

Report for Congress

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Iraq: U.S. Regime Change Efforts And Post-War Iraq

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Summary

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 abandon its weapons of mass destruction (WMD) programs as required by U.N. Security Council resolutions and the potential for it to transfer WMD to terrorist groups. Since September 2002, the President has said that unless Iraq fully disarms in cooperation with United Nations weapons inspectors, the United States would lead a coalition to achieve that disarmament militarily. U.S. officials have made clear that this would include the ouster of Iraq's President Saddam Hussein's regime. On March 17, 2003, the United States launched "Operation Iraqi Freedom," a war effort to disarm Iraq and change its regime.

Since February 2003, the Administration has stressed that regime change through U.S.-led military action would yield benefits beyond disarmament, including liberation from an oppressive regime for the Iraqi people and enhancement of the prospects for peace and democracy throughout the Middle East. The goal of regime change in Iraq has been declared U.S. policy since November 1998. Even before then, U.S. efforts to oust Saddam had been pursued, with varying degrees of intensity, since the end of the Gulf war in 1991. These efforts primarily involved U.S. backing for opposition groups inside and outside Iraq, some of which have been receiving U.S. political and financial support and military training. According to several experts, past efforts to change the regime floundered because of limited U.S. commitment, disorganization of the Iraqi opposition, and the efficiency and ruthlessness of Iraq's several overlapping intelligence and security forces. Previous U.S. administrations ruled out major U.S. military action to change Iraq's regime, believing such action would be costly, risky, and not necessarily justified by the level of Iraq's lack of compliance on WMD disarmament.

The character of the government that would replace Saddam Hussein's Baath Party, should Operation Iraqi Freedom succeed, is yet to be determined. Some Administration officials had hoped that major military and governmental defections from the Hussein regime would serve as the core of a successor government. However, the Hussein regime has generally held together throughout Operation Iraqi Freedom, and the Bush Administration is apparently turning to the exiled opposition groups to form the core of a new regime, although Iraqis currently living within the country are likely to be incorporated into a new government eventually. It is possible that some of the pre-existing disputes and schisms within the opposition could break out into a post-war power struggle.

This report will be updated as warranted by major developments.

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Iraq: U.S. Regime Change Efforts and Post-War Iraq

The United States has been attempting to change Iraq's regime since 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 have emphasized regime change as the cornerstone of U.S. policy toward Iraq, even before the launch of Operation Iraqi Freedom on March 17, 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.¹ The revolt in southern Iraq reached the suburbs of Baghdad, but the well-trained and loyal Republican Guard forces 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. The Kurds, benefitting from a U.S.-led "no fly zone" established in April 1991, were able to drive Iraqi troops out of much of northern Iraq and establish an autonomous zone there; the Kurds remain largely free of Baghdad's rule today.

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.² The Administration apparently believed – and this view apparently still is 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

¹ Shiites constitute about 65% of Iraq's population but historically have been repressed and under-represented in governing bodies by the members of the Sunni Muslim sect. Kurds, who are not Arabs, constitute about 20% of the population of about 20 million.

² Tyler, Patrick. "Plan On Iraq Coup Told to Congress." *New York Times*, Feb. 9, 1992.

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.

An Opposition Coalition Emerges

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 postwar 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 seemed to provide 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 FY1993.³

The Iraqi National Congress/Ahmad Chalabi

The growing opposition coalition took concrete shape in an organization called the Iraqi National Congress (INC). The INC was formed 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, the major Shiite 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.⁴ 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.

Ahmad Chalabi. Selected to chair the INC's Executive Committee was Ahmad Chalabi, who is about 58 years old, a secular Shiite Muslim and U.S.-educated mathematician who had 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 financial

³ Sciolino, Elaine. "Greater U.S. Effort Backed To Oust Iraqi." *New York Times*, June 2, 1992.

⁴ The Iraqi National Congress and the International Community. Document provided by INC representatives, February 1993.

malfeasance, and he left Jordan in 1989. 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. He is said to be the favorite of those Administration officials, particularly in the Department of Defense, that have been the most supportive of changing Iraq's regime by force. Chalabi does not appear to have a large following inside Iraq, although his popularity could grow if he is seen by anti-Saddam Iraqis as Washington's candidate to head a post-war regime. On April 6, Chalabi and about 700 INC fighters 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.

