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

Updated September 23, 2005

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Summary

Operation Iraqi Freedom accomplished a long-standing U.S. objective, the overthrow of Saddam Hussein, but replacing his regime with a stable, moderate, democratic political structure has been complicated by a persistent Sunni Arab-led insurgency. The Bush Administration says that U.S. forces will remain in Iraq until the stated mission is complete: the establishment of a stable democracy that will not host radical Islamist forces and would serve as a model for democratic reform throughout the Middle East. However, a growing number of accounts suggest that mounting casualties and costs might cause the Administration to wind down the U.S. involvement without accomplishing all of those goals.

The Bush Administration asserts that U.S. policy in Iraq is showing important successes, demonstrated by January 30, 2005, elections that chose a National Assembly, progress in building Iraq's various security forces, economic growth, and the drafting of a permanent constitution. There is to be a public referendum on that constitution by October 15, 2005, and elections for a permanent government by December 15, 2005, will be implemented. The Administration has been working with the new Iraqi government to include more Sunni Arabs in the power structure; Sunnis, many of whom are mobilizing to vote against the draft constitution, were dominant during the regime of Saddam Hussein and now feel marginalized by the newly dominant Shiite Arabs and Kurds. The Administration believes that it has largely healed a rift with some European countries over the decision to invade Iraq, and it points to NATO and other nations' contributions of training for Iraqi security forces and government personnel.

Others believe the U.S. mission in Iraq is failing and that major new policy initiatives are required. Some believe that U.S. counter-insurgent operations are hampered by an insufficient U.S. troop commitment. Others believe that a U.S. move toward withdrawal might undercut popular support for the insurgency without undermining U.S. security. A further complication to U.S. policy is the recent or imminent withdrawal of sizeable allied troop commitments, although the Iraqi security forces (ISF) are growing and many contributing nations are compensating for their withdrawals with trainers for the ISF.

This report will be updated as warranted by major developments. See also CRS Report RS21968, *Iraq: Elections, Government, and Constitution*; CRS Report RS22079, *The Kurds in Post-Saddam Iraq*; CRS Report RL32105, *Post-War Iraq: Foreign Contributions to Training, Peacekeeping, and Reconstruction*; and CRS Report RL31833, *Iraq: Recent Developments in Reconstruction Assistance*.

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

The United States did not remove Iraq's Saddam Hussein from power in the course of the 1991 Persian Gulf war, and his regime unexpectedly survived post-war uprisings by Iraq's Shiites and Kurds. For twelve years after that, the United States provided some support to dissidents inside Iraq, although changing Iraq's regime did not become U.S. declared policy until November 1998 amid a crisis with Iraq over U.N. weapons of mass destruction (WMD) inspections. The Bush Administration placed regime change at the center of U.S. policy shortly after the September 11, 2001 attacks. Operation Iraqi Freedom (OIF) was launched on March 19, 2003, and had deposed Saddam Hussein by April 9, 2003.

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 (from 1920 until Iraq's independence in 1932), and the monarchy of the (Sunni Muslim) Hashemite dynasty (1921-1958).¹ Previously, Iraq had been a province of the Ottoman empire until British forces defeated the Ottomans and took control of what is now Iraq in 1918. Iraq's first Hashemite king was Faysal bin Hussein, son of Sharif Hussein of Mecca who, advised by British officer T.E. Lawrence ("Lawrence of Arabia"), led the Arab revolt against the Ottoman Empire during World War I. 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 on July 14, 1958. Qasim was ousted in February 1963 by a Baath Party - military alliance. Also in 1963, the Baath Party took power in Syria. It still rules there today, although there was rivalry between the Syrian and Iraqi Baath regimes during Saddam's rule.

One of the Baath Party's allies in the February 1963 coup in Iraq was Abd al-Salam al-Arif. In November 1963, Arif purged the Baath, including Baathist Prime Minister (and military officer) 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, Bakr 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 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. Saddam's

¹ See Eisenstadt, Michael, and Eric Mathewson, eds, *U.S. Policy in Post-Saddam Iraq: Lessons from the British Experience*. Washington Institute for Near East Policy, 2003. Members of the Hashemite family rule neighboring Jordan.

regime became particularly repressive of Iraq's Shiites after the 1979 Islamic revolution in neighboring Iran, which activated and emboldened Iraqi Shiite Islamist movements that wanted to establish an Iranian-style Islamic republic of Iraq.

Anti-Saddam Groups and U.S. Policy

The major factions that now dominate post-Saddam Iraq had been active against Saddam's regime for decades and received U.S. support after the 1991 Gulf war, even though the emphasis of policy during the George H.W. Bush and Clinton Administrations was containment of Iraq, not regime change. Prior to the launching on January 16, 1991, of Operation Desert Storm, which reversed Iraq's August 1990 invasion of Kuwait, President George H.W. Bush called on the Iraqi people to overthrow Saddam. The Administration decided not to militarily overthrow Saddam Hussein in the course of the 1991 war because the United Nations had approved only the liberation of Kuwait, because the Arab states in the coalition opposed an advance to Baghdad, and because of Administration fears of becoming bogged down in a high-casualty occupation.² Within days of the end of the 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 Shiite revolt nearly reached Baghdad, but the Republican Guard forces, composed mainly of Sunni Muslim regime loyalists, had survived the war largely intact, and they suppressed the rebels by mid-March 1991. Many Iraqi Shiites blamed the United States for not preventing regime retaliation against the rebels. Iraq's Kurds, benefitting from a U.S.-led "no fly zone" set up in April 1991, drove Iraqi troops out of much of northern Iraq and remained autonomous thereafter.

According to press reports, about two months after the failure of these uprisings, President George H.W. Bush gave Congress an intelligence finding that the United States would undertake efforts to promote a military coup against Saddam Hussein. The Administration apparently believed that a coup by elements within the regime could produce a favorable new government without fragmenting Iraq, an unwanted outcome that many observers feared would result from a Shiite and Kurdish-led ouster of Saddam. After a reported July 1992 coup failed, there was a U.S. decision to shift to supporting the Kurdish, Shiite, and other oppositionists that were coalescing into a broad and diverse movement.³ The following sections discuss the organizations and personalities that are major factors in post-Saddam Iraq; most of them have carried over their own militias into the post-Saddam period.

