of an INC offensive against Iraqi troops in March 1995; the KDP pulled out of the offensive at the last minute. Although it was repelled, the offensive did initially overrun some of the less well-trained and poorly motivated Iraqi units facing the Kurds. Some INC leaders point to the battle as an indication that the INC could have succeeded militarily, without direct U.S. military help, had it been given additional resources and training in the 1990s.

The Iraqi National Accord (INA). The infighting in the opposition in the mid-1990s caused the United States to briefly revisit the "coup strategy" by renewing ties to a non-INC group, Iraq National Accord (INA).[11] The INA, originally founded in 1990 with Saudi support, consisted of defectors from Iraq's Baath Party, military, and security services who were perceived as having ties to disgruntled officials in those organizations. It is headed by Dr. Iyad Alawi, former president of the Iraqi Student Union in Europe and a physician by training. He is a secular Shiite Muslim, but most of the members of the INA are Sunni Muslims. The INA's prospects appeared to brighten in August 1995 when Saddam's son-in-law Hussein Kamil al-Majid — architect of Iraq's weapons of mass destruction programs — defected to Jordan, suggesting that Saddam's grip on the military and security services was weakening. Jordan's King Hussein agreed to allow the INA to operate from there. The INA was ultimately penetrated by Iraq's intelligence services and, in June 1996, Baghdad dealt it a serious setback by arresting or executing over 100 INA sympathizers in the military.

---

[11] An account of this shift in U.S. strategy is essayed in Hoagland, Jim. "How CIA's Secret War On Saddam Collapsed." *Washington Post*, June 26, 1997.

Baghdad's offensive against the opposition accelerated with its August 1996 incursion into northern Iraq, at the invitation of the KDP. Iraq not only helped the KDP capture Irbil from the PUK, but Saddam's forces took advantage of their presence in northern Iraq to strike against the INC base in Salahuddin, a city in northern Iraq, as well as against remaining INA operatives throughout the north. In the course of its incursion in the north, Iraq reportedly executed two hundred oppositionists and arrested as many as 2,000 others. The United States evacuated from northern Iraq and eventually resettled in the United States 650 oppositionists, mostly from the INC.

Prior to Operation Iraqi Freedom, Alawi claimed that the INA was operating throughout Iraq, and it apparently had rebuilt its presence in Iraq to some extent after the June 1996 arrests. However, it does not appear to have a large following in Iraq. Although it was cooperating with the INC at the start of the U.S.-led 2003 war, there is a history of friction between the two groups. Chalabi and the INC have argued for comprehensive purging of former Baathists from Iraq's institutions, while the INA, which has ex-Baathists in it, has argued for retaining some members of the former regime in official positions. In post-Saddam Iraq, Alawi has also taken the lead in pushing for the establishment of an internal security service for post-war Iraq, dominated by the major exile factions. Alawi was part of the major-party grouping that became the core of the Governing Council, and Alawi has been named a member of that Council and one of its nine-member rotating presidency; he was president in October 2003.

Attempting to Rebound from 1996 Setbacks

For the two years following the opposition's 1996 setbacks, the Clinton Administration had little contact with the opposition. In those two years, the INC, INA, and other opposition groups attempted to rebuild their organizations and their ties to each other, although with mixed success. On February 26, 1998, then Secretary of State Madeleine Albright testified to a Senate Appropriations subcommittee that it would be "wrong to create false or unsustainable expectations" about what U.S. support for the opposition could accomplish.

Iraq's obstructions of U.N. weapons of mass destruction (WMD) inspections during 1997-1998 led to growing congressional calls for overthrowing Saddam Hussein, although virtually no one in Congress or outside was advocating a U.S.-led military invasion to accomplish that goal. A formal congressional push for a regime change policy began with an FY1998 supplemental appropriation (P.L. 105-174, signed May 1, 1998) that, among other provisions, earmarked $5 million in Economic Support Funds (ESF) for the opposition and $5 million for a Radio Free Iraq, under the direction of Radio Free Europe/Radio Liberty (RFE/RL). The radio service began broadcasting in October 1998, from Prague. Of the ESF, $3 million was devoted to an overt program to coordinate and promote cohesion among the various opposition factions, and to highlighting Iraqi violations of U.N. resolutions. The remaining $2 million was used to translate and publicize documented evidence of alleged Iraqi war crimes; the documents were retrieved from the Kurdish north, placed on 176 CD-ROM diskettes, and translated and analyzed by experts under contract to the U.S. government. In subsequent years, Congress has appropriated funding for the Iraqi opposition and for war crimes issues, as shown in the appendix.

Some of the war crimes funding has gone to the opposition-led INDICT (International Campaign to Indict Iraqi War Criminals) organization for publicizing Iraqi war crimes issues.

Iraq Liberation Act

A clear indication of congressional support for a more active U.S. overthrow effort was encapsulated in another bill introduced in 1998: the Iraq Liberation Act (ILA, H.R. 4655, P.L. 105-338, signed into law October 31, 1998). The ILA gave the President authority to provide up to $97 million in defense articles and services (and authorized $2 million in broadcasting funds) to opposition organizations to be designated by the Administration. The Act's passage was widely interpreted as an expression of congressional support for the concept of promoting an insurgency by using U.S. air-power to expand opposition-controlled territory. This idea was advocated by Chalabi and some U.S. experts, such as General Wayne Downing, who subsequently became a National Security Council official on counter-terrorism in the first two years of the George W. Bush Administration. President Clinton signed the legislation despite reported widespread doubts within the Clinton Administration about the chances of success in promoting an opposition insurgency.

The Iraq Liberation Act made the previously unstated policy of promoting regime change in Iraq official, declared policy. A provision of the ILA states that it should be the policy of the United States to "support efforts" to remove the regime headed by Saddam Hussein. In mid-November 1998, President Clinton publicly articulated that regime change was a component of U.S. policy toward Iraq. No specific language in the Act provides for its termination after Saddam Hussein is removed from power.

The signing of the ILA and the declaration of the overthrow policy came at the height of the one-year series of crises over U.N. weapons inspections in Iraq, in which inspections were repeatedly halted and restarted after mediation by the United Nations, Russia, and others. On December 15, 1998, U.N. inspectors were withdrawn for the final time, and a three-day U.S. and British bombing campaign against suspected Iraqi WMD facilities followed (Operation Desert Fox, December 16-19, 1998). (For information on these crises, see CRS Issue Brief IB92117, *Iraq: Weapons Programs, U.N. Requirements, and U.S. Policy*.)

The First ILA Designations. Further steps to promote regime change followed Operation Desert Fox. In January 1999, a career diplomat, Frank Ricciardone, was named as a State Department's "Coordinator for the Transition in Iraq," the chief liaison with the opposition. On February 5, 1999, after consultations with Congress, the President issued a determination (P.D. 99-13) that the major anti-Saddam organizations would be eligible to receive U.S. military assistance under the Iraq Liberation Act: the INC; the INA; SCIRI; the KDP; the PUK; the Islamic Movement of Iraqi Kurdistan (IMIK); and the pro-monarchist Movement for Constitutional Monarchy (MCM). (Because of its possible role in contributing to the formation of Ansar al-Islam, the IMIK did not receive U.S. support after 2001, although it was not formally taken off the ILA eligibility list.)

Monarchists/Sharif Ali. The Movement for Constitutional Monarchy is led by Sharif Ali bin al-Hussein, a relative of the Hashemite monarchs (he is a cousin of King Faysal II, the last Iraqi monarch) that ruled Iraq from the end of World War I until 1958. Sharif Ali, who is about 47 and was a banker in London, claims to be the leading heir to the former Hashemite monarchy, although there are other claimants, mostly based in Jordan. The MCM was considered a small movement that could not contribute much to the pre-war overthrow effort, although it was part of the INC and the United States had contacts with it. In the post-war period, Sharif Ali returned to Iraq on June 10, 2003, to a small but apparently enthusiastic welcome. He did not participate in the major-party grouping that negotiated with the U.S.-led occupation authority on the formation of the Governing Council, and neither Sharif Ali nor any of his followers was appointed to the Governing Council.

In May 1999, in concert with an INC visit to Washington, the Clinton Administration announced it would draw down $5 million worth of training and "non-lethal" defense equipment under the ILA. During 1999-2000, about 150 opposition members underwent civil administration training at Hurlburt air base in Florida, including attending Defense Department-run courses providing civil affairs training, including instruction in field medicine, logistics, computers, communications, broadcasting, power generation, and war crimes issues. However, the Clinton Administration asserted that the opposition was not sufficiently organized to merit U.S. provision of lethal military equipment or combat training. This restriction reflected divisions within and outside the Clinton Administration over the effectiveness and viability of the opposition, and over the potential for the United States to become militarily embroiled in civil conflict in Iraq. The Hurlburt trainees were not brought into Operation Iraqi Freedom or into the Free Iraqi Forces that deployed to Iraq toward the end of the active combat phase of the war.

Continued Doubts About the Capabilities of the Anti-Saddam Groups

During 1999-2000, U.S. efforts to rebuild and fund the opposition did not end the debate within the Clinton Administration over the regime change component of Iraq policy. In hearings and statements, several Members of both parties expressed disappointment with the Clinton Administration's decision not to give the opposition lethal military aid or combat training. Many took those decisions as an indication that the Clinton Administration was skeptical about the opposition's capabilities. The Clinton Administration maintained that the Iraqi opposition would not succeed unless backed by direct U.S. military involvement and that direct U.S. military action was not justified by the degree of threat posed by Iraq. Clinton Administration officials added that supporting the opposition militarily could draw the United States into long-term military involvement in Iraq. Others suggested the Clinton Administration should focus instead on rebuilding containment of Iraq by threatening major use of force, or by launching repeated air strikes, unless and until Iraq re-admitted the U.N. weapons inspectors that left Iraq in December 1998.