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 teaches Middle Eastern politics at Brandeis University.

The Kurds/KDP and PUK. In committing to the concept of federalism, the INC platform assured the Kurds substantial autonomy within a post-Saddam Iraq, although some fear the Kurds might seek outright independence. 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 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 said to be increasingly well-trained in conventional military tactics.

Ansar al-Islam. 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), is headed by Shaykh Ali Abd-al Aziz. Based in Halabja, Iraq, the IMIK has 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 faction, led by Mullah Krekar (who was detained in Europe in August 2002 and now lives in Norway), reportedly is associated with Al Qaeda and has hosted in its northern Iraq enclave Al Qaeda fighters who fled the U.S.-led war in Afghanistan. The leader of the Arab contingent within Ansar al-Islam is said by U.S. officials to be Abu Musab Zarqawi, an Arab of Jordanian origin who reputedly fought in Afghanistan. Zarqawi has been linked to Al Qaeda plots in Jordan during the millennium celebration, as well as to recent attempts to spread the biological agent ricin in London and possibly other places in Europe. Prior to Operation Iraqi

Freedom, during which its base has been captured, about 8,000 people were in the Ansar al-Islam enclave, located near the town of Khurmal. This included about 600 fighters.⁵ Mullah Krekar reportedly studied under Shaykh Abdullah al-Azzam, an Islamic theologian of Palestinian origin who was the spiritual mentor of Osama bin Laden. Fighters of Ansar al-Islam 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. In his presentation before the U.N. Security Council on February 5, 2003, Secretary of State Powell tied Zarqawi and Ansar al-Islam to the Iraqi regime, which might view Ansar al-Islam as a means of pressuring Baghdad's Kurdish opponents, although many experts believe those links are tenuous or even non-existent. Some believe the Ansar enclave is supported by Iran.

SCIRI/Badr Corps/Hakim Family. Some outside experts have concerns about the alliance between Iran and another INC component, the Iraqi Shiite Islamic fundamentalist group called the Supreme Council for the Islamic Revolution in Iraq (SCIRI). 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, was the late Ayatollah Khomeini's choice to head an Islamic Republic of Iraq. Prior to the formation of SCIRI, Hakim and his family were leaders of the Da'wa (Islamic Call) Party, which 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 involvement of Hakim in that event, if any, is unclear. Mohammad Baqr is 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. Members of the Hizballah organization in Lebanon that held U.S. hostages in that country during the 1980s often linked release of the Americans to the release of 17 Da'wa Party prisoners held by Kuwait for those offenses.

SCIRI has about 5,000 fighters organized into a "Badr Corps" (named after a major battle in early Islam) that conducts forays from Iran into southern Iraq to attack the Iraqi military and officials there. The Badr Corps is headed by Mohammad Baqr's younger brother, Abd al-Aziz al-Hakim. (Another Hakim brother, Mahdi, was killed in Sudan in May 1990, allegedly by agents of Iraq's security services.) Although Iran has improved relations with Iraq over the past few years, Iran's Revolutionary Guard – which is politically aligned with Iran's hard line civilian officials – reportedly continues to provide the Badr Corps with weapons and other assistance. 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. SCIRI has periodically distanced itself from the INC. Until August 2002 when Abd al-Aziz al-Hakim joined other opposition figures for meetings in Washington, it had publicly refused to work openly with the United States or accept U.S. assistance. Press reports in late 2002 said that factions in Iran differ over whether SCIRI should be cooperating with the United States and that some Iranian factions are supporting rival Shiite Islamist

⁵ Chivers, C.J. Repulsing Attack By Islamic Militants, "Iraqi Kurds Tell of Atrocities." *New York Times*, December 6, 2002.

groups less inclined to work with Washington. In March 2003, it was reported by a number of press outlets that a few hundred Badr Brigade fighters are moving into the Kurdish controlled areas of northern Iraq, possibly to help seize territory if Saddam Hussein's regime collapses at the hands of a U.S.-led offensive.