Iraqi National Congress (INC)/Ahmad Chalabi. After 1991, the exiled opposition groups coalesced into "the Iraqi National Congress (INC)," which was constituted in 1992 when the two main Kurdish parties and several major Shiite

² Bush, George H.W., and Brent Scowcroft. *A World Transformed*. Alfred A. Knopf, Inc. 1998.

³ Congress more than doubled the budget for covert support to the opposition groups to about \$40 million for FY1993, from previous reported levels of about \$15 million to \$20 million. Sciolino, Elaine. "Greater U.S. Effort Backed To Oust Iraqi." *New York Times*, June 2, 1992.

Islamist groups agreed to join it and adopt its platform of human rights, democracy, pluralism, “federalism” (Kurdish autonomy), 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 authoritarian leaderships. The Kurds provided it with a source of armed force and a presence on Iraqi territory.

When the INC was formed, its Executive Committee selected Chalabi, a secular Shiite Muslim from a prominent banking family, to run the INC on a daily basis. Chalabi, who is about 61 years old, was educated in the United States (Massachusetts Institute of Technology) as a mathematician. His father was president of the Senate in the monarchy that was overthrown in the 1958 military coup, and the family fled to Jordan. He taught math at the American University of Beirut in 1977 and, in 1978, he founded the Petra Bank in Jordan. He 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 1989.⁵ Chalabi maintains that the Jordanian government was pressured by Iraq to turn against him. In April 2003, Jordan’s King Abdullah II publicly called Chalabi “divisive,” although in May 2005 the King agreed to consider a pardon in exchange for restitution.

The INC and Chalabi have been controversial in the United States since the INC was formed. The State Department and Central Intelligence Agency (CIA) have, by many accounts, believed the INC had little popularity inside Iraq. In the George W. Bush Administration, numerous press reports indicated that the Defense Department and office of Vice President Cheney believed the INC was well positioned to lead a post-Saddam regime. Chalabi’s supporters maintain that it was largely his determination that has now led to the overthrow of Saddam Hussein.

After the start of the 2003 war, 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. After establishing a headquarters in Baghdad, Chalabi tried to build support by directing U.S. forces to possible hideouts of members of the former regime. Chalabi’s Free Iraqi Forces were disbanded following the U.S. decision in mid-May 2003 to disarm independent militias.

As an Iraqi governance structure was established, Chalabi was selected to the Iraq Governing Council (IGC) and he was one of its nine rotating presidents (president during September 2003). He headed the IGC’s committee on “de-Baathification,” although his vigilance in purging former Baathists was slowed by U.S. officials in early 2004. Since 2004, Chalabi has allied with Shiite Islamist factions; he was number 10 on Ayatollah Sistani’s “United Iraqi Alliance” slate for the January 30, 2005 elections. He is now one of three deputy prime ministers, with

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

⁵ In April 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.

a focus on economic and legal issues (trial of former regime members), and he is still pressing aggressive de-Baathification.

Chalabi's new prominence completes his comeback from a 2003-2004 fallout with Washington, demonstrated when U.S.-backed Iraqi police raided INC headquarters in Baghdad on May 20, 2004 and seized computers and files that the INC had captured from various Iraqi ministries after Saddam's fall. They were reportedly investigating various allegations, including that Chalabi had provided intelligence to Iran.⁶ In August 2004, an Iraqi judge issued a warrant for Chalabi's arrest on counterfeiting charges, and for his nephew Salem Chalabi's arrest for the murder of an Iraqi finance ministry official. (Salem had headed the tribunal trying Saddam Hussein and his associates.) The case was subsequently dropped. Chairman of the Joint Chiefs of Staff General Richard Meyers said on May 20, 2004, that the INC had provided some information that had saved the lives of U.S. soldiers. (A table on U.S. appropriations for the Iraqi opposition, including the INC, is an appendix).

Iraq National Accord (INA)/Iyad al-Allawi. The Iraq National Accord (INA), founded after Iraq's 1990 invasion of Kuwait, was supported initially by Saudi Arabia but later, according to press reports, by the Central Intelligence Agency (CIA).⁷ Consisting of defectors from Iraq's Baath Party and security organs who had ties to disgruntled sitting officials in those organizations, the INA has been headed since 1990 by Dr. Iyad al-Allawi who that year broke with another INA leader, Salah Umar al-Tikriti. Allawi is a former Baathist who, according to some reports, helped Saddam Hussein silence Iraqi dissidents in Europe in the mid-1970s.⁸ Allawi, who is about 59 years old (born 1946 in Baghdad), fell out with Saddam in the mid-1970s, became a neurologist and presided over the Iraqi Student Union in Europe. He survived an assassination attempt in London in 1978, allegedly by Iraq's agents. He is a secular Shiite Muslim, but many INA members are Sunnis. Allawi no longer considers himself a Baath Party member, but he has not openly denounced the original tenets of Baathism, a pan-Arab multi-ethnic movement founded in the 1940s by Lebanese Christian philosopher Michel Aflaq.

Like Chalabi, Allawi was named to the IGC and to its rotating presidency (president during October 2003). He was interim prime minister during June 2004 - January 2005, but his INA-led candidate slate (The Iraqis List) in the January 30 elections garnered about 14% of the vote, giving his bloc 40 of the 275 seats. Neither he nor any other INA figure was given a cabinet or other senior position in the new government. Some Iraqis believe he is planning a come-back try in the December 2005 national elections.

⁶ Risen, James, and David Johnston. "Chalabi Reportedly Told Iran That U.S. Had Code," *New York Times*, June 2, 2004.

⁷ Brinkley, Joel. "Ex-CIA Aides Say Iraq Leader Helped Agency in 90's Attacks," *New York Times*, June 9, 2004.