As a reflection of continued congressional support for the overthrow effort, a provision of the FY2001 foreign aid appropriation (H.R. 4811, P.L. 106-429, signed November 6, 2000) earmarked $25 million in ESF for "programs benefitting the

Iraqi people," of which at least $12 million was for the INC to distribute humanitarian aid inside Iraq; $6 million was for INC broadcasting; and $2 million was for war crimes issues. According to the appropriation, the remaining $5 million could be used to provide additional ESF to the seven groups then eligible to receive assistance under the ILA. Taking note of congressional sentiment for INC distribution of aid inside Iraq, on September 29, 2000, the Clinton Administration reached agreement with the INC to provide the organization with $4 million in FY1999 ESF (one half the total earmark available) to develop a humanitarian aid distribution plan and to gather information in Iraq on Iraqi war crimes. However, three days before it left office, the Clinton Administration issued a required report to Congress that noted that any INC effort to distribute humanitarian aid in areas of Iraq under Baghdad's control would be fraught with security risks to the INC, to Iraqi recipients of such aid, and to any relief distributors with which the INC would contract.[12]

Bush Administration Policy

Bush Administration policy toward Iraq started out similar to that of the previous administration, but changed dramatically after the September 11, 2001 terrorist attacks, even though no significant evidence linking Iraq to those attacks came to light. The shift toward a more assertive policy first became clear in President Bush's State of the Union message on January 29, 2002, when he characterized Iraq as part of an "axis of evil," along with Iran and North Korea.

Pre-September 11 Policy

Throughout most of its first year, the Bush Administration continued the basic elements of Clinton Administration policy on Iraq. With no immediate consensus within the new Administration on how forcefully to proceed with an overthrow strategy, Secretary of State Powell focused on strengthening containment of Iraq, which the Bush Administration said had eroded substantially in the year prior to its taking office. Secretary Powell visited the Middle East in February 2001 to enlist regional support for a so-called "smart sanctions" plan: a modification of the U.N. sanctions regime to ensure that no weapons-related technology reached Iraq. His plan offered to alter the U.N.-sponsored "oil-for-food" program by relaxing U.N. restrictions on exports to Iraq of civilian equipment and needed non-military technology.[13]

The Administration believed that the "smart sanctions" proposal, by easing the suffering of the Iraqi people, would cause Iraq's neighbors and other countries to cease unilateral violations of the sanctions regime. Powell, who had openly expressed skepticism about the opposition's prospects, barely raised the regime

---

[12] U.S. Department of State. *Washington File*. "Clinton Sends Report on Iraq to Congress." January 17, 2001.

[13] For more information on this program, see CRS Report RL30472, *Iraq: Oil For Food Program, Sanctions, and U.S. Policy.*

change issue during his trip or in his March 7, 2001, testimony before the House International Relations Committee, at which he was questioned about Iraq.[14] After about a year of negotiations among the Security Council permanent members, the major feature of the smart sanctions plan — new procedures that virtually eliminate U.N. review of civilian exports to Iraq — was adopted on May 14, 2002 (U.N. Security Council Resolution 1409).

Even though several senior officials had been strong advocates of a regime change policy, many of the persistent questions about the wisdom and difficulty of that strategy were debated early in the Bush Administration.[15] Aside from restating the U.S. policy of regime change, the Bush Administration did little to promote that outcome throughout most of its first year. During his confirmation hearings as Deputy Secretary of Defense, a leading advocate of overthrowing Iraq's regime, Paul Wolfowitz, said that he did not yet see a "plausible plan" for changing the regime. Like its predecessor, the Bush Administration initially declined to provide the opposition with lethal aid, combat training, or a commitment of direct U.S. military help. It eliminated the separate State Department position of "Coordinator for the Transition in Iraq," further casting doubt on its enthusiasm for the overthrow strategy. On February 2, 2001, the Bush Administration confirmed that, shortly after President Bush took office, the Treasury Department's Office of Foreign Assets Control (OFAC) granted the INC a license to proceed with information gathering inside Iraq only, and not actual distribution of humanitarian aid inside Iraq. This decision by the Administration amounted to a withholding of U.S. backing for the INC plan to rebuild its presence inside Iraq.

Many in Congress, on the other hand, continued to support the INC as the primary vehicle for achieving regime change. Partly in deference to congressional sentiment, the Bush Administration continued to expand its ties to the INC despite doubts about its capabilities. In August 2001, the INC began satellite television broadcasts into Iraq, from London, called Liberty TV. The station was funded by the FY2001 ESF appropriated by Congress, with start-up costs of $1 million and an estimated additional $2.7 million per year in operating costs.[16]

Post-September 11, 2001: Moving to Change the Regime

Bush Administration policy toward Iraq became notably more assertive after the September 11, 2001, attacks, stressing regime change and asserting that containment was failing or, at best, inadequate. Almost immediately after the U.S.-led war on the Taliban and Al Qaeda in Afghanistan began in early October 2001, speculation began building that the Administration might try to change Iraq's regime through direct use of military force as part of a "phase two" of the war on terrorism. Some U.S. officials, reportedly led by deputy Defense Secretary Wolfowitz, believed

[14] Perlez, Jane. "Powell Goes on the Road and Scores Some Points." *New York Times*, March 2, 2001.

[15] One account of Bush Administration internal debates on the strategy is found in, Hersh, Seymour. "The Debate Within." *The New Yorker*, March 11, 2002.

[16] Sipress, Alan. "U.S. Funds Satellite TV to Iraq." *Washington Post*, August 16, 2001.

that the United States needed to respond to the September 11, 2001 attacks by ending any or all regimes that support terrorist groups, including Iraq. (Iraq was a designated state sponsor of terrorism during 1979-82, and was again designated after the 1990 invasion of Kuwait. Iraq remains on the list, despite the change of regime, although it is expected it will be removed.) As noted above, in his January 29, 2002 State of the Union message, President Bush named Iraq as part of an "axis of evil," along with North Korea and Iran. Vice President Cheney visited the Middle East in March 2002 reportedly to consult regional countries about the possibility of confronting Iraq militarily, although the countries visited reportedly urged greater U.S. attention to the Arab-Israeli dispute and opposed confrontation with Iraq.

The two primary themes in the Bush Administration's public case for confronting Iraq were (1) its purported refusal to end its WMD programs, and (2) its ties to terrorist groups, to which Iraq might transfer WMD for the purpose of conducting a catastrophic attack on the United States. Most senior officials did not specifically assert that Iraq was an imminent or immediate threat to U.S. security, but they did assert that Iraq was a "grave and gathering" threat that was best blunted before the threat became imminent. U.S. officials said the September 11, 2001, attacks demonstrated that the United States could not wait for threats to gather before acting but must instead act preemptively or preventively. The Administration added that regime change would have the further benefit of liberating the Iraqi people and promoting stability in the Middle East, possibly facilitating a resolution to the Arab-Israeli dispute.

Iraq and Al Qaeda. Although they did not assert that Saddam Hussein's regime had a direct connection to the September 11 attacks or the subsequent anthrax mailings, senior U.S. officials said in the runup to the war that there was evidence of Iraqi linkages to Al Qaeda. (On September 19, 2003, President Bush, in response to a journalist's question, said there is no evidence linking Saddam Hussein's regime to the September 11 attacks but there is evidence linking that regime to Al Qaeda.) Secretary of State Powell, as noted above, cited intelligence information that Ansar al-Islam and its leader, Abu Musab al-Zarqawi, had links to Saddam Hussein's regime.[17] (See section above on Ansar al-Islam for more information on that organization and its reputed links to Saddam Hussein's regime.) Other senior officials cited intelligence information that Iraq provided advice and training to Al Qaeda in the manufacture and use of chemical weapons, although Administration information appears to date to the early 1990s when Iraq, largely isolated after the first Gulf war, was politically close to Sudan. Al Qaeda founder Osama Bin Laden was based in Sudan during that time (1991-1996). The Bush Administration did not extensively cite reports that Czech intelligence believed that Iraqi intelligence had met with lead September 11 hijacker Mohammad Atta in Prague in spring 2001, suggesting official skepticism of those reports. Some outside commentators believed that those reports indicated a direct Iraqi connection to the September 11 attacks. A Defense Department memo to the Senate, excerpted in the *Weekly Standard* (November 24, 2003, issue), purports to contain intelligence information

---

[17] Goldberg, Jeffrey. "The Great Terror." The *New Yorker*, March 25, 2002.

that the Administration believes demonstrates a long-standing relationship between Iraq and Al Qaeda.[18]

Some outside observers express skepticism about Saddam-Al Qaeda connections because of the ideological differences between Saddam Hussein's secular regime and Al Qaeda's Islamist character. Others noted that bin Laden sought to raise an Islamic army to fight Saddam's invasion of Kuwait in 1990, arguing against the need for U.S. troops, and that he was more an enemy of Saddam Hussein than an ally. Those differences were evident in a February 12, 2003, bin Laden statement referring to Saddam Hussein's regime as socialist and infidel, although the statement exhorted Iraq to resist impending U.S. military action. In the Administration view, the two shared similar anti-U.S. goals, which outweighed ideological differences and propelled them into tactical or strategic cooperation.

WMD Threat Perception. Senior U.S. officials asserted the following about Iraq's WMD:

- ! Iraq had worked to rebuild its WMD programs in the nearly 4 years since U.N. weapons inspectors left Iraq and had failed to comply with 17 U.N. resolutions, including Resolution 1441 (November 8, 2002), calling for its complete elimination of all WMD programs.

- ! Iraq used chemical weapons against its own people (the Kurds) and against Iraq's neighbors (Iran), implying that Iraq would not necessarily be deterred from using WMD against the United States or its allies. Others noted that Iraq did not use such weapons against adversaries, such as the United States, that have the capability of destroying Iraq's government in retaliation. Under the U.S. threat of massive retaliation, Iraq did not use WMD against U.S. troops in the 1991 Gulf war. On the other hand, Iraq defied U.S. warnings of retaliation and did burn Kuwait's oil fields in that war.

- ! Iraq could transfer its WMD to terrorists such as Al Qaeda who could use these weapons to cause hundreds of thousands of deaths in the United States or elsewhere. Critics of this view cited presentations by CIA Director Tenet to Congress in October 2002, portions of which were released publicly, stating the CIA view that Iraq was likely to transfer WMD to terrorists if the United States were to attack Iraq. At that point, according to that argument, Saddam Hussein would be left with little incentive not to cooperate with terrorist groups capable of striking at U.S. interests.

---

[18] Hayes, Steven. "Case Closed" [http://weeklystandard.com/Content/Public/Articles].