Da'wa Party. The Da'wa Party continues to exist as a separate group, but it is allied with SCIRI. The party was founded in the 1960s by an Iraqi Shiite cleric, Ayatollah Mohammad Baqr Al Sadr, a like-minded associate of Ayatollah Khomeini. Baqr Al Sadr was hung by the Iraqi regime in 1980 for the Da'wa's alleged responsibility in fomenting Shiite anti-regime unrest following Iran's 1979 Islamic revolution. Its main spokesman is Ibrahim al-Jafari.

Relations With Other Shiite Islamic Groups and Personalities. SCIRI is the dominant political faction in many cities of southern Iraq, but there are other centers of power in that area. One prominent cleric in Najaf, now under the control of U.S. forces, is Grand Ayatollah Ali al-Sistani. Now free of a long house arrest at the hands of Baghdad, he has a large following throughout the Shiite portions of Iraq. Another noteworthy leader is Abd al-Majid Khoi, the son of the late Grand Ayatollah Khoi. Abd al-Majid Khoi heads the Khoi Foundation, based in London, and he returned to Iraq after U.S.-led forces took Najaf. Grand Ayatollah Khoi did not accept the political doctrines of Ayatollah Khomeini of Iran, but the Khoi family has personal relations with the Hakim family, Ayatollah Sistani, and other prominent Iraqi Shiites.

The Fragmentation of the Opposition

The differences within the INC led to its near collapse in the mid-1990s. 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 PUK lined up support from Iran while the KDP sought and received countervailing backing from its erstwhile nemesis, the Baghdad government. 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 on the front lines facing the Kurds. Some INC leaders have pointed 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 INC caused the United States to briefly revisit the "coup strategy" by renewing ties to a separate group, Iraq National Accord (INA).⁶ The INA, originally founded in 1990 with Saudi support, consists of military and security defectors who were perceived as having ties to disgruntled officials currently serving within their former organizations. It is headed by Dr. Iyad Alawi, former president of the Iraqi Student Union in Europe and

⁶ 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.

a physician by training. 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 became 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. Prior to Operation Iraqi Freedom, Alawi claimed that the INA continued to operate throughout Iraq, and it apparently had rebuilt itself to some extent since the June 1996 arrests. However, it does not appear to have a large following in the Iraqi regime and has not announced any key defections from the regime since the start of Operation Iraqi Freedom. Although it has been cooperating with the INC at the start of the U.S.-led 2003 war, there is a history of friction between the two groups; the INA reportedly bombed an INC facility in northern Iraq in October 1995.

Iraq's counteroffensive against the opposition was completed two months after the arrests of the INA sympathizers. In late August 1996, the KDP asked Baghdad to provide armed support for its capture of Irbil from the rival PUK. Iraq took advantage of the request to strike against the INC base in Salahuddin, a city in northern Iraq, as well as against remaining INA operatives throughout northern Iraq. 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.

Rebuilding an Opposition Strategy

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. A formal congressional push for a regime change policy began with a 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

The clearest 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 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 INC executive director Ahmad Chalabi and some U.S. experts, such as General Wayne Downing. President Clinton signed the legislation despite reported widespread doubts within the Clinton Administration about the chances of success in promoting an opposition insurgency inside Iraq.

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.

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, Compliance, and U.S. Policy.*)

The First Eligibility Designations Under the ILA. Further steps to promote regime change followed Operation Desert Fox. In January 1999, career diplomat Frank Ricciardone was named as the 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 following 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 Movement for Constitutional Monarchy (MCM), which is led by Sharif Ali bin al-Hussein, a relative of the Hashemite monarchs that ruled Iraq from the end of World War I until 1958. The IMIK and the MCM, in particular, are considered small movements that cannot contribute much to an overthrow effort. Because of its possible role in contributing to the formation of Ansar al-Islam, the IMIK is no longer receiving U.S. support, although it has not formally been taken off the U.S. list of organizations eligible for assistance under the ILA.

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 provided 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 trainees during 1999-2000 are not believed to have been brought into the Operation Iraqi Freedom effort against the regime.