⁸ Hersh, Seymour. "Annals of National Security: Plan B," *The New Yorker*, June 28, 2004.

Major Kurdish Organizations/KDP and PUK.⁹ The Kurds, who are mostly Sunni Muslims but are not Arabs, and who are probably the most pro-U.S. of all the major groups, have a historic fear of persecution by the Arab majority and want to preserve the autonomy of the post-1991 Gulf war period. A major question is whether the Kurds might seek outright independence and try to unify with Kurds in neighboring countries into a broader “Kurdistan.” The two main Kurdish factions are the Patriotic Union of Kurdistan (PUK) led by Jalal Talabani and the Kurdistan Democratic Party (KDP), led by Masud Barzani. Together, they have about 75,000 *peshmergas* (fighters), most of whom are now operating as unofficial security organs in northern Iraqi cities, while some are integrated into the new national security forces and deployed in such cities as Mosul and Baghdad.

The Kurdish parties insisted on retaining substantial Kurdish autonomy in northern Iraq in post-Saddam Iraq. Talabani was IGC president in November 2003, and Barzani led it in April 2004. The two factions offered a joint slate in the January 30 elections, which won about 26% of the vote and gained 75 seats in the new Assembly. A separate moderate Islamist Kurdish slate (Kurdistan Islamic Group) won two seats. Talabani has now become president; Hoshiyar Zibari (KDP) and Barham Salih (PUK) are ministers; and Rowsch Shaways is a deputy Prime Minister. On the other hand, there are said to be growing strains between the KDP and PUK, which delayed their convening the 111-seat Kurdish regional Assembly (also elected on January 30, 2005) until May 2005. On June 12, 2005, that Assembly named Masud Barzani “president of Kurdistan,” suggesting Barzani is solidifying his base in northern Iraq rather than participating in all-Iraqi politics in Baghdad.

Shiite Islamist Leaders and Organizations: Ayatollah Sistani, SCIRI, Da’wa Party, Moqtada al-Sadr, and Others. Shiite Islamist organizations are emerging as the strongest factors in post-Saddam politics. Shiite Muslims constitute about 60% of the population but were under-represented in every Iraqi government since modern Iraq’s formation in 1920. Several factions cooperated with the U.S. regime change efforts of the 1990s, but others had no contact with the United States at all. In an event that many Iraqi Shiites still refer to as an example of their potential to frustrate great power influence, Shiite Muslims led a major revolt against British occupation forces in 1921.

Grand Ayatollah Ali al-Sistani/United Iraqi Alliance (UIA). Grand Ayatollah Sistani was silenced by Saddam Hussein’s regime and was not part of U.S.-backed efforts in the 1990s to change Iraq’s regime. As the “*marja-e-taqlid*” (source of emulation) and the most senior of the four Shiite clerics that lead the Najaf-based “*Hawza al-Ilmiyah*” (a grouping of seminaries), he is a major political force in post-Saddam politics.¹⁰ Sistani also has a network of supporters and agents (*wakils*) throughout Iraq and in countries where there are large Shiite communities. Sistani is about 77 years old and suffers from heart problems that required treatment

⁹ For an extended discussion, see CRS Report RS22079, *The Kurds in Post-Saddam Iraq*.

¹⁰ The three other senior Hawza clerics are Ayatollah Mohammad Sa’id al-Hakim (uncle of the leader of the Supreme Council of the Islamic Revolution in Iraq, Abd al-Aziz al-Hakim); Ayatollah Mohammad Isaac Fayadh, who is of Afghan origin; and Ayatollah Bashir al-Najafi, of Pakistani origin.

in the United Kingdom in August 2004. Sistani was instrumental in putting together the united slate of Shiite Islamist movements in the January 30 elections (“United Iraqi Alliance,” UIA). The slate received about 48% of the vote and has 140 seats in the new Assembly, just enough for a majority of the 275-seat body.

Sistani was born in Iran and studied in Qom, Iran, before relocating to Najaf at the age of 21. He became head of the *Hawza* when his mentor, Ayatollah Abol Qasem Musavi-Khoi, died in 1992. Sistani generally opposes a direct role for clerics in government, but he believes in clerical guidance and supervision of political leaders, partly explaining his deep involvement in shaping political outcomes in post-Saddam Iraq. He wants Iraq to maintain its Islamic culture and not to become secular and Westernized, favoring modest dress for women and curbs on alcohol consumption and Western-style music and entertainment.¹¹ On the other hand, his career does not suggest that he favors a repressive regime and he does not have a record of supporting militant Shiite organizations such as Lebanese Hizbollah.

Supreme Council for the Islamic Revolution in Iraq (SCIRI). SCIRI is the largest single party within the UIA and the best organized Shiite Islamist party. It is also the most pro-Iranian: it was set up in Iran in 1982, mainly by ex-Da’wa Party members (see below), to increase Iranian control over Shiite movements in Iraq and the Persian Gulf states. At its founding, SCIRI’s leader, Ayatollah Mohammad Baqr al-Hakim, was designated by the late Ayatollah Ruhollah Khomeini of Iran to head an Islamic republic of Iraq if Saddam were ousted. During Khomeini’s exile in Najaf (1964-1978), Khomeini enjoyed the protection of Mohammad Baqr’s father, Grand Ayatollah Muhsin al-Hakim, who was then head of the *Hawza*.

SCIRI leaders were based in Iran after a major crackdown in 1980 by Saddam, who accused pro-Khomeini Iraqi Shiite Islamists of trying to overthrow him. Although it was a member of the INC in the early 1990s, SCIRI refused to accept U.S. funds, although it did have contacts with the United States during this period. SCIRI leaders say they do not seek to establish an Iranian-style Islamic republic, but SCIRI reportedly receives substantial amounts of financial and in-kind assistance from Iran. SCIRI also runs a television station.