Broadening the Internal Opposition to Saddam

As it began in mid-2002 to prepare for possible military action against Iraq, the Bush Administration tried to broaden the Iraqi opposition and build up its capabilities. On June 16, 2002, the *Washington Post* reported that, in early 2002, President Bush authorized stepped up covert activities by the CIA and special operations forces to destabilize Saddam Hussein. In early August 2002, the State and Defense Departments jointly invited six major opposition groups — the INC, the INA, the KDP, the PUK, SCIRI, and the MCM — to Washington for meetings with senior officials, including a video link to Vice President Cheney. The meetings were held to show unity within the opposition and among different agencies of the U.S. government, which reportedly tended to favor different opposition groups. Numerous press reports indicated that the Defense Department and office of Vice President Cheney believed the INC might be able to lead a post-Saddam regime, while the State Department believed the INC had little popularity inside Iraq.

In conjunction with the stepped up engagement with the opposition, on August 15, 2002, the State Department agreed to provide $8 million in FY2001 ESF to the Iraqi National Congress (INC), funds that had been held up due to differences between the State Department and the INC over what activities would be funded. Under the agreement, the State Department-provided $8 million was to be used to fund the INC, during May 2002 to December 2002, to run its offices in Washington, London, Tehran, Damascus, Prague, and Cairo, and to operate its Al Mutamar newspaper and Liberty TV. The Defense Department agreed to fund the information gathering portion of the INC's activities (about $4 million); the State Department had refused to fund those activities, which were to be conducted inside Iraq, because of strains between the INC and other opposition groups and questions about INC use of U.S. funds.

In addition, the Administration expanded its ties to Shiite Islamist groups and to groups composed of ex-military and security officers, as well as to some ethnic-based groups. The groups and individuals with which the Bush Administration had increasing contact during this period include the following:

- Iraqi National Movement. It formed in 2001 as an offshoot of the INC. Its leaders include ex-senior military officer Hassan al-Naqib (who was part of an early leadership body of the INC); and Hatim Mukhlis, who claimed support of some in Saddam's Tikriti clan.

- Iraqi National Front. Another grouping of ex-military officers, founded in March 2000 by Tawfiq al-Yasseri. Yasseri, a Shiite Muslim ex-military officer, headed Iraq's military academy and participated in the post-1991 Gulf war anti-Saddam uprisings.

- Iraqi Free Officers and Civilians Movement. Established in 1996 by ex-military officer Najib al-Salhi, this group was close to the INC. Salhi, who defected in 1995, served in the Republican Guard.

- Higher Council for National Salvation. Based in Denmark, it was established in August 2002, headed by Wafiq al-Samarra'i, a former

head of Iraqi military intelligence. Ex-chief of staff of Iraq's military (1980-1991) Nizar al-Khazraji, who was based in Denmark since fleeing Iraq in 1996, may also be a member. Khazraji was placed under travel restrictions by Danish officials in late November 2002 after saying he wanted to leave Denmark. He is under investigation there for alleged involvement in Iraq's use of chemical weapons against the Kurds in 1988. Danish authorities said on March 17, 2003, that Khazraji had unexpectedly left his home there,[19] although his current whereabouts are unknown.

! Iraqi Turkmen Front. A small, ethnic Turkomen-based grouping, generally considered aligned with Turkish policy on Iraq. Turkomens number about 350,000 and live mainly in northern Iraq.

! The Islamic Accord of Iraq. Based in Damascus, this is another Shiite Islamic Party, but it is considered substantially less pro-Iranian than SCIRI or the Da'wa Party. It is headed by Jamil Wakil, a follower of Ayatollah Shirazi, an Iranian cleric who was the spiritual leader of a group called the Islamic Front for the Liberation of Bahrain (IFLB, see above under Islamic Amal).

! The Assyrian Democratic Movement, an ethnic-based movement headed by Secretary-General Yonadam Yousif Kanna. Iraq's Assyrian community is based primarily in northern Iraq. There is a strong diaspora presence in the United States as well. After building ties to this group over the past year, the Bush Administration formally began incorporating the Assyrian Democratic Movement into its meetings with the Iraqi opposition in September 2002. (Kanna is on the Governing Council.)

The Opposition Positions Itself Before War/Second ILA Designations. The Bush Administration applauded efforts during 2001 and 2002 by the ex-military led groups to coordinate with each other and with the INC and other groups. One such meeting, in July 2002 in London and jointly run with the INC, attracted over 70 ex-military officers. However, since the regime vacated Baghdad on April 9, 2003, virtually none of the ex-military groups or figures listed above, with the possible exception of Tawfiq al-Yasseri, has become prominent politically.

As a decision whether to launch military action approached, President Bush issued a determination (December 9, 2002) to draw down the remaining $92 million authorized for defense articles and services under the Iraq Liberation Act for the INA, the INC, the KDP, the PUK, SCIRI, and the MCM "and to such other Iraqi opposition groups designated by me under the Act before or after this determination." That same day, the Bush Administration made six of the ex-military led factions discussed above (except the Higher Council for National Salvation) eligible to receive draw downs under the ILA. The announcement appeared to be

---

[19] 'Missing' Iraqi General Now in Kuwait: Paper. *Agence France Press*, April 7, 2003.

part of reported plan to train about 5,000 oppositionists in tasks that could assist U.S. forces, possibly including combat units.[20] An initial group of 3,000 was selected, but only about 70 oppositionists completed training at an air base (Taszar) in Hungary, according to press reports.[21] These oppositionists served with U.S. forces in Operation Iraqi Freedom as translators and mediators between U.S. forces and local leaders, and most did not stay in Iraq, according to observers.

As the prospects for military action against Iraq grew, the opposition began planning its role in the war and the post-war period. During December 14-17, 2002, with U.S. officials attending, major Iraqi opposition groups held a conference in London. The conference was organized by the same six exile groups whose leaders visited Washington in August 2002, but included other groups as well, and they discussed whether the opposition should declare a provisional government. The Administration opposed that step on the grounds that doing so would give the impression that the United States was backing the exile groups in their efforts to dominate post-war Iraq politically. The meeting ended with agreement to form a 65-member follow-up committee, which some criticized as weighted heavily toward Shiite Islamist groups such as SCIRI. The opposition met again during February 24-27, 2003, in northern Iraq, and formed, against the urging of U.S. representatives at the meeting, a six-seat committee to prepare for a transition regime. The six-person committee included PUK leader Talabani, KDP leader Barzani, SCIRI leader Mohammed Baqr Al Hakim, Chalabi, INA leader Alawi, and a former Iraqi foreign minister Adnan Pachachi. (A member from each of these groups is on the Governing Council, as is Pachachi.)

Adnan Pachachi, who is about 80, served as foreign minister and ambassador to the United Nations during the 1960s, under the military governments of Abd al-Salam and then Abd al-Rahman Arif ("the Arif brothers"). Pachachi lived in exile in the UAE during Saddam Hussein's rule, and heads a small party called the "Iraqi Independent Democrats."

Decision to Take Military Action. As inspectors worked in Iraq under the new mandates provided in Resolution 1441, the Administration demanded complete disarmament and full cooperation by Iraq if that country wanted to avert military action. In a probable effort to garner international support for any U.S.-led war effort against Iraq, the Administration had downplayed the goal of regime change in President Bush's September 12, 2002, speech before the United Nations General Assembly, stressing instead the need to enforce U.N. resolutions that required Iraqi disarmament. However, the Administration resumed stressing the regime change goal after February 2003 as diplomacy at the United Nations ran its course.

The possibility of war became clearer following the mid-March 2003 breakdown of U.N. diplomacy over whether the U.N. Security Council should authorize war against Iraq for failing to comply with Resolution 1441. The

---

[20] Deyoung, Karen, and Daniel Williams. "Training of Iraqi Exiles Authorized." *Washington Post*, October 19, 2002.

[21] Williams, Daniel. "U.S. Army to Train 1,000 Iraqi Exiles." *Washington Post*, December 18, 2002.

diplomatic breakdown followed several briefings for the U.N. Security Council by the director of the U.N. inspection body UNMOVIC (U.N. Monitoring, Verification, and Inspection Commission) Hans Blix and the director of the International Atomic Energy Agency (IAEA), Mohammad al-Baradei, most recently on March 7, 2003. The briefings, based on WMD inspections that resumed November 27, 2002, under Resolution 1441, were generally critical of Iraq for failing to pro-actively cooperate to clear up outstanding questions about Iraq's WMD program. However, the latter two briefings (February 24 and March 7, 2003) noted progress in clearing up outstanding WMD questions. The Blix/Baradei briefings said Iraq had not accounted for its past WMD, but the two did not state that they were certain that Iraq had retained WMD, or that they had uncovered any banned WMD. Iraq declared short range ballistic missiles that were determined by Blix to be of prohibited ranges, and Blix ordered Iraq to destroy them. Iraq began the destruction prior to the launching of the U.S.-led war. (For more detail on the final round of inspections and evidence of WMD programs found in the post-war period, see CRS Issue Brief IB92117: *Iraq: Weapons Programs, U.N. Requirements, and U.S. Policy.*)

Security Council opponents of war, including France, Russia, China, and Germany, said the briefings indicated that Iraq could be disarmed peacefully and that inspections should be given more time. They noted that Iraq was well contained by sanctions and the U.S./British enforced no-fly zones. Those who agreed with this view maintained that, as long as Iraq allowed access to U.N. weapons inspections under Resolution 1441, Iraq could not pose an immediate threat to U.S. national security. The inspectors reported few, if any, Iraqi obstructions in about 700 inspections of about 400 different sites. Others experts believed that, even if Iraq were to acquire major new WMD capabilities, Iraq could have been deterred by U.S. overall strategic superiority, presumably including the U.S. nuclear arsenal.

The United States, Britain, Spain, and Bulgaria disagreed, maintaining that Iraq had not fundamentally decided to disarm. The Administration asserted on March 17, 2003, that diplomatic options to disarm Iraq peacefully had failed and turned its full attention to military action. That evening, President Bush gave Saddam Hussein and his sons, Uday and Qusay, an ultimatum to leave Iraq within 48 hours to avoid war. They refused the ultimatum, and Operation Iraqi Freedom was launched on March 19, 2003.