Continued Debate Over Policy

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 that a renewed overthrow effort would fare better than previous attempts. Most of those who argued against increased U.S. support for the opposition maintained that the Iraqi opposition would not succeed unless backed by direct U.S. military involvement, and that direct U.S. military action was risky and not justified by the threat posed by Iraq. Some observers maintained that the potential threat from Saddam Hussein’s regime was sufficiently grave that direct U.S. military action should be taken. Other critics suggested the United States focus instead on rebuilding containment of Iraq by threatening force against Iraq in order to obtain re-entry into Iraq of the U.N. weapons of mass destruction inspectors that had been absent from Iraq since December 15, 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 an 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 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 contracts.⁷

Bush Administration Policy

Bush Administration policy toward Iraq changed after the September 11 terrorist attacks, even though no hard evidence linking Iraq to those attacks has come 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 reaches 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.⁸ The United States asserted that this step would alleviate the suffering of the Iraqi people. Powell, who has sometimes openly expressed skepticism about the opposition's prospects, barely raised the regime 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.⁹ 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 questions about the wisdom and difficulty of that strategy that had faced previous administrations were debated early in the Bush Administration.¹⁰ Aside from restating the U.S. policy of regime change, the Bush Administration said and did little to promote that outcome throughout most of its first year. During his confirmation hearings as Deputy Secretary of Defense, a reported

⁷ U.S. Department of State. *Washington File*. "Clinton Sends Report on Iraq to Congress." January 17, 2001.

⁸ For more information on this program, see CRS Report RL30472, *Iraq: Oil For Food Program*.

⁹ Perlez, Jane. "Powell Goes on the Road and Scores Some Points." *New York Times*, March 2, 2001.

¹⁰ One account of Bush Administration internal debates on the strategy is found in, Hersh, Seymour. "The Debate Within." *The New Yorker*, March 11, 2002.

strong advocate of overthrow, Paul Wolfowitz, said that if there were a real option to overthrow Saddam Hussein, “I would think it was worthwhile,” although he also stated that he did not yet see a “plausible plan” for changing the regime. Like its predecessor, the Bush Administration 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, continue to support the INC as the primary vehicle for achieving regime change. Partly in deference to congressional sentiment, according to several observers, 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 ESF aid appropriated by Congress, with start-up costs of \$1 million and an estimated additional \$2.7 million per year in operating costs.¹¹

Policy Post-September 11

Bush Administration policy toward Iraq became notably more assertive after September 11, stressing regime change far more than containment. 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. 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 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 rather than confrontation with Iraq.

The two primary themes in the Bush Administration’s public case for confronting Iraq were (1) its refusal to verifiably 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.

Iraq and Al Qaeda. Some in the Administration do not discount the possibility that Iraq might have had a connection to the September 11 attacks or the subsequent anthrax mailings, although that does not appear to be a mainstream view in the Administration. Senior U.S. officials said in September 2002, and again in January and February 2003, that there is evidence of Iraqi linkages to Al Qaeda, although some observers have expressed skepticism about such connections because

¹¹ Sipress, Alan. “U.S. Funds Satellite TV to Iraq.” *Washington Post*, August 16, 2001.

of the ideological differences between Saddam Hussein's secular regime and Al Qaeda's Islamist character. Secretary of States Powell, as noted above, has cited intelligence information that Ansar al-Islam (see above for the origins of the group) has links to Saddam Hussein's regime.¹² Other senior officials cited intelligence information that Iraq has 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 was politically close to Sudan; bin Laden and Al Qaeda was based in Sudan during that time (1991-1996).

On the other hand, Baghdad did not control northern Iraq even before Operation Iraqi Freedom, and some U.S. officials have played down this theory.¹³ Others note that Al Qaeda founder Osama 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 is more an enemy of Saddam than a friend. In the Administration view, the two share similar anti-U.S. goals, which might outweigh ideological differences and propel them into tactical or strategic cooperation. Those differences were evident in a February 12, 2003 statement by bin Laden referring to Saddam Hussein's regime as socialist and infidel, although the statement did express solidarity with Iraq on the eve of U.S. military action.