Mohammad Baqr was killed in a car bombing in August 2003 in Najaf, and his younger brother, Abd al-Aziz al-Hakim, a lower ranking Shiite cleric, is its leader. Hakim served on the IGC (he was IGC president during December 2003). He was number one on the UIA slate, making him a major force in negotiations over the post-election government. His key aide is Adel Abd al-Mahdi, who was Finance Minister in Allawi’s interim government and is now one of two deputy presidents.

SCIRI’s “Badr Brigades”. As discussed further below, U.S. officials express concern about SCIRI’s continued fielding of the Badr Brigades militia (now renamed the “Badr Organization”), which number about 20,000 and are playing unofficial policing roles in Basra and other Shiite cities. Some Badr members have joined the national Iraqi police and military forces, although they retain their loyalties to Badr

¹¹ For information on Sistani’s views, see his website at [<http://www.sistani.org>].

and SCIRI. The Badr Brigades were formed, trained, and equipped by Iran's Revolutionary Guard, politically aligned with Iran's hardliners, during the Iran-Iraq war, during which Badr guerrillas conducted forays from Iran into southern Iraq to attack Baath Party officials. Most Badr fighters were recruited from the ranks of Iraqi prisoners of war held in Iran. However, many Iraqi Shiites viewed SCIRI as an Iranian puppet, and Badr operations in southern Iraq during the 1980s and 1990s did not spark broad popular unrest against the Iraqi regime. The Badr Organization, led by Hadi al-Amiri, registered as a separate political entity, in addition to its SCIRI parent, for the January 30 election. Some Sunnis have accused Badr fighters of conducting retaliatory attacks on Sunnis suspected of links to the insurgency. (A related militia, called the "Wolf Brigade" is a Badr offshoot that is formally under the Ministry of Interior's control. It is led by a SCIRI activist).

Da'wa Party/Prime Minister Ibrahim al-Jafari. The second of the most prominent UIA parties, the Da'wa (Islamic Call) Party is Iraq's oldest Shiite Islamist faction. Unlike SCIRI, Da'wa does not have an organized militia attached to it, and it generally has fewer clerics in its ranks than does SCIRI.¹² Da'wa was founded in 1957 by a revered Iraqi Shiite cleric, Ayatollah Mohammed Baqr Al Sadr, an uncle of Moqtada al-Sadr and a peer of Ayatollah Khomeini. Da'wa was the most active Shiite opposition movement in the few years following Iran's Islamic revolution in February 1979; its activists conducted guerrilla attacks against the Baathist regime and attempted assassinations of senior Iraqi leaders, including Tariq Aziz. Ayatollah Baqr Al Sadr was hung by the Iraqi regime in 1980 for the unrest, and many other Da'wa activists were killed or imprisoned. Most of the surviving members moved into Iran; some subsequently joined SCIRI, but others rejected Iranian control of Iraq's Shiite groups and continued to affiliate only with Da'wa.

Ibrahim al-Jafari, now Prime Minister, is about 55 years old (born in 1950 in Karbala). He has been a Da'wa activist since 1966. He attended medical school in Mosul and fled to Iran in 1980 to escape Saddam's crackdown on the Da'wa. He later went to live in London, possibly because he did not want to be seen as too closely linked to Iran. During the 1990s, Da'wa did not join the U.S. effort to overthrow Saddam Hussein. Jafari previously served on the IGC;¹³ he was the first of the nine rotating IGC presidents (August 2003). He was deputy president in Allawi's interim government. He was number 7 on the UIA slate and, on April 7, he became prime minister. The new minister of state for national security, Abd al-Karim al-Anzi, is a member of a Da'wa faction. Jafari's spokesman is Laith Kubba, who previously was a staffer with the National Endowment for Democracy in the United States.

Da'wa has a checkered history in the region, although there is no public evidence that Jafari was involved in any Da'wa terrorist activity. 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

¹² There are breakaway factions of Da'wa, the most prominent of which calls itself Islamic Da'wa of Iraq, but these factions are believed to be far smaller than Da'wa.

¹³ Salim was killed on May 17, 2004, in a suicide bombing while serving as president of the IGC.

French embassies in Kuwait. Lebanese Hizballah was founded by Lebanese clerics loyal to Baqr Al Sadr and Khomeini, and there continue to be personal and ideological linkages between Hizballah and Da'wa (as well as with SCIRI). 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 prisoners held by Kuwait for those attacks in the 1980s. Some Da'wa members in Iraq look to Lebanon's senior Shiite cleric Mohammed Hossein Fadlallah, who was a student of Baqr Al Sadr, for guidance.

Moqtada al-Sadr/Mahdi Army. Relatives of Ayatollah Baqr Al Sadr are highly active in post-Saddam Iraq, but not as part of the Da'wa Party.¹⁴ The Sadr clan stayed in Iraq during Saddam Hussein's rule, and it was repressed politically during that time. The most politically active of the clan now is Moqtada Al Sadr, who is about 31 years old (born in 1974), is the lone surviving son of the revered Ayatollah Mohammed Sadiq al-Sadr. The Ayatollah was killed, along with his other two sons, by regime security forces in 1999 after he began agitating against Saddam's government. Sadr is viewed by Ayatollah Sistani, SCIRI, and Da'wa as a young radical who lacks religious and political weight. This view took hold on April 10, 2003, when his supporters allegedly stabbed to death Abd al-Majid Khoi, the son of the late Grand Ayatollah Khoi, shortly after Khoi's U.S.-backed arrival in Iraq.¹⁵ To counter criticism, Moqtada has sought spiritual authority for his actions from his mentor, Ayatollah Kazem Haeri, who lives in Qom, Iran. There is also a personal dimension to the Sistani-Sadr rift; Sadr's father had been a rival of Sistani for pre-eminent Shiite religious authority in Iraq.