In the war, Iraq's conventional military forces were overwhelmed by U.S. and British forces in Operation Iraqi Freedom, although the Iraqi military, at times, put up stiff resistance using unconventional tactics. No major Iraqi military commanders or Baathist political figures came forward to try to establish a post-Saddam government, but senior regime leaders fled Baghdad, and the whereabouts of some of the top leadership, including Saddam Hussein, are unknown. No WMD was used, although Iraq did fire some ballistic missiles into Kuwait. It is not clear whether those missiles were of ranges prohibited by the United Nations (greater than 150 km).

Post-Saddam Governance Issues

Since Saddam Hussein's regime vacated Baghdad on April 9, 2003, there has been increasing debate about the effectiveness of U.S. policy toward Iraq. The outcome of the debate might depend on such factors as the pace and costs of reconstruction; the degree of future resistance to the U.S.-led occupation; the amount of WMD ultimately found, if any; and whether a new government is stable and democratic. The same U.S. concerns about fragmentation of and instability in Iraq that existed in prior years are present in the current debate over how to establish a post-war regime. Although some Iraqi civilians welcomed U.S. and British troops, other Iraqis now want U.S. and British forces to leave Iraq. Some experts believe that a post-war Iraq will inevitably fall under the control of pro-Iranian Shiite Islamist forces who are asserting growing control over areas inhabited by Iraq's Shiites. Shiites constitute about 60% of Iraq's population but have been under-represented in every Iraqi government since modern Iraq's formation in 1920. (For further information on economic reconstruction and its funding, see CRS Report RL31833, *Iraq: Recent Developments in Reconstruction Assistance*.)

The Coalition Provisional Authority (CPA). After the fall of the regime, the United States set up an occupation structure. The Bush Administration initially tasked Lt. Gen. Jay Garner (ret.) to direct civilian reconstruction, working through a staff of U.S. diplomats and other U.S. government personnel who served as advisers and administrators in Iraq's various ministries. He headed the Office of Reconstruction and Humanitarian Assistance (ORHA), within the Department of Defense, created by a January 20, 2003 executive order. After spending the combat phase of the war in neighboring Kuwait, Garner and some of his staff of about 200 deployed to Baghdad on April 21, 2003, to begin work.

Press reports said that senior U.S. officials were dissatisfied with the slow pace of reconstruction under Garner, and on May 6, 2003, the Administration appointed former ambassador L. Paul Bremer to lead the overall reconstruction effort, with a focus on political reconstruction. He arrived on May 12, 2003, to head the CPA, which subsumed ORHA. The appointment represented an apparent adjustment from the original structure of the U.S. reconstruction effort, although the Administration stated that it was always envisioned that a civilian would eventually take over the U.S. effort and denied it was an indication of high-level dissatisfaction with the effort. U.S. officials now refer to the CPA as an occupying authority legitimized by U.N. Security Council Resolution 1483 of May 22, 2003. Among other provisions, Resolution 1483 lifted U.N. sanctions on Iraq.

Another alteration of the U.S. post-war structure was made public in early October 2003; the White House announced that an "Iraq Stabilization Group" under the direction of National Security Adviser Condoleezza Rice would coordinate interagency support to the CPA in Iraq. The move was widely viewed as a diminution in Defense Department control over post-war governance and reconstruction.

Establishing Iraqi Self-Rule

The Administration says that U.S. forces will stay in Iraq until there is a stable, democratic successor regime that is at peace with its neighbors. However, there has been some debate between U.S. authorities and key anti-Saddam groups over the pace and the means to move Iraq to self-government. This debate has taken on new urgency since resistance attacks on U.S. forces and international organizations in Iraq have escalated since September 2003.

Shortly after the regime fell, the United States began a process of establishing a successor regime. Senior U.S. officials, including deputy Defense Secretary Paul Wolfowitz, said in early April 2003 that they hoped to have a successor regime in place within six months of the fall of the regime. The Administration organized an meeting in Nasiriyah (April 15, 2003) of about 100 Iraqis of varying ideologies, present by U.S. invitation. Many of the attendees were representatives of Iraqi tribal groupings that had not been politically active before. SCIRI, along with several Shiite clerics, boycotted and called for an Islamic state. A follow-up meeting of about 250 delegates was held in Baghdad on April 26, ending in agreement to hold a broader meeting, within a month, to name an interim Iraqi administration. However, in mid-May 2003, U.S. officials, apparently fearing that existing major groups could not form a stable regime, or that Shiite Islamists would dominate a successor authority, cut this process off and abandoned any public deadlines for transferring sovereignty to an Iraqi government.

Formation of the Major Party Grouping. In parallel with the April 26 meeting, the five most prominent exiled opposition groups met, with U.S. envoys present: SCIRI, the INC, the INA, the PUK, and the KDP. On May 9, 2003, the five major parties agreed to expand their grouping to seven, adding to their ranks the little known Nasir al-Chadirchy, head of a party called the National Democratic Party of Iraq, as well as the Da'wa Party (see above). The major-party grouping criticized the U.S. decision in May 2003 to delay the formation of an Iraqi self-rule authority and to instead form an advisory body of 25 to 30 Iraqis.

With U.S. casualties in Iraq mounting and a growing sense of resentment among the Iraqi population, the U.S.-led occupation authority (Coalition Provisional Authority, CPA) began tilting back toward the views of the major Iraqi exile parties. U.S. administrator for Iraq Paul Bremer (see below) said on June 23, 2003, that the planned 25- to 30-member body would have "real authority" from its first days and would not be purely advisory. He said it would nominate ministry heads, recommend policies, and convene a "constitutional conference" to draft a new constitution,[22] although it would not assume sovereignty.

The Governing Council and Cabinet. On July 13, 2003, a Governing Council was unveiled to the Iraqi public, appointed by the U.S.-led CPA but reflecting the influence of the major-party grouping, as well as prominent Iraqis who were never in exile and were not affiliated with the exiled opposition. Prior to the

---

[22] Transcript: Bremer Reviews Progress, Plans for Iraq Reconstruction. *Washington File*, June 23, 2003.

assassination on September 20, 2003, of Council member Akila al-Hashimi (a Shiite woman and former foreign ministry official) the Council had 25 members, of which 3 were women and 13 were Shiite Muslims. Of the 12 Shiite Muslims still on the Council, one seat is held by SCIRI directly (Abd al-Aziz Al Hakim, younger brother of Mohammad Baqr), one is held by a guerrilla affiliated with SCIRI (Abdul Karim al-Muhammadawi), two are Da'wa Party (Ibrahim al-Jafari and Abdul Zahra Othman) leaders, and considered allies of SCIRI, and one is a former Da'wa activist (Muwaffaq al-Ruba'i). Also on the Council is a moderate Shiite cleric, Mohammad Bahr al-Ulum, who is not affiliated with SCIRI or Da'wa. He headed the Ahl al-Bayt charity center in London since the 1980s. The remaining Shiite Muslims, such as Chalabi and Iyad al-Alawi, are secular. One Sunni Muslim Islamist was appointed — Muhsin Abdul Hamid — who heads the Iraqi Islamic Party; he does not have a clear relationship with the Shiite Islamists on the Council.

The Council includes five Kurds, including the two main Kurdish leaders Jalal Talabani and Masud Barzani. The Kurds are generally considered the most pro-U.S. of all Iraqi factions and are generally reluctant to openly criticize the CPA.

Although not a cohesive bloc, the Council includes exiles and non-exiles who generally want a liberal democracy and could be considered generally pro-U.S. Most prominent among them is Chalabi, but this grouping includes National Democratic Party leader Nasir al-Chadirchy and Adnan Pachachi, both of whom are Sunni Muslims. Others most likely to affiliate with this bloc include Sunni businessman Samir Shakir al-Sumaidy; Sunni civil engineer Ghazi al-Yawar, who is president of Saudi-based Hicap Technology; the Shiite coordinator for the Human Rights Association of Babel, Ahmad al-Barak; and the two other women Council members, Songul Chapouk, a member of the Turkomen minority, who heads the Iraqi Women's Association, and Raja al-Khuza'i, a Shiite who heads the maternity hospital in Diwaniyah.

A member of the Assyrian Christian community is on the Council. Yonadam Kanna, the secretary-general of the Democratic Assyrian Movement, is on the body. It is not known what other members of the Council, if any, he might be aligned with, although it is reasonable to believe that he might have an affinity for fellow residents of northern Iraq, the Kurds. Also unclear is whether or not Hamid al-Musa, the Shiite head of the Iraqi Communist Party, is allied with anyone else on the Council.

The major factions not directly represented on the Council are varied. They include the Sadr movement; the Hawza of Ayatollah Sistani; the Baath Party or other Sunni elements of the former regime; and the Movement for Constitutional Monarchy. Some key tribes do not have members on the Council either. In some of the above cases, the CPA did not want to include a particular faction; in other cases, a faction might not have wanted to be associated with the occupation.

In late July 2003, the Council decided that nine Council members will rotate as chairpersons, each for one month. Those who rotate that post are Ibrahim Jafari (Da'wa Party), Chalabi, Alawi of the INA, Talabani (PUK), Hakim (SCIRI), Pachachi, Barzani (KDP), Bahr al-Ulum, and Abdul Hamid, the Sunni Islamist.

Among its first actions, the Council authorized the establishment of an Iraqi war crimes tribunal for Saddam and associates accused of major human rights abuses. It empowered a three-member delegation to seek formal U.N. recognition; Chalabi, Pachachi, and Akila Hashimi, traveled to the United Nations in July 2003 and received a supportive statement from Secretary General Kofi Annan. No decision on seating the Governing Council at the United Nations was announced. The Council helped develop a plan, announced September 21, 2003, to open Iraq's economy to foreign investment and many of its companies to foreign ownership.

Cabinet. The Council also completed work on a governmental structure. On September 3, 2003, a 25-member cabinet was sworn in. Its composition has roughly the same factional and ethnic balance of the Council itself. Two "ministers" — Ibrahim Bahr al-Ulum (oil ministry) and Ali al-Alawi (trade ministry) — are close relatives of Council members. Another, "foreign minister" Hoshyar Zibari, is a longtime close aide to KDP chief Masud Barzani. Zibari served during most of the 1990s as KDP representative in Washington. Longtime PUK activist Abdul-Latif Rashid is the "minister" of water resources. No "defense minister" was named, because U.S.-led military forces are responsible for defense.