WMD Threat Perception. In arguing for military action, U.S. officials maintained that Iraq's purported commitment to developing WMD – coupled with its support for terrorist groups to which Iraq might transfer WMD – constituted an unacceptable potential threat to the United States and that major U.S. military action was justified if Iraq refused to disarm voluntarily. 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. Senior U.S. officials asserted a WMD threat as follows:

- 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. However, statements by U.N. weapons inspectors after inspections beginning November 27, 2002 indicated they believe Iraq did not have an active nuclear weapons program, and that inspections on other weapons categories were making progress even without total Iraqi cooperation.
- Iraq has used chemical weapons against its own people (the Kurds) and against Iraq's neighbors (Iran). The implication of this assertion is that Iraq would not necessarily be deterred from using WMD against the United States or its allies. Others note that Iraq has not used such weapons against adversaries, such as the United States, that have the capability of destroying Iraq's government in

¹² Goldberg, Jeffrey. "The Great Terror." *The New Yorker*, March 25, 2002.

¹³ "U.S. Uncertain About Northern Iraq Group's Link to Al Qaida." *Dow Jones Newswire*, March 18, 2002.

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 and did burn Kuwait's oil fields.

- 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 the Administration cite presentations by CIA Director Tenet to Congress in late 2002, stating the CIA view that Iraq is likely to transfer WMD to terrorists if the United States were to attack Iraq. At that point, Saddam Hussein would be left with little incentive not to cooperate with terrorist groups capable of striking at U.S. interests.

Broadening the Opposition. As it began in mid-2002 to prepare for possible military action to disarm Iraq and change its regime, the 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 have tended to favor different opposition groups. In advance of the visit, the Defense Department agreed to fund the information gathering portion of the INC's activities; the State Department had refused to fund those activities, which are conducted inside Iraq, because of strains between the INC and other opposition groups and questions about INC use of U.S. funds.

On August 15, 2002, the State Department agreed to provide \$8 million in ESF to the INC, funds that had been held up due to differences between the State Department and the INC over what activities would be funded. The \$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.

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. On December 9, 2002, the Bush Administration added six of the factions discussed below (all except the Higher Council for National Salvation) to the list of “democratic opposition organizations” eligible to receive drawdowns under the ILA. The groups and individuals with which the Bush Administration had increasing contact 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); Hatim Mukhlis, who claims support of some in Saddam's Tikriti clan; and ex-senior military officer Khalid al-Ubaydi.

- 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 and was wounded in the anti-Saddam uprisings immediately following the 1991 Gulf war.
- Iraqi Free Officers and Civilians Movement. Established in 1996 by ex-military officer Najib al-Salhi. This group works closely with the INC. Salhi defected in 1995 after serving as commander of several tank units in the Republican Guard and regular military.
- Higher Council for National Salvation. Based in Denmark, it was formally established on August 1, 2002. It is 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, raising questions about whether he is defying the travel restrictions placed on him. A press report on April 7, 2003 said he is now in Kuwait, possibly preparing, with U.S. help, to play a part in a post-Saddam regime there.¹⁴
- 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 (see above), other Shiite Islamic parties with which the Administration has had contact. The Islamic Accord is headed by Jamil Wakil. Many Accord members are followers of Ayatollah Shirazi, an Iranian cleric who was the spiritual leader of a group called the Islamic Front for the Liberation of Bahrain (IFLB), which allegedly attempted to overthrow the government of Bahrain in the early 1980s.
- 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.

¹⁴ 'Missing' Iraqi General Now in Kuwait: Paper. Agence France Press, April 7, 2003.

The Bush Administration applauded efforts over the past year by these groups to hold meetings 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.

Second ILA Designations. As the decision whether to launch military action approached, on December 9, 2002, President Bush issued a determination to draw down the remaining \$92 million in defense articles and services authorized 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.” This latter phrase suggested that some of the draw downs would go to the six groups designated above as eligible to receive ILA draw downs. The announcement appeared to be part of reported plan to train about 5,000 oppositionists in tasks that could assist U.S. forces, possibly including combat units.¹⁵ An initial group of 3,000 was been selected, but only about 70 oppositionists completed training at an air base (Taszar) in Hungary, according to press reports.¹⁶ These oppositionists are with U.S. forces in Operation Iraqi Freedom, serving as translators and mediators between U.S. forces and local leaders.

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. In advance of the meeting, the Bush Administration appointed NSC official Zalmay Khalilzad to be a liaison to the Iraqi opposition. The conference was organized by the same six 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 it was premature and would give the impression that outside powers are determining Iraq’s political structure.