Moqtada al-Sadr has used his father's legacy to emerge as a formidable figure, apparently calculating that U.S. policy will not produce stability and that he might later rally his supporters against the reigning post-Saddam establishment. Moqtada has retained his father's political base in the Baghdad district now called "Sadr City," which has a population of about 2 million mostly poorer Shiites, making Moqtada a significant Shiite force in post-Saddam Iraq. Moqtada has played to his base by adopting hard-line positions against the U.S. presence. At first, Sadr used Friday prayer sermons in Kufa (near Najaf), published anti-U.S. newspapers, and instigated demonstrations to paint Iraqi officials as puppets of the U.S. occupation and to call for a U.S. withdrawal. He did not seek to join the IGC or the interim government.

Despite U.S. and Sistani overtures for Sadr to participate in the January 30, 2005, elections on the UIA slate, Sadr came out publicly against the elections, claiming they did not address the real needs of the Iraqi people for economic opportunity. However, suggesting that Sadr wants the option of participating in the political process in the future, about ten of his supporters won National Assembly seats running on the UIA slate, and three others won seats under the separate pro-Sadr "Nationalist Elites and Cadres List." Pro-Sadr candidates also won pluralities in several southern Iraqi provincial council elections and hold 6 seats on Basra's 41-

¹⁴ Some relatives of the clan are in Lebanon, and the founder of what became the Shiite Amal (Hope) party in Lebanon was a Sadr clan member, Imam Musa Sadr, who disappeared in Libya in 1978.

¹⁵ Khoi had headed the Khoi Foundation, based in London.

seat provincial council. It is reported that three ministers in the new government, including minister of transportation Salam al-Maliki, are Sadr supporters.

Mahdi Army Militia. In mid-2003, Sadr began recruiting a militia (the “Mahdi Army”) to combat the U.S. occupation. U.S. military operations put down Mahdi Army uprisings in April 2004 and August 2004 in Sadr City, Najaf, and other Shiite cities. In each case, fighting was ended with compromises with Sadr under which Mahdi forces stopped fighting (and in some cases traded in some of their weapons for money) in exchange for lenient treatment or releases of prisoners, amnesty for Sadr himself, and reconstruction aid. U.S. operations were assisted by pronouncements and diplomacy by Sistani opposing Sadr’s challenges. The Mahdi Army has since ended active anti-U.S. activity, and Sadr City has been relatively quiet, but Mahdi fighters continue to patrol that district and parts of such cities as Nassiriyah and Diwaniyah. Mahdi members are said to be increasingly strong in Basra, where they have sought to enforce personal behavior that conforms to Islam and tradition. Mahdi (and Badr Brigade) assertiveness in Basra has partly accounted for a sharp deterioration of relations since July 2005 between Iraqi officials in Basra and the British forces that conduct peacekeeping in the city.

Other Shiite Organizations and Militias. A smaller Shiite Islamist organization, the Islamic Amal (Action) Organization, is headed by Ayatollah Mohammed Taqi Modarassi, a relatively moderate Shiite cleric who returned from exile in Iran after Saddam fell. Islamic Amal’s power base is in Karbala, and, operating under the SCIRI umbrella, it conducted attacks there against regime organs in the 1980s. Islamic Amal does not appear to have a following nearly as large as do SCIRI or Da’wa. Modarassi’s brother, Abd al-Hadi, headed the Islamic Front for the Liberation of Bahrain, which stirred Shiite unrest against Bahrain’s regime in the 1980s and 1990s. Islamic Amal won two seats in the January 30 election. Another Shiite grouping, called *Fadilah*, is part of the UIA coalition. Loyal to Ayatollah Mohammad Yacoubi, it is a splinter group of Moqtada al-Sadr’s faction and is perceived as somewhat more hardline (anti-U.S. presence) than SCIRI or Da’wa. It holds some seats on several provincial councils in the Shiite provinces.

A variety of press reports say that some other Shiite militias are operating in southern Iraq. One such militia is derived from the fighters who challenged Saddam Hussein’s forces in the southern marsh areas, around the town of Amara, north of Basra. It goes by the name Hizbollah-Iraq and it is headed by guerrilla leader Abdul Karim Muhammadawi, who was on the IGC. Hizbollah-Iraq apparently plays a major role in policing Amara and environs.

Clinton Administration Relations With Anti-Saddam Groups

Although they are mostly cooperating in post-Saddam Iraq, the major anti-Saddam factions have a history of friction, which nearly led to their collapse in 1996. In May 1994, the KDP and the PUK clashed with each other over territory, customs revenues, and control over the Kurdish regional government in Irbil. The infighting contributed to the defeat of an INC offensive against Iraqi troops in March 1995 when the KDP pulled out of the offensive at the last minute. The offensive initially overran some front-line Iraqi units.

The opposition's fractiousness caused the Clinton Administration to shift support from the INC to a coup strategy advocated by Iyad al-Allawi.¹⁶ An opportunity presented itself when Saddam's son-in-law Hussein Kamil al-Majid (organizer of Iraq's weapons of mass destruction efforts) defected to Jordan in August 1995, setting off turmoil within Saddam's regime. Jordan's King Hussein subsequently allowed the INA to operate from Jordan. However, the INA proved penetrated by Iraq's intelligence services and Baghdad arrested or executed over 100 INA activists in June 1996. In August 1996, Baghdad launched a military incursion into northern Iraq, at the invitation of the KDP, to help it capture Irbil from the PUK. The incursion enabled Baghdad to also rout remaining INC and INA operatives throughout the north, executing two hundred oppositionists and arresting 2,000 others. The United States evacuated from northern Iraq and eventually resettled in the United States 650 mostly INC activists.

Congress and the Iraq Liberation Act. During 1996-1998, the Clinton Administration had little contact with the opposition, believing it to be too fragmented and weak to topple Saddam. During 1997-1998, Iraq's obstructions of U.N. weapons of mass destruction (WMD) inspections led to growing congressional calls to overthrow Saddam, although virtually no one was advocating a U.S.-led military invasion to accomplish that. A congressional push for a regime change policy began with an FY1998 supplemental appropriations (P.L. 105-174) and continuing with appropriations in subsequent years, as shown in the appendix.