The "interior minister" is Nuri Badran, an INA activist. Badran is attempting to build on the INA's contacts among ex-Baathists and ex-military people to develop a new domestic intelligence and national police network,[23] although recruitment of such categories of Iraqis has raised suspicions of other Governing Council members, such as Ahmad Chalabi. Chalabi has been the most vocal of all major post-Saddam figures in calling for the complete dismissal and isolation of all those with ties to the former regime.

Debate Over Council Authority/November 2003 Transition Plan. Press reports began to appear in late August 2003 said that U.S. authorities were dissatisfied at the relatively low level of activity of the Governing Council, and were pressing it to take a more prominent and public role in post-war political decision-making. Several Council members said that the Council could not do so unless and until the U.S.-led coalition begins transferring greater authority to it.[24] Friction also emerged in October 2003 over a time-frame for a return to Iraqi sovereignty; the major exile parties on the Council want an early restoration of Iraqi sovereignty. Other tensions emerged over U.S. acceptance of Turkey's offer to send peacekeeping troops to Iraq; most Iraqi resent Turkey as the successor of the Ottoman Empire that ruled Iraq for the 400 years prior to World War I.

Differences also appeared over the Council's failure to agree on a process for drafting a new constitution and holding national elections. The Bush Administration had linked completion of these steps to the end of the U.S. occupation and a restoration of full Iraqi sovereignty. In early August 2003, the Governing Council tapped INC activist Kanaan Makiya to head a 25-person committee that will

---

[23] Williams, Daniel. New Ministry to Recruit Paramilitary Force in Iraq. *Washington Post*, September 2, 2003.

[24] Filkins, Dexter and Neil MacFarquhar. U.S. Official Tells Iraqis To Assert More Authority. *New York Times*, August 21, 2003.

determine the process for drafting the constitution. However, the committee deadlocked, with some arguing for an appointed constitutional drafting commission and others, such as Ayatollah Sistani, saying the drafters should be elected. Secretary of State Powell said in late September 2003 that the Iraqis should be able to draft a constitution within six months, although Iraqi officials subsequently said it would be very difficult to meet that deadline. U.N. Security Council Resolution 1511, of October 16, 2003, invited the Council to develop a timetable by December 15, 2003, for drafting a constitution.

In mid-November, with popular resistance to the occupation appearing to grow and resistance attacks becoming more effective, as outlined in a reported CIA assessment,[25] CPA administrator Bremer flew urgently to Washington to consult with President Bush and other members of the national security team. According to press accounts, President Bush authorized Bremer to discuss with the Governing Council a new plan to accelerate the transfer of political sovereignty to Iraqis. On November 15, the CPA and the Governing Council announced they had reached agreement on a plan that, according to several press reports, includes the following:

- ! the writing of a provisional constitution, or set of "Basic Laws."

- ! the establishment of 15-person committees in each of Iraq's 18 provinces, who will in turn select participants for broader local caucuses. The 15-person committees are to be established by January 21, 2004; of the 15 in each committee, five will be appointed by the Governing Council, five by provincial councils, and five by town councils. By the end of May 2004, the caucuses are to select members of a 250-member national assembly.

- ! By July 1, 2004, the selection by the 250 member national assembly of members of an executive branch, including designation of a provisional leader of Iraq. This new provisional government is to assume sovereignty. According to Bremer, there is to be an agreement between the transition government and the United States on the continuation of the U.S. military presence.

- ! By March 15, 2005, elections of drafters of a permanent constitution. The elections are to be managed by the transition government.

- ! By December 31, 2005, the holding of national elections for a permanent government.

The agreement has attracted mixed reviews both abroad and within Iraq. Some believe that it will lead to a relatively rapid restoration of sovereignty that should calm resistance. Others believe it represents a U.S. effort to draw down its presence in Iraq to minimize further U.S. casualties, and that the political process outlined will

---

[25] Landay, Jonathan. "CIA Has A Bleak Analysis of Iraq." Philadelphia Inquirer, November 12, 2003.

not ensure formation of a genuine democracy, but rather a coalition of individual factions. Others believe that the process outlined is relatively vague and that much infighting will result at each stage of the process, including the selection of caucus participants, the naming of assembly members, the selection of a transition government, and the naming of a leader of the transition government. Some believe the process will favor the well-organized former exile parties, although others believe the plan provides sufficient opportunity for newly enfranchised groups and individuals in Iraq to gain some say in the political transition. Press reports in late November say some members of the Governing Council want the Council to remain in existence as part of a transition government after that government is established; this suggests that some Governing Council figures fear they might not be selected to be part of a new governing body under the agreed upon process.

As part of the governance planning process that took place before the war, the U.S. State Department supported a group of Iraqi exiles to address issues that would confront a successor government.[26] The State Department working group (the "Future of Iraq Project") does not appear to have significant influence on any post-war regime decision-making in Iraq, although some Iraqis who participated are now in various Iraqi official bodies. Some experts believe the Defense Department was promoting a competing or separate group of exiles.[27] The State Department project, which cost $5 million, consisted of working groups that discussed (1) transitional justice; (2) public finance; (3) public and media outreach; (4) democratic principles; (5) water, agriculture, and the environment; (6) health and human services; (7) economy and infrastructure; (8) education; (9) refugees, internally-displaced persons, and migration policy; (10) foreign and national security policy; (11) defense institutions and policy; (12) free media; (13) civil society capacity-building; (14) anti-corruption measures; and (15) oil and energy.

Iraqi Resistance and U.S. Security Operations

Experts note that the U.S. policy debate has intensified since September 2003 because of the apparently escalating Iraqi resistance, an increasing number of U.S. casualties taken, and the slow rate at which such U.S. initiatives such as the establishment of a democratic successor regime is moving forward. At present, about 145,000 U.S. and British troops are in Iraq; of those, about 130,000 are U.S. personnel and about 12,000 are British. There are an additional 16,000 foreign forces, deploying in accordance with international commitments to post-war peacekeeping (see below). Earlier press reports said the Administration wanted to draw the U.S. force level down to about 35,000 by the end of 2003, but continued unrest and insecurity in Iraq appear to have made that goal untenable, and some press reports say that Defense Department officials estimate that over 100,000 U.S. troops might still be in Iraq in the summer of 2004, and perhaps that many as late as 2006.

---

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

[27] Fineman, Mark, Robin Wright, and Doyle McManus. Preparing for War, Stumbling to Peace. *Los Angeles Times*, July 18, 2003.

Other reports says the Administration wants to try to reduce U.S. forces to 100,000 by mid-2004 and to 50,000 by 2005.[28]

The Resistance. U.S. commanders in Iraq said in early October 2003 that the sophistication and capabilities of the armed resistance to the U.S. governance of Iraq is growing. Centcom commander John Abizaid had said on July 17, 2003, that the United States faces a "classic guerrilla war" led by "mid-level Baath Party activists organized regionally." Some elements of the resistance appear to want to restore the old regime, while others appear to be motivated by opposition to foreign rule or the goal of forming an Islamic state. Other resistance fighters appear to be motivated by the difficulty the U.S. and British authorities have had in restoring civilian services or to avenge the accidental killing of Iraqi civilians during U.S. operations. On average, there are about 30 attacks on U.S. forces per day. Resistance attacks have killed about 185 U.S. military personnel since President Bush declared an end to "major combat operations" in Iraq on May 1, 2003. The most lethal resistance attack was the November 2 shoot-down of a U.S. Chinook helicopter, killing 15 American forces. Another incident, the November 15 collision of two Blackhawks killing 17 American soldiers might have been the result of one helicopter trying to avoid ground fire.

U.S. military operations are focused on hunting down guerrilla resistance leaders and their suspected Baathist financiers, as well as finding former leader Saddam Hussein. U.S. forces have conducted at least six sweep operations since mid-June 2003 to search for Baath and other oppositionists; these operations were given the names Peninsula Strike (June 9-15); Desert Scorpion (June 15-August 1); Sidewinder (June 29-July 7); Soda Mountain (July 12-17); Ivy Serpent (July 12 - early September); Ivy Focus (September 10 - ongoing); Ivy Cyclone and Ivy Cyclone II (November 4-ongoing); and Iron Hammer (November 12 -). Iron Hammer, which was launched as response to growing resistance attacks, began on November 12; it has included air attacks on insurgent positions near Baghdad and nearby towns.

The Bush Administration says resistance comes not only from remnants of the Baath Party but also from Arab volunteers, possibly linked to or supportive of Al Qaeda, who have come to Iraq from other countries to fight the U.S. occupation. U.S. military officials say they have arrested about 200 foreign fighters in recent sweep operations, although some commanders say the foreign fighters are not a large factor in the resistance activity. Resistance attacks are more frequent in the Sunni areas of central Iraq, where support for Saddam Hussein's regime was traditionally stronger than elsewhere, but there have been recent fatal attacks in the Shiite south.

Some U.S. military officials, including Gen. Abizaid,[29] put the resistance numbers at about 5,000, although they do not explain precisely how they arrive at that figure. The resistance appears to be operating in relatively small cells, some of which have broadcast photos of armed fighters, although some U.S. commanders believe that Saddam and members of his inner circle who are still at large might be

---

[28] Ricks, Thomas. Reduction in U.S. Troops Eyed for '04. *Washington Post*, October 19, 2003.

[29] Press briefing by Gen. Abizaid, November 13, 2003.

coordinating some resistance elements. Some reports say U.S. commanders believe the resistance is acquiring a more nationwide structure. Some resistance factions have identified themselves as distinct groups, scribbling graffiti warnings and faxing statements to the Arab satellite television network Al Jazeera, UAE-based Al Arabiya TV, and other outlets. Suggesting a mix of nationalist and Islamist factions, they are identifying themselves with names such as:

- ! Al Awda (the Return), believed to be the largest and most active resistance group;
- ! Saddam's Jihad;
- ! the Movement of the Victorious Sect;
- ! Iraq's Revolutionaries - Al Anbar's Armed Brigades;
- ! The Popular Resistance for the Liberation of Iraq;
- ! the Salafist Jihad Group (Salafi is a Sunni extremist Islamic movement);
- ! Armed Islamic Movement for Al Qaeda - Falluja Branch. Actual linkages to Al Qaeda, if any, are not known;
- ! Jaysh (Army) of Mohammad, said to be a highly active group;
- ! Black Banners Group;
- ! Nasirite Organization; and
- ! Armed Vanguard of the Second Mohammad Army. Claimed responsibility for U.N. headquarters bombing and threatened attacks on any Arab countries that participate in Iraq peacekeeping. The credibility of the claim is not known.