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. Against the urging of U.S. representatives at the meeting, the opposition agreed to form a six man committee that would prepare for a transition regime, although it stopped short of declaring a provisional government. The six included PUK leader Jalal Talabani, KDP leader Masud Barzani, SCIRI leader Mohammad Baqr Al Hakim, Chalabi, INA leader Iyad Alawi, and a former Iraqi foreign minister Adnan Pachachi. Iran allowed Iraqi oppositionists to cross from Iran into northern Iraq to hold that session.

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 Iraq wanted to avert military action. The

¹⁵ Deyoung, Karen, and Daniel Williams. “Training of Iraqi Exiles Authorized.” *Washington Post*, October 19, 2002.

¹⁶ Williams, Daniel. U.S. Army to Train 1,000 Iraqi Exiles. *Washington Post*, December 18, 2002.

Administration had been downplaying the goal of regime change after President Bush's September 12, 2002 speech before the United Nations General Assembly, in which he focused on enforcing U.N. resolutions that require Iraqi disarmament. However, the Administration resumed stressing the regime change goal after February 2002 as diplomacy at the United Nations ran its course. In the Administration view, a friendly government in Baghdad was required if the international community is to rid Iraq of WMD and links to terrorist groups.

The possibility of war became clearer following the mid-March breakdown of U.N. diplomacy over whether or not the U.N. Security Council should authorize war against Iraq for failing to comply with Resolution 1441. The 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), most recently on March 7, 2003. The briefings were generally critical of Iraq for failing to pro-actively cooperate to clear up outstanding questions about Iraq's WMD program, but the latter two briefings (February 24 and March 7) noted progress in clearing up outstanding WMD questions.

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. The United States, Britain, Spain, and Bulgaria disagreed, maintaining that Iraq had not fundamentally decided to disarm, and would continue only to try to divide the Council and avert war, while preserving WMD capabilities. The Administration asserted on March 17, 2003, that diplomatic options to disarm Iraq peacefully had failed and reportedly began turning its 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.

Assessments of the War. A major issue in the military planning debate was over whether Iraq's military would quickly unravel or rebel against Saddam Hussein in the face of U.S. military action or whether it would fight hard to defend the regime. Some maintained that Iraqi forces would likely defect or surrender in large numbers, as happened in the 1991 Gulf war, when faced with a militarily superior force. Others contrasted the current situation with the 1991 war and argue that Iraqi forces would hold together and fight fiercely because they are defending Iraq itself, not an occupation of Kuwait. Some believed the Iraqi military would quickly retreat into urban areas and hope to inflict large numbers of casualties on American forces. Although Iraq's conventional military forces have been overwhelmed by U.S. and British forces in Operation Iraqi Freedom, the regime did not quickly collapse and, at times, put up stiff resistance using unconventional tactics. No major Iraqi military commanders or political figures have come forward to work with U.S. or British forces to establish a post-Saddam government.

The intensity of any post-war debate on the wisdom and justification for the war might depend on its military and political outcome. Factors such as the number of U.S. casualties, post-war humanitarian conditions, the degree of resistance to a U.S. and British occupation, and whether a new government is democratic, will likely be factors considered. Some analysts had thought the Administration would decide not

to use military force to change Iraq's regime or reduce its WMD capabilities. Some Members of Congress, some outside experts, and reportedly many senior military leaders believed Iraq was well contained by sanctions and the U.S./British enforced no-fly zones and that, as long as Iraq continued to allow access to U.N. weapons inspections under Resolution 1441, Iraq could not pose an immediate threat to U.S. national security. Inspections encountered few, if any, Iraqi obstructions in about 700 inspections of about 400 different sites, as of mid-March 2003. Others 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.

Post-War Governance Issues

As U.S. forces have reached Baghdad, there is increasing debate about governing post-war Iraq. The same U.S. concerns about fragmentation of and instability in Iraq that existed in prior years are present in the current debate over regime change. Although some Iraqi civilians have welcomed U.S. and British troops in areas captured, resistance has been stiffer than expected, raising questions about the stability of Iraq in the post-war period. Some believe that U.S. occupation forces might face protracted guerrilla attacks from remnants of the Iraqi military, possibly fighting alongside Iraqi civilians against U.S. forces. Others say U.S. forces might become caught in the crossfire among ethnic and political factions that might fight each other for power in post-war Iraq. Other experts fear that a post-war Iraq will inevitably fall under control of SCIRI and other Shiite Islamist forces who are the best-organized opponents of the Iraqi regime. Shiites constitute about 60% of Iraq's population but have traditionally been under-represented in Iraq's Sunni Muslim-dominated government.