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, P.L. 105-338, October 31, 1998). The ILA was widely interpreted as an expression of congressional support for the concept, advocated by Chalabi and some U.S. experts, of promoting an Iraqi insurgency using U.S. air-power. President Clinton signed the legislation, despite doubts about opposition capabilities. The ILA:

- stated 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.
- gave the President authority to provide up to \$97 million worth of defense articles and services, as well as \$2 million in broadcasting funds, to opposition groups designated by the Administration.
- did not specifically provide for its termination after Saddam Hussein is removed from power. Section 7 of the ILA provides for continuing post-Saddam “transition assistance” to Iraqi parties and movements with “democratic goals.”

The signing of the ILA coincided with new crises over Iraq's obstructions of U.N. weapons inspections. On December 15, 1998, U.N. inspectors were withdrawn,

¹⁶ 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.

and a three-day U.S. and British bombing campaign against suspected Iraqi WMD facilities followed (Operation Desert Fox, December 16-19, 1998). On February 5, 1999, President Clinton issued a determination (P.D. 99-13) making seven opposition groups eligible to receive U.S. military assistance under the act: INC; INA; SCIRI; KDP; PUK; the Islamic Movement of Iraqi Kurdistan (IMIK);¹⁷ and the Movement for Constitutional Monarchy (MCM),¹⁸ a relatively small party committed to the return of Iraq's monarchy, although in limited form. However, the Clinton Administration decided that the opposition was not sufficiently capable to merit weapons or combat training.

Bush Administration Policy

Bush Administration Iraq policy initially was similar to that of the Clinton Administration, but it changed dramatically after the September 11, 2001 terrorist attacks. Some accounts say that the Administration was planning, prior to September 11, to confront Iraq militarily, but President Bush has denied this. Even though several senior Bush Administration officials had been strong advocates of a regime change policy, many of the long-standing questions about the difficulty of that strategy remained,¹⁹ and the Bush Administration declined to alter its predecessor's decision to provide only non-lethal aid under the ILA.

With no immediate consensus on whether or how to pursue Saddam's overthrow, Secretary of State Powell focused during the first year of the Administration on strengthening containment of Iraq, which the Bush Administration said had eroded substantially in the few preceding years. The cornerstone of the policy was to achieve U.N. Security Council adoption of a "smart sanctions" plan — relaxing U.N.-imposed restrictions on exports to Iraq of purely civilian equipment²⁰ in exchange for improved international enforcement of the U.N. ban on exports to Iraq of militarily-useful goods. After about a year of Security Council negotiations, the major features of the smart sanctions plan — including the virtual elimination of U.N. review of civilian exports to Iraq — were adopted by U.N. Security Council Resolution 1409 (May 14, 2002).

¹⁷ Because of its role in the eventual formation of the radical Ansar al-Islam group, the IMIK did not receive U.S. funds after 2001, although it was not formally taken off the ILA eligibility list.

¹⁸ In concert with a May 1999 INC visit to Washington D.C, the Clinton Administration announced a draw down of \$5 million worth of training and "non-lethal" defense articles under the ILA. During 1999-2000, about 150 oppositionists underwent civil administration training at Hurlburt air base in Florida, including Defense Department-run civil affairs training to administer a post-Saddam government. 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 major combat phase of the war.

¹⁹ One account of Bush Administration internal debates on the strategy is found in Hersh, Seymour. "The Debate Within," *The New Yorker*, Mar. 11, 2002.

²⁰ For more information on this program, see CRS Report RL30472, *Iraq: Oil For Food Program, Illicit Trade, and Investigations*.

Post-September 11: Implementing Regime Change. The shift to an active post-September 11 regime change effort followed President Bush’s State of the Union message on January 29, 2002. In that speech, given as the U.S.-led war on the Taliban and Al Qaeda in Afghanistan was winding down, he characterized Iraq as part of an “axis of evil,” along with Iran and North Korea. Some U.S. officials, particularly deputy Defense Secretary Wolfowitz, asserted that the United States needed to respond to the September 11, 2001 attacks by “ending states” that support terrorist groups, including Iraq. Vice President Cheney visited the Middle East in March 2002 reportedly to consult regional countries about the possibility of confronting Iraq militarily, although the leaders visited reportedly urged greater U.S. attention to the Arab-Israeli dispute and opposed confrontation with Iraq. Some accounts, including the book *Plan of Attack*, by Bob Woodward (published in April 2004) say that then Secretary of State Powell and others were concerned about the potential consequences of an invasion of Iraq, particularly the difficulties of building a democracy after major hostilities ended. Other accounts, including reported memoranda (the “Downing Street Memo”) by British intelligence officials, based on conversations with U.S. officials, say that by mid-2002 the Administration had already decided to go to war against Iraq and that it sought to develop information about Iraq to support that judgment. President Bush and British Prime Minister Tony Blair deny this. (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 primary theme in the Bush Administration’s public case for the need to confront Iraq was that Iraq posed a “grave and gathering” threat that should be blunted before the threat became urgent. The Administration added that regime change would yield the further benefit of liberating the Iraqi people from a brutal dictator and promoting democracy in the Middle East.