The continuing resistance has complicated the U.S. mission. In addition to targeting U.S. forces, resistance fighters have assassinated Iraqis who are cooperating with the United States and attacked Iraqi oil export pipelines and water and other infrastructure facilities, as well as symbols of the international presence, including U.N. headquarters. By attacking these targets, the resistance appears to be hoping to cause international relief workers and peacekeeping forces to leave Iraq, slow reconstruction, and turn the Iraqi populace against the occupation.

An apparent suicide terrorism dimension to the resistance began to emerge in August 2003 with car and truck bombings in Baghdad of the embassy of Jordan (August 7) and U.N. headquarters at the Canal Hotel (August 19). The latter bombing killed 23 persons including the U.N. representative in Iraq, Sergio Vieira de Mello, and prompted some drawdown in U.N. and non-governmental organization personnel in Iraq. The August 29, 2003, car bombing in Najaf that killed Mohammad Baqr Al Hakim may have killed over 100 persons, according to news reports. Smaller suicide bombings have occurred since at Iraqi police facilities, the U.N. compound, and other sites. On October 25, 2003, the resistance rocketed the hotel at which visiting deputy Defense Secretary Wolfowitz was staying; he was unhurt. The next day, there were four suicide car bombings at various sites in Baghdad, including the headquarters of the International Committee of the Red Cross. A November 12 resistance suicide attack killed 17 Italian peacekeepers at their headquarters in Nasiriyah.

On the other hand, the Administration maintains that the resistance is not derailing the U.S. mission to bring about reconstruction and that the insurgency can

and will be defeated. Administration fact sheets and statements say that life is, for the most part, returning to normal throughout Iraq. Electricity is virtually back to pre-war levels. A new currency has been introduced. Schools and hospitals have reopened throughout Iraq. Administration officials also say Iraqis are freer than at any time in the past 30 years, with a free press and the ability to organize politically.

"Iraqification"/Building Security Institutions. An option for improving security conditions that has been pursued by the Administration is to try to increasingly transfer security responsibilities to Iraqi institutions. Some in the Administration appear to prefer this option to alternatives, advocated by some in and outside the Administration, that involve turning over greater responsibility to the international community in exchange for donations of peacekeeping forces. This initiative is an attempt to improve security in Iraq, generate better intelligence on resistance factions, and free up U.S. forces for counter-insurgency missions. It is hoped that these institutions could eventually take over the security function from the United States. As of mid-November 2003, about 130,000 Iraqis have been recruited to these institutions, and the goal is to have about 220,000 Iraqis serving in these institutions by 2004. However, there are concerns about the loyalty and dedication of the new recruits, in the absence of Iraqi sovereignty and a clearly defined governing structure. Some Iraqi forces have fought crime and the resistance and helped put down protests, but others have sometimes abandoned their posts and allowed their facilities to be attacked or fought poorly in defense.

On November 21, 2003, the Bush Administration issued a determination repealing a U.S. ban on arms exports to Iraq so that the United States can supply weapons to the new Iraqi security institutions. Authority to repeal this ban was requested and granted in an FY2003 emergency supplemental appropriations (P.L. 108-11) for the costs of the war. The provision (Section 1504) gives the President the authority to export to Iraq non-lethal military equipment and to export military equipment to a reconstituted or interim Iraqi military if the President determines that doing so is in the national interest. (Section 1503 requires the President to submit regular reports to Congress on any export licenses granted for the exportation of dual use items to Iraq.)

A related issue is whether the United States will agree to a proposal by the major Iraqi parties on the Governing Council to deploy their individual militia fighters to help augment security.[30] The militias could provide additional forces, many of whom have substantial training, that could benefit efforts to maintain security. The potential risks of the proposal are that the party-based militias would likely retain loyalties to their party leaders, not necessarily to an Iraqi government. Another risk is that there might be tensions among the various militias that might erupt into internecine violence.

The following, based on a variety of press reports, are the pillars of the Iraqi security institutions:

---

[30] Tyler, Patrick. Iraqi Factions Seek to Take Over Security Duties. *New York Times*, September 20, 2003.

! New Army. The CPA formally disbanded the former Iraqi army following Bremer's arrival in Baghdad. Some criticized the move as a factor that is now contributing to resistance activity, but others believe the move was necessary to ensure that Iraq moves toward democracy. As part of U.S. efforts to build new Iraqi security institutions, the CPA is in the process of training recruits for a planned 40,000 person New Iraqi Army, about 10% the size of the pre-war Iraqi force. The force is expected to be at or near full strength by mid-2004, although some experts believe that this is too rapid a pace to ensure proper training and ensure the loyalty of all recruits. Recruits are paid $60 per month and receive nine weeks of training. Former Defense Department official Walter Slocombe is in charge of forming the new Iraqi army; according to him, many soldiers of the former army are being recruited, but former members who were at the top four ranks of the Baath Party are not eligible for recruitment. The first 700 recruits were graduated in early October 2003. The Administration requested about $2 billion to train and equip the new army in its FY2004 supplemental funding request; that level of funding is provided by the FY2004 supplemental appropriation (P.L. 108-106).

! Police. The CPA is also trying to turn policing functions over to Iraqis. Overall, about 62,000 Iraqi policemen have returned to their jobs, near the total goal. About 30,000 of the police will undergo training in Hungary, and Jordan has offered to train about 30,000 Iraqi police. Police are paid $60 per month, and must pass a background check ensuring they do not have a record of human rights violations or criminal activity. The Administration has requested about $1 billion to train and equip an Iraqi police force in its FY2004 supplemental funding request; $950 million was appropriated in P.L. 108-106.

! The CPA has is also building a paramilitary "Civil Defense Corps," deployed in each of Iraq's provinces, to assist in maintaining order and combating insurgents. As of late November, 8,500 have been deployed; the goal is for a Corps of 40,000. Recruits are paid $50 per month and cannot have served in Iraq's former army at a level of colonel or higher.

! A separate "Facilities Protection Service" is being deployed to guard installations such as oil pumping stations, electricity substations, and government buildings. About 48,000 (near the goal) have been deployed, but training is said to be minimal and some are unarmed. The Administration has requested about $140 million to train and equip the Civil Defense Corps and Facilities Protection Service in the FY2004 supplemental funding request; that amount was appropriated in P.L. 108-106.

! The CPA has thus far recruited 12,000 Iraqis into a customs and border protection force. Members of this force receive a few weeks of U.S. training.

Internationalization/U.N. Role.[31]   Some believe that enlisting greater international participation in peacekeeping would be more effective than the rapid recruitment of Iraqi security institutions. At times over the past few months, it appeared that the Administration had decided or was about to decide on this strategy, although it appears the Administration is de-emphasizing this option in favor of those involving greater U.S. control over post-war governance. In his speech on Iraq of September 7, 2003, President Bush said he had authorized Secretary of State Powell to negotiate a Security Council resolution that would authorize a multinational peacekeeping force in Iraq, and thereby perhaps trigger additional pledges of force contributions.

Thus far, 29 countries (in addition to the United States and Britain) have committed forces to help secure Iraq. The United Kingdom and Poland are leading multinational divisions in southern Iraq and central Iraq, respectively. The UK-led force numbers about 14,000, of which all but 2,000 are British forces. The Polish-led force numbers about 9,200, of which 2,300 are Polish. About 27,000 non-U.S. troops are now on the ground (including 12,000 British). Confirmed force pledges include those in **Table 1**, below. For a more thorough list, which includes contributions of support or medical personnel, see CRS Report RL32105.

The commitments of several large nations, including Germany and France, are contingent on a restructuring of post-war governance to restore Iraqi sovereignty. Others, including Japan and South Korea, have expressed willingness to commit substantial numbers of troops but have hesitated on actual deployments due to security conditions. On October 7, the Turkish parliament approved a government recommendation to send up to 10,000 peacekeeping forces, but the pledge drew criticism from Iraq's Governing Council that Turkey will likely use the deployment to meddle in Iraq's internal affairs. Turkey subsequently informed the United States that Iraqi opposition made the deployment unworkable at this time. The position of U.N. Secretary General Kofi Annan appears to be close to that of France; he has cut U.N. staff in Iraq because of security concerns and said the United Nations should only play a larger role in Iraq if there is a road map to an early restoration of Iraqi sovereignty.

Since the fall of Saddam Hussein, the Administration has sought U.N. backing for its post-war efforts. Resolution 1483 (adopted unanimously) provided for a U.N. special representative to coordinate the activities of U.N. personnel in Iraq and to help establish a successor government. The Secretary General subsequently (May 27, 2003) appointed de Mello (see above) for that post. The resolution also gave the United Nations a monitoring role over the Development Fund for Iraq, the account controlled by the CPA for reconstruction. The resolution did not authorize a return

---

[31] For additional information on international contributions to Iraq peacekeeping and reconstruction, see CRS Report RL32105, *Post-War Iraq: A Table and Chronology of Foreign Contributions.*

to Iraq of U.N. weapons inspectors, although the resolution provided for deliberations on that issue. Some International Atomic Energy Agency inspectors returned to Iraq in June 2003 on a limited nuclear mission in Baghdad. On August 14, 2003, the U.N. Security Council adopted a compromise resolution, Resolution 1500, that "welcomed," but did not "endorse," the formation of the Governing Council, an apparent nod to U.S. requests. The resolution also enhanced U.N. authority in Iraq somewhat by establishing a "U.N. Assistance Mission for Iraq." The resolution did not formally authorize an international peacekeeping force for Iraq ; Resolution 1483 already "calls on" governments to contribute forces for stabilization) and did not measurably dilute U.S. authority over post-war governance in Iraq.