The Administration asserts that it will do what is necessary to bring about a stable, democratic successor regime that complies with all applicable U.N. resolutions. In press interviews on April 6, 2003, Deputy Secretary of Defense Paul Wolfowitz indicated that the Administration is hoping to turn post-war governance over to an Iraqi interim administration within six months. Experts note that all projections, including the duration of the U.S. military occupation and the numbers of occupation troops, could be determined by the amount of Iraqi resistance and U.S. casualties. The Chief of Staff of the Army, General Eric Shinseki, told the Senate Armed Services Committee on February 24 that as many as 200,000 U.S. troops might be needed for a postwar occupation, although other Administration officials, including Wolfowitz, have disputed the Shinseki assessment.

Under occupation plans formulated before hostilities began, U.S. officials said that Lt. Gen. Jay Garner (ret.) is expected to direct U.S. civilian occupation forces, which are to include U.S. diplomats and other U.S. government personnel serving as advisers and administrators in Iraq's various ministries. He heads the Office of Reconstruction and Humanitarian Assistance, within the Department of Defense, created by a January 20, 2003 executive order. He and most of his staff have deployed to Kuwait in preparation to later take up positions in post-war Iraq. During the interim period, the United States would eliminate remaining WMD, eliminate

terrorist cells in Iraq, begin economic reconstruction, and purge Baath Party leaders. Iraq's oil industry would also be rebuilt and upgraded.

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

Iraqi Interim Administration? The exiled Iraqi opposition, including those groups most closely associated with the United States, generally opposes a major role for U.S. officials in running a post-war Iraqi government. The opposition groups assert that Iraqis are sufficiently competent and unified to rebuild Iraq after a war with the United States. The opposition groups that have been active over the past few years, such as the Iraqi National Congress, believe that they are entitled to govern post-Saddam Iraq, and fear that the Administration might hand too much power to those who have been part of the current regime. Although the Administration asserts that it wants Iraqis who stayed in Iraq and were not part of the exiled opposition to participate in a new power structure, the U.S. military airlifted about 700 opposition fighters, led by Chalabi, into the Nasiriyah area on April 6. The opposition fighters are to begin stabilizing areas of southern Iraq that have been captured by U.S.-led forces. Some analysts believe that the insertion of Chalabi into the war effort could represent a U.S. effort to promote him as a possible head of an Iraqi interim administration.

As part of the post-war planning process, the U.S. State Department and the Defense Department have supported groups of Iraqi exiles in planning to address issues that will confront a successor government.¹⁷ It is not yet known what influence, if any, these working groups will have on any post-war regime decision-making in Iraq. As part of the post-war planning process, the U.S. State Department ran a \$5 million "Future of Iraq" project in which Iraqi exiles are meeting in working groups to address issues that will confront a successor government. The working groups in phase one of the project have discussed (1) transitional justice; (2) public finance; (3) public and media outreach; (4) democratic principles; (5) water, agriculture, and the environment; (6) health and human services; and (7) economy and infrastructure. Phase two, which reportedly will begin soon, includes working groups on (1) education; (2) refugees, internally-displaced persons, and migration

¹⁷ "State Department Hosts Working Group Meeting for Future of Iraq Project," *Washington File*, December 11, 2002.

policy; (3) foreign and national security policy; (4) defense institutions and policy; (5) free media; (6) civil society capacity-building; (7) anti-corruption measures; and (8) oil and energy.