- *WMD Threat Perception.* Senior U.S. officials asserted the following about Iraq’s WMD: (1) that Iraq had worked to rebuild its WMD programs in the nearly four years since U.N. weapons inspectors left Iraq and had failed to comply with 16 U.N. resolutions that demanded complete elimination of all of Iraq’s WMD programs; (2) that Iraq had 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; and (3) that Iraq could transfer its WMD to terrorists, particularly Al Qaeda, for use in potentially catastrophic attacks in the United States or elsewhere. Critics noted that, under the U.S. threat of retaliation, Iraq did not use WMD against U.S. troops in the 1991 Gulf war, although it did defy similar U.S. warnings and burned Kuwait’s oil fields.
- *Links to Al Qaeda.* Iraq was a designated state sponsor of terrorism during 1979-82, and was again designated after the 1990 invasion of Kuwait. Although they did not assert that Saddam Hussein’s regime had a direct connection to the September 11 attacks or the October 2001 anthrax mailings, senior U.S. officials said there was evidence of Iraqi linkages to Al Qaeda, in part because of the presence of pro-

Al Qaeda militant leader Abu Musab al-Zarqawi in northern Iraq. The final report of the 9/11 Commission found no evidence of a “collaborative operational linkage” between Iraq and Al Qaeda.²¹

Run-up to Military Action. Although it is not certain when the Administration decided on an invasion, from mid-2002 until the beginning of 2003 the Administration was building a force in the region that gave the President the option to order an invasion. In concert, the Administration tried to build up and broaden the Iraqi opposition. 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 August 2002, the State and Defense Departments jointly invited six opposition groups (INC, the INA, the KDP, the PUK, SCIRI, and the MCM) to Washington, D.C. At the same time, the Administration expanded its ties to several groups, particularly those composed primarily of ex-military officers,²² as well as ethnically based groups such as the Iraqi Turkmen Front,²³ and the Assyrian Democratic Movement of Yonadam Kanna.²⁴ The Administration also began training about 5,000 oppositionists to assist U.S. forces,²⁵ although only about 70 completed training at an air base (Taszar) in Hungary.²⁶ (These recruits served with U.S. forces in the war, mostly as translators.)

In an effort to obtain U.N. backing for confronting Iraq — support that then Secretary of State Powell reportedly stressed was needed — President Bush spoke before the United Nations General Assembly on September 12, 2002, urging the United Nations to enforce its resolutions on Iraq. The Administration subsequently acceded to giving Iraq a “final opportunity” to comply with all applicable U.N. Security Council resolutions by supporting U.N. Security Council Resolution 1441 (November 8, 2002). The resolution gave a U.N. inspection body UNMOVIC (U.N. Monitoring, Verification, and Inspection Commission) new powers of inspection.

²¹ Page 66 of the 9/11 Commission report.

²² These ex-military-dominated groups included the Iraqi National Movement; the Iraqi National Front; the Iraqi Free Officers and Civilians Movement; and the Higher Council for National Salvation, headed by a former chief of military intelligence. Ex-chief of staff of Iraq’s military Nizar al-Khazraji, who was based in Denmark since fleeing Iraq in 1996, may also be a member of this group. He is under investigation there for alleged involvement in Iraq’s use of chemical weapons against the Kurds in 1988. His current whereabouts are unknown. On December 9, 2002, the Administration made most of them eligible — in addition to the seven groups originally made eligible — to receive ILA draw-downs, and he authorized the remaining \$92 million worth of goods and services available under the ILA.

²³ Turkomens, who are generally Sunni Muslims, number about 350,000 and live mainly in northern Iraq. They are aligned with Turkey.

²⁴ Iraq’s Assyrians are based primarily in northern Iraq, but there is a substantial diaspora community living in the United States; the group began integrating into the broader opposition front in September 2002. In post-Saddam Iraq, Kanna served on the IGC.

²⁵ Deyoung, Karen, and Daniel Williams, “Training of Iraqi Exiles Authorized,” *Washington Post*, Oct. 19, 2002.

²⁶ Williams, Daniel. “U.S. Army to Train 1,000 Iraqi Exiles,” *Washington Post*, Dec. 18, 2002.

Iraq reluctantly accepted it. UNMOVIC Director Hans Blix and International Atomic Energy Agency (IAEA) Director Mohammad al-Baradei subsequently briefed the Security Council on WMD inspections that resumed November 27, 2002. They criticized Iraq for failing to pro-actively cooperate to clear up outstanding questions, but also noted progress and said that Iraq might not have retained any WMD. The Bush Administration asserted that Iraq was not cooperating with Resolution 1441 because it was not pro-actively revealing information to UNMOVIC and the IAEA. (A “comprehensive” September 2004 report of the Iraq Survey Group, known as the “Duelfer report,”²⁷ found no WMD stockpiles or production but said that there was evidence that the regime retained the intention to reconstitute WMD programs in the future. The U.S.-led WMD search ended December 2004.²⁸ The UNMOVIC search technically remains active.²⁹)

During this period, Congress debated the costs and risks of an invasion. It 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 would enforce U.N. Security Council resolutions. It passed the House October 11, 2002 (296-133), and the Senate the following day (77-23). It was signed October 16, 2002 (P.L. 107-243).

The Administration began emphasizing regime change rather than disarmament as it appeared that the Security Council would not back war. In Council debate, opponents of war, including France, Russia, China, and Germany, said the pre-war WMD inspections showed that Iraq could be disarmed peacefully or contained indefinitely. The United States, along with Britain, Spain, and Bulgaria, maintained that Iraq had not fundamentally decided to disarm. At a March 16, 2003, summit meeting with the leaders of Britain, Spain, and Bulgaria at the Azores, President Bush asserted that diplomatic options to disarm Iraq had failed. The following 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 (OIF) began on March 19, 2003.

In the war, Iraq’s conventional military forces were overwhelmed by the approximately 380,000 person U.S. and British force assembled (a substantial proportion of which remained afloat or in supporting roles), although some Iraqi units and irregulars (“Saddam’s Fedayeen”) put up stiff resistance and used unconventional tactics. No WMD was used, although Iraq did fire some ballistic missiles into Kuwait; it is not clear whether those missiles were of prohibited ranges (greater than 150 km). The regime vacated Baghdad on April 9, 2003, although Saddam appeared publicly with supporters that day in the Adhamiya district of Baghdad. After the combat against the Iraqi military, organs of the U.S. government began searching for evidence of former regime human rights abuses and other violations, in addition to evidence of WMD.

²⁷ The full text of the Duelfer report is available at [<http://news.findlaw.com/hdocs/docs/iraq/cia93004wmdrpt.html>].

²⁸ For analysis of the former regime’s WMD and other abuses, see CRS Report RL32379, *Iraq: Former Regime Weapons Programs, Human Rights Violations, and U.S. Policy*.