These resolutions did not satisfy the requirements of many nations that want to phase out the U.S.-led occupation in favor of a U.N.-led governance process. The United States obtained agreement on Resolution 1511 (adopted unanimously on October 16, 2003) that authorized a "multinational force under unified command" and "invited" the Governing Council to develop, by December 15, 2003, a timetable for drafting a constitution. However, the resolution did not meet the core demands of such countries as France and has not attracted new troop pledges from the major countries such as France and Germany. Some in the Bush Administration reportedly have not wanted to cede control over post-war governance to the United Nations or other nations; they maintain that doing so would confuse the post-war command structure and possibly lead to the formation of a government in Iraq that is not committed to democracy and not necessarily pro-U.S. On the other hand, suggesting that the Administration is revisiting its former stance to keep U.N. involvement circumscribed, Secretary of State Powell said in November 2003 that the United States might seek formal U.N. backing for the November 15, 2003, transition governance plan (see above). The move reportedly would also include giving the United Nations a major role in assisting the transition and recognizing the sovereign transition government.

During negotiations on Resolution 1511, a number of different formulas were discussed for broadening peacekeeping duties in Iraq. Deputy Secretary of State Richard Armitage told journalists in late August 2003 that one idea under discussion was for a multinational force, under U.N. leadership, that would be commanded by a U.S. military official.[32] Another possibility was for NATO to command a multilateral force. The United States had some discussions with NATO on whether the organization would take on Iraq as a fifth peacekeeping mission. On July 10, 2003, the Senate adopted an amendment, by a vote of 97-0, to a State Department authorization bill (S. 925) calling on the Administration to formally ask NATO to lead a peacekeeping force for Iraq. A related bill (H.R. 2112) was introduced in the House on May 15, 2003. (For more information on this possibility, see CRS Report RL32068, *An Enhanced European Role in Iraq?*)

---

[32] Jehl, Douglas. U.S. Now Signals It Might Consider U.N. Force in Iraq. *New York Times*, August 28, 2003.

Table 1. Multinational Division Force Pledges

Albania	70
Armenia	13
Australia	850
Azerbaijan	150
Bulgaria	500
Czech Republic	400
Denmark	380
Dominican Republic	300
Estonia	47
Georgia	70
Honduras	370
Hungary	300
Italy	3,000
Kazakhstan	27
Latvia	150
Lithuania	130
Macedonia	38
Mongolia	180
Netherlands	1,100
Nicaragua	230
Norway	150
Poland	2,300
Portugal	120
Romania	734
Singapore	192
Slovakia	85
Spain	1,300
Thailand	443
Ukraine	1,650
Total (non-U.S., non-U.K.) Pledged	**15,279**

Restarting Iraq's Economic Engine

One of the major functions of the CPA is to accomplish economic reconstruction. By all accounts, restoring Iraq's economy depends, in large part, on rehabilitating Iraq's energy infrastructure.[33]

The Oil Industry/Revenues for Reconstruction. As the driver of Iraq's economy, the rebuilding of the oil industry is receiving substantial U.S. attention. It has been widely assumed that Iraq's vast oil reserves, believed second only to those of Saudi Arabia, would be used to fund much of the costs of reconstruction. Then 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 had been concerned that an Iraqi regime on the verge of defeat could destroy its own oil fields, but coalition forces quickly secured Iraq's southern oil fields after combat began. Only about 9 oil wells were set on fire, of a total of over 500 oil fields in that region, and all were put out quickly. The northern oil fields in Kirkuk and Mosul were not set afire.

In early May 2003, the U.S.-led coalition set up an advisory board, headed by former Shell executive Phillip Carroll, to oversee the rebuilding of Iraq's oil sector. An Iraqi oil industry professional, Thamer Ghadhban, was named to serve as head of the interim management team that has run Iraq's oil ministry and reported to the advisory board. The first exports began in late June 2003, but exports were running at only about 800,000 barrels per day as of late September 2003, far less than the 1.5 million barrels per day originally estimated, due to sabotage and the slow pace of sector reconstruction. Iraq's new "Oil Minister," Ibrahim Bahr al-Ulum, said Iraq was exporting at somewhat higher levels (just over 1 million barrels per day) as of early October, and exports are said to be about 1.1 million barrels per day as of late October. Iraq's pre-war export rate was about 2.2 million barrels per day, a level that U.S. officials and Iraqi oil appointees had hoped to reach by the end of 2003. The FY2004 supplemental appropriations request asks for $1.2 billion to repair Iraq's oil infrastructure, plus $900 million to import refined energy products that Iraq's infrastructure cannot currently produce until it is repaired. P.L. 108-106 provided the requested amount for infrastructure, but only about $700 million for imports of energy products.

The CPA-produced budget for Iraq for calendar 2003, which is based on the planned levels of oil exports, assumed that oil revenues would yield about $3.5 billion through the end of 2003, and provide about half of the approximately $6.6 billion budget for Iraq for the period. However, about $1.4 billion in oil revenues were received by the end of October, somewhat less than anticipated. At inception, the DFI Iraq contained about $7 billion when it was established in June 2003, consisting of captured Iraqi assets, Iraqi assets abroad, the monies transferred from the oil-for-food account, and U.S. funds available for reconstruction (FY2003

---

[33] For information on Iraq's oil industry and its reconstruction, see CRS Report RS21626, *Iraq Oil: Reserves, Production, and Potential Revenues*. For information on U.S. and other funding for Iraq's reconstruction, see CRS Report RL31833, *Iraq: Recent Developments in Reconstruction Assistance*.

supplemental, P.L. 108-11, which appropriated about $2.5 billion for reconstruction). As of late October 2003, the Development Fund for Iraq (DFI), set up by Resolution 1483, had a balance of about $2.3 billion. (During October and November, an additional $2 billion was transferred to the DFI from the oil-for-food escrow account.)

In order to accelerate reconstruction, the DFI was deemed to require international donations, such as those pledged at the October 23-24 donors' conference in Madrid, additional U.S. appropriations, and funds remaining after the U.N.-run "oil for food program" terminated on November 21, 2003 (see below). A World Bank estimate, released in early October 2003, said Iraq reconstruction would require about $56 billion during 2004-2007, including the $20 billion in U.S. funding requested by the Administration in September 2003. At the Madrid donors conference, donors pledged about $4 billion in grants and $9 billion in credits, in addition to the $20 billion to be provided by the United States. (For additional information on international pledges, see CRS Report RL32015, *Post-War Iraq: A Table and Chronology of Foreign Contributions*.)

In late October 2003, a multilateral board to monitor the DFI, mandated by Resolution 1483, was established (the International Advisory and Monitoring Board). The DFI is held in the Federal Reserve Bank of New York, not Iraq's Central Bank, as outlined in Resolution 1483.

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.

Supplemental Funding Needs.[34] Partly because oil revenues have lagged behind projections, in late August 2003 Bremer visited Washington to talk to other Administration officials about the need to ask Congress for immediate supplemental funds for reconstruction needs, which Bremer estimates will run into the "several tens of billions" over the next year. On September 8, 2003, President Bush stated that he would request supplemental funding for FY2004 for the "war on terrorism," in the amount of $87 billion, of which over $70 billion would be for military operations in and reconstruction of Iraq. Of that amount, about $50 billion would be for military costs and about $20 billion for reconstruction of Iraq.

The FY2004 supplemental appropriation (conf. report H.Rept. 108-337, P.L. 108-106) provided the following funds for Iraq reconstruction (total $18.7 billion):

---

[34] For information on the status of legislative consideration of the request for supplemental funding, see RL32090, FY2004 Supplemental Appropriations for Iraq, Afghanistan, and the Global War on Terrorism: Military Operations & Reconstruction Assistance.

- $3.243 billion for security and law enforcement, including the New Iraqi Army. border enforcement and other security functions;
- $1.32 billion for justice and civil society and democracy development, including programs for women and youth, and the formation of an independent human rights commission,
- $5.56 billion for electricity infrastructure rehabilitation,
- $1.89 billion for rehabilitating the energy infrastructure,
- $4.332 billion to repair water and sewage systems;
- $500 million for repair of transportation and telecommunications infrastructure,
- $370 million to upgrade housing, roads, and bridges,
- $800 million to construct and equip hospitals and clinics, and
- $453 million for education, jobs training, and private sector initiatives.

Termination of the Oil-for-Food Program. About 60% of Iraqis have been receiving 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. (See CRS Report RL30472, *Iraq: Oil-for-Food Program, Sanctions, and Illicit Trade*.)

On March 28, 2003, the U.N. Security Council unanimously adopted Resolution 1472 that restarted the program's operations and empowered the United Nations, for a 45-day period (until May 12), 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 enhanced U.N. authority was extended on April 25, 2003, to last at least until the six-month phase of the program expired on June 3, 2003.

On April 17, 2003, the Administration called for a lifting of U.N. sanctions against Iraq, signaling that the Administration wanted to focus on restoring normal international commerce with Iraq rather than extending the oil-for-food program. Resolution 1483 lifted sanctions and provided for the phasing out of the oil for food program within six months after adoption of that resolution on May 22; the program terminated on November 21, 2003. The resolution also provided for the United Nations to transfer to the new DFI $1 billion in funds held by the oil-for-food program escrow fund. As of the start of the war, the program's escrow account had about $11 billion to fund imports of humanitarian and other goods. Since then, the program had set priorities for about $8.2 billion in contracts, leaving about $2 billion in unallocated funds remaining, after subtracting the $1 billion already transferred to the DFI in May 2003. In anticipation of the surplus funds as the program was about to terminate, the oil-for-food program transferred $2 billion to the DFI in October and November 2003.

Some press reports suggest that U.N. officials believed the program should have been extended in order to facilitate an orderly phase-out of the program. The United States and Britain opposed another extension and, as of its termination on November 21, have taken over its functions. On November 24, 2003, the U.N.

Security Council adopted a resolution to continue its "Sanctions Committee" that has monitored the U.N. economic embargo on Iraq since 1990, but to end, subject to later review, that Committee's mandate to monitor the U.N. embargo on arms sales to Iraq. Part of the Committee's economic sanctions mandate will include ensuring that assets of the former regime remain frozen. (For more information, see CRS Report RL30472, *Iraq: Oil-for-Food Program, International Sanctions, and Illicit Trade*.)