Reconstruction and Oil Industry Issues. It is widely assumed that Iraq's vast oil reserves, believed second only to those of Saudi Arabia, would be used to fund reconstruction. Presidential spokesman Ari Fleischer said on February 18, 2003, referring to Iraq's oil reserves, that Iraq has "a variety of means ... to shoulder much of the burden for [its] own reconstruction." Many observers have been concerned that an Iraqi regime on the verge of defeat could destroy its own oil fields. Iraq set Kuwait's oil fields afire before withdrawing from there in 1991, but coalition forces say they have secured Iraq's southern oil fields since combat began on March 19, 2003. Only about 9 oil wells were set on fire, of a total of over 500 oil fields in that region, and virtually all have now been put out. The northern oil fields in Kirkuk and Mosul have not yet been captured by coalition forces, but there are no reports any are afire in those areas. There is a debate within the Administration over how direct will be the U.S. participation in running Iraq's oil industry during the occupation period. The outcome of that issue might hinge on the character of U.N. involvement in post-war Iraq.

A related issue is long-term development of Iraq's oil industry and which foreign energy firms, if any, might receive preference for contracts to explore Iraq's vast reserves. Russia, China, and others are said to fear that the United States will seek to develop Iraq's oil industry with minimal participation of firms from other countries. Some press reports suggest the Administration is planning to exert such control,¹⁸ although some observers speculate that the Administration had sought to create such an impression in order to persuade Russia to support use of force against Iraq.

Continuation of the Oil-for-Food Program. About 60% of Iraqis receive all their foodstuffs from the U.N.-supervised Oil-for-Food Program. The program, which is an exception to the comprehensive U.N. embargo on Iraq put in place after the 1991 Persian Gulf war, began operations in December 1996. It was suspended just before hostilities began, when U.N. staff in Iraq that run the various aspects of the program departed Iraq. As of March 14, 2003, about \$9 billion worth of humanitarian goods were in the process of being delivered or in production.

On March 28, 2003, the U.N. Security Council unanimously adopted Resolution 1472 that restarts the program's operations and empowers the United Nations, for a 45-day period, to take direct control of all aspects of the program. Under the new resolution, the United Nations is to set priorities for and direct the delivery of already contracted supplies. The Bush Administration envisions that a post-war Iraqi interim administration would reassume those functions from U.N. staff when an interim administration is in place and able to perform these duties. Press reports on March 27, 2003 said that British forces in southern Iraq were talking with Iraqi oil workers to try to get them to return to work in Iraq's oil industry. Coalition forces also announced in late March that they would soon restart a major oil refinery near Basra.

¹⁸ "After Saddam, an Uncertain Future," *Insight Magazine*, February 3, 2003.

There reportedly are still some Iraqi oil exports via Turkey, and the proceeds of these sales continue to be deposited into the U.N. escrow account. No Iraqi oil is flowing from the Gulf outlet at this time.

War Crimes. 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. The Administration reportedly has decided that he and his inner circle would be tried in Iraq if they are captured. The Administration has been gathering data for a potential trial of Saddam and 12 of his associates. Those reportedly to be sought for trial include Saddam; his two sons Uday and Qusay; Ali Hassan al-Majid, for alleged use of chemicals against the Kurds (he was reported by British officers to have died in an early April air strike on his home in Basra); Muhammad Hamza al-Zubaydi; Taha Yasin Ramadan; first Vice President and number three in the regime; Izzat Ibrahim, Vice Chairman of the Revolutionary Command Council and formally number two in the regime; Barzan al-Tikriti, Saddam's half brother; Watban al-Tikriti 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; and Aziz Salih Noman, governor of Kuwait during Iraq's occupation of that country.

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 Administration has supported INDICT, a private organization that publicizes alleged Iraqi war crimes and seeks the arrest of 12 alleged Iraqi war criminals, including Saddam and his two sons. Although apparently lacking international support, in August 2000 then U.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 include 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.

Congressional Reactions

Congress, like the Administration, appears to have had divergent views on the mechanisms for promoting regime change, although there appears to be widespread agreement in Congress that regime change is desirable and an appropriate U.S. policy. However, there was substantial disagreement over whether a major military offensive is 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. It has held some hearings on issues of post-war reconstruction and the effects of a war on the Middle East region as a whole, as well as the likely costs of the fighting and reconstruction. Some Members have made floor statements and given speeches and press conferences to state their views on whether force should be used to obtain Iraq's disarmament.

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- FY 2002	15.0	9.0	11.0	43.0	78.0
FY2003 (no earmark)				10.0 (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.