Searching for Former Regime Violations and Officials

Organs of the CPA and the U.S. government are attempting to uncover evidence of gross human rights abuses and other violations of the regime of Saddam Hussein, including evidence of WMD. A 1,500 person "Iraq Survey Group," headed by a U.S. military commander (Maj. Gen. Keith Dayton) but composed of many civilian technical experts led by former U.N. weapons inspector David Kay, is attempting to uncover alleged WMD. The Survey Group is also searching for mass graves of victims of the former regime. In early October 2003, Kay released an interim report on the Survey Group's WMD investigation. The report said the Group had not found actual weapons of mass destruction in Iraq, but it had found "dozens of WMD-related program activities and significant amounts of equipment that Iraq concealed from the United Nations during the inspections that began in late 2002."[35] The Administration, according to press reports, has requested an additional $600 million to fund the Survey Group for another six months, and about $300 million has been spent on the search as of early October 2003.[36]

Thus far, the Survey Group has found at least 40 mass graves, some with hundreds of corpses. Most appear to contain bodies of Kurdish and Shiite opponents of the former regime, but some contain some of the bodies of about 600 Kuwaitis missing from the first Gulf war. (WMD issues and the fate of the missing Kuwaitis are discussed in CRS Issue Brief IB92117.)

An issue related to regime change but somewhat separate is whether Saddam Hussein and his associates should be prosecuted for war crimes and crimes against humanity, if and when they are caught. The Administration said in early April 2003 that Saddam and his inner circle should be tried by Iraqis if they are captured, although others might be tried by a U.S.-led process for any crimes committed in the course of the 2003 war. In the year prior to the war, the Administration was gathering data for a potential trial of Saddam and 12 of his associates. Those it had sought for trial include Saddam; his two sons Uday and Qusay (killed after discovery by and a firefight with U.S. forces in Mosul on July 22, 2003); Ali Hassan al-Majid, for alleged use of chemicals against the Kurds (captured August 21, 2003); Muhammad Hamza al-Zubaydi (surrendered in mid-April 2003); Taha Yasin Ramadan; first Vice President and number three in the regime (captured August 19, 2003); Izzat Ibrahim, Vice Chairman of the Revolutionary Command Council and formally number two in the regime; Barzan al-Tikriti, Saddam's half brother

---

[35] Testimony of David Kay before the House and Senate Intelligence Committees, and the Defense Subcommittee of the House Appropriations Committee. October 2, 2003.

[36] Politics Aside, Iraqi Weapons Report Raises Crucial Questions. *USA Today*, October 8, 2003.

(captured in mid-April 2003); Watban al-Tikriti (captured in April 2003) and Sabawi al-Tikriti, both other half brothers of Saddam and former leaders of regime intelligence bureaus; Tariq Aziz, deputy Prime Minister and foremost regime spokesman (surrendered in May 2003); and Aziz Salih Noman, governor of Kuwait during Iraq's occupation of that country (captured May 2003).

Others not on the list of twelve, but part of a list of 55 former regime officials sought by the United States for questioning and possible arrest, have been captured or surrendered. As of late September 2003, 43 of the Iraqis on the list of 55 are now in custody or were killed. Others not on the list of 55 have been apprehended as well: Amir al-Saadi, chief science adviser to Saddam; Jamal Mustafa al-Tikriti, a son-in-law of Saddam; Vice President Taha Muhi ad-Din Ma'ruf; and suspected WMD manager Hoda Mahdi Salih al-Ammash.

The war crimes issue has been addressed by previous U.S. administrations and the international community. U.N. Security Council Resolution 674 (October 29, 1990) calls on all states or organizations to provide information on Iraq's war-related atrocities to the United Nations. The Foreign Relations Authorization Act for FY1992 (P.L. 102-138, October 28, 1991, Section 301) stated the sense of Congress that the President should propose to the U.N. Security Council a war crimes tribunal for Saddam Hussein. Similar legislation was later passed, including H.Con.Res. 137 (passed the House November 13, 1997); S.Con.Res. 78 (passed the Senate March 13, 1998); and a provision of the Iraq Liberation Act (P.L. 105-338, signed October 31, 1998).

A U.S. Army report on possible war crimes was released on March 19, 1993, after Clinton took office. Since April 1997, the United States has supported INDICT, a private organization that publicizes alleged Iraqi war crimes and seeks the arrest of the 12 alleged Iraqi war criminals mentioned above. In August 2000, the Clinton Administration's Ambassador-At-Large for War Crimes, David Scheffer, said that the United States wanted to see an Iraq war crimes tribunal established, focusing on "nine major criminal episodes." These included the use of chemical weapons against Kurdish civilians at Halabja (March 16, 1988, killing 5,000 Kurds) and the forced relocation of Kurds in the "Anfal" campaign (February 1988, in which an estimated 50,000 to 182,000 Kurds died); the use of chemical weapons against Iran; post-war crimes against humanity (the Kurds and the Marsh Arabs); war crimes against Kuwait (including oil field fires) and coalition forces; and other allegations. In FY2001 and again in FY2002, the State Department contributed $4 million to a U.N. "Iraq War Crimes Commission," to be spent if a U.N. tribunal for Iraq war crimes is formed.

The FY2004 supplemental request contains a request for funding of a "Truth and Reconciliation Commission," and the establishment of a human rights commission. The requests also asks for funding for further investigations into the human rights abuses committed by the former regime, as well as some memorials to the victims of those abuses. In the FY2004 supplemental request, about $25 million is requested for these and related activities, such as women and youth civic education programs.

Congressional Reactions

Congress, like the Administration, had divergent views on the mechanisms for promoting regime change, although there was widespread agreement in Congress that regime change was desirable and an appropriate U.S. policy. There was substantial disagreement over whether a major military offensive was the most desirable option for achieving that objective. On December 20, 2001, the House passed H.J.Res. 75, by a vote of 392-12, calling Iraq's refusal to readmit U.N. weapons inspectors a "mounting threat" to the United States. The resolution did not call for new U.S. steps to overthrow Saddam Hussein but a few Members called for the overthrow of Saddam Hussein in their floor statements in support of the resolution.

In early 2002, prior to the intensified speculation about possible war with Iraq, some Members expressed support for increased aid to the opposition. In a joint appearance with Senate Foreign Relations Committee Chairman Joseph Biden on Cable News Network on February 17, 2002, House International Relations Committee Chairman Henry Hyde said that "...supporting the underground, the opposition, the internal opposition, is to me the procedure of choice. That is an option that is being worked on. All of these options are under consideration." In early December 2001, a bipartisan group of nine Members — Senators John McCain, Jesse Helms, Richard Shelby, Sam Brownback, Joseph Lieberman, and Trent Lott and Representatives Henry Hyde, Benjamin Gilman, and Harold Ford Jr. — wrote to President Bush to urge that U.S. assistance be provided to the INC for operations inside Iraq itself. According to the letter,

> Despite the express wishes of the Congress, the INC has been denied U.S. assistance for any operations inside any part of Iraq, including liberated Kurdish areas. Instead, successive Administrations have funded conferences, offices and other intellectual exercises that have done little more than expose the INC to accusations of being "limousine insurgents" and "armchair guerrillas."

As discussion of potential military action increased in the fall of 2002, Members debated the costs and risks of an all-out U.S. effort to achieve that result. Congress adopted H.J.Res. 114, authorizing the President to use military force against Iraq if he determines that doing so is in the national interest and will enforce U.N. Security Council resolutions on Iraq. The measure passed the House on October 11, 2002 by a vote of 296-133, and the Senate the following day by a vote of 77-23. The legislation was signed into law on October 16, 2002 (P.L. 107-243).

The 108th Congress was sworn in on January 7, 2003. Prior to the war, it held several hearings on the progress of post-war reconstruction. During the war and in its aftermath, several Members applauded the performance of the U.S. military and the overthrow of the regime. Some Members, however, have criticized the Administration for inadequate planning for the post-war period in light of major looting and disorder in Iraq's cities after the fall of the regime. Criticism of post-war planning has escalated as attacks on U.S. occupation forces have mounted, although the Administration and others say U.S. casualties are relatively light and that the resistance is not jeopardizing overall U.S. objectives for Iraq. Several Committees are conducting inquiries into why substantial amounts of WMD have not been found in Iraq to date. Some Members of both parties have also expressed concern about the

costs of the U.S. occupation, particularly in light of the Administration's September 2003 request for an additional $87 billion in funding, and several Members have called on the Administration to take greater steps to persuade other countries to share the burden of peacekeeping in and reconstruction of Iraq. Others have called for an increase in the number of U.S. troops in Iraq or re-evaluation of the mix of U.S. forces to ensure that the skill set of the U.S. force matches the needs of reconstruction. Some Members who have visited Iraq in recent months say reconstruction is proceeding well and that Iraq is more stable than that portrayed in the press.

Appendix. U.S. Assistance to the Opposition

Appropriated Economic Support Funds (E.S.F.)
to the Opposition
(Figures in millions of dollars)

	INC	War Crimes	Broadcasting	Unspecified Opposition Activities	Total
FY 1998 (P.L. 105-174)		2.0	5.0 (RFE/RL)	3.0	10.0
FY 1999 (P.L. 105-277)	3.0	3.0		2.0	8.0
FY 2000 (P.L. 106-113)		2.0		8.0	10.0
FY 2001 (P.L. 106-429)	12.0 (aid distribution inside Iraq)	2.0	6.0 (INC radio)	5.0	25.0
FY 2002 (P.L. 107-115)				25.0	25.0
Total, FY1998-FY2002	**15.0**	**9.0**	**11.0**	**43.0**	**78.0**
FY2003 (no earmark)	3.1 (announced April 2003)			6.9 (remaining to be allocated)	10.0
FY2004 (request)				0	0

Notes: The figures above do not include defense articles and services provided under the Iraq Liberation Act. During FY1999-FY2000, approximately $5 million worth of services, out of the $97 million authorized by the Act, was obligated to the opposition, and $1 million of that has been spent, as of late December 2002. The figures provided above also do not include any covert aid provided, the amounts of which are not known from open sources. In addition, during each of FY2001 and FY2002, the Administration has donated $4 million to a "U.N. War Crimes Commission" fund, to be used if a war crimes tribunal is formed. Those funds were drawn from U.S. contributions to U.N. programs. ESF transfers to the INC for its operations continued until August 2003.