²⁹ For information on UNMOVIC’s ongoing activities, see [<http://www.unmovic.org/>].

Post-Saddam Governance and Transition

There is growing debate over whether U.S. policy can succeed in establishing a stable and democratic Iraq at acceptable costs.³⁰ The political transition in post-Saddam Iraq has continued moving forward, but insurgent violence is still widespread and lethal, particularly in areas inhabited by Sunni Arabs.

Occupation Period and the Coalition Provisional Authority (CPA).

After the fall of the regime, the United States set up an occupation structure, reportedly grounded in Administration concerns that immediate sovereignty would favor major anti-Saddam factions but not necessarily produce democracy. These concerns had led the Administration to oppose a move by the groups to declare a provisional government in advance of the U.S. invasion. The Administration initially tasked Lt. Gen. Jay Garner (ret.) to direct reconstruction, with a staff of U.S. government personnel to serve as administrators in Iraq's ministries. He headed the Office of Reconstruction and Humanitarian Assistance (ORHA), within the Department of Defense, created by a January 20, 2003 executive order. Garner and his staff deployed in April 2003.

Garner tried to quickly establish a representative successor Iraqi regime. He and then White House envoy Zalmay Khalilzad (now Ambassador to Iraq) organized a meeting in Nassiriyah (April 15, 2003) of about 100 Iraqis of varying ethnicities and ideologies. A subsequent meeting of over 250 notables was held in Baghdad (April 26, 2003), ending in agreement to hold a broader meeting one month later to name an interim Iraqi administration.

Press reports said that senior U.S. officials were dissatisfied with Garner's lax approach to governing, including tolerance for Iraqis naming themselves as local leaders. In May 2003, the Administration named former ambassador L. Paul Bremer to replace Garner by heading a "Coalition Provisional Authority" (CPA), which subsumed ORHA. The CPA was an occupying authority recognized by U.N. Security Council Resolution 1483 (May 22, 2003). Bremer suspended Garner's political transition process and instead agreed to appoint a 25- to 30-member Iraqi body, which would not have sovereignty but would have more than purely advisory powers, including nominating ministry heads and drafting an interim constitution.

In another alteration of the U.S. post-war structure, an "Iraq Stabilization Group," under then National Security Adviser (now Secretary of State) Condoleezza Rice, was formed in October 2003 to coordinate interagency support to the CPA. It was headed by a Rice deputy, Robert Blackwill (until he resigned from the Administration in November 2004). In August 2005, Secretary Rice named a new chief coordinator for Iraq; former deputy chief of mission in post-Saddam Baghdad, James Jeffrey. A number of critics and studies have written that the Administration's post-war policy did not make use of an extensive State Department initiative, called the "Future of Iraq Project," that spent at least a year before the war drawing up plans for administering Iraq after the fall of Saddam. Some Iraqis who participated in that

³⁰ For text of President Bush's June 28, 2005, speech on Iraq, see [<http://www.whitehouse.gov/news/releases/2005/06/print/20050628-7.html>].

project are now in official positions in Iraq's government. The State Department project, which cost \$5 million, had 15 working groups on major issues.³¹

The Iraq Governing Council. On July 13, 2003, Bremer named the 25-member Iraq Governing Council (IGC). Its major figures included the leaders of several of the major anti-Saddam factions mentioned above, a possible contributor to the perception of the IGC as ineffective and lacking in legitimacy. However, some emerging figures were on it, including Ghazi al-Yawar, a Sunni elder of the Shammar tribe and president of a Saudi-based technology firm. (He is now a deputy president.) In September 2003, the IGC selected a 25-member "cabinet" to run individual ministries, with roughly the same factional and ethnic balance of the IGC itself (a slight majority of Shiite Muslims). The IGC began a process of "de-Baathification" — a purge from government of about 30,000 persons who held any of the four top ranks of the Baath Party — and it authorized a war crimes tribunal for Saddam and his associates. That function is now performed by a 323-member "Supreme Commission on De-Baathification." The IGC dissolved on June 1, 2004, when an interim government (of Iyad al-Allawi) was named.

The Handover of Sovereignty and Run-up to Elections

The Bush Administration initially made the end of U.S. occupation contingent on the completion of a new constitution and the holding of national elections for a new government, tasks expected to be completed by late 2005. However, Ayatollah Sistani and others agitated for an early restoration of Iraqi sovereignty and for direct elections to choose a new government. In response, in November 2003, the United States announced it would return sovereignty to Iraq by June 30, 2004, and that elections for a permanent government would be held by the end of 2005.

Interim Constitution/Transition Roadmap. The CPA decisions on transition roadmap were incorporated into an interim constitution, the Transitional Administrative Law (TAL), which was drafted by a committee dominated by the major anti-Saddam factions, and signed on March 8, 2004.³² Some of its overarching points are that

- Elections would be held by January 31, 2005, for a 275-seat transitional National Assembly. The election law for the transition government "shall aim to achieve the goal of having women constitute no less than 25% of the members of the National Assembly."
- A permanent constitution would be drafted by August 15, 2005, and put to a national referendum by October 15, 2005. National elections for a permanent government, under the new constitution (if

³¹ Information on the project, including summaries of the findings of its 17 working groups, can be found at [<http://usinfo.state.gov/products/pubs/archive/dutyiraq/>].

³² The text of the TAL can be obtained from the CPA website: [<http://cpa-iraq.org/government/TAL.html>].

it passes), would be held by December 15, 2005, and take office by December 31, 2005.

- Any three provinces can veto the constitution by a two-thirds majority. If that happens, a new draft is to be developed and voted on by October 15, 2006. In that case, the December 15, 2005, elections would be for another interim National Assembly.
- The Kurds maintained their autonomous “Kurdistan Regional Government,” but they were not given control of the city of Kirkuk. They did receive some powers to contradict or alter the application of Iraqi law in their provinces, and their *peshmerga* militia could continue to operate.
- In the TAL, Islam was designated “a source,” but not the primary source, of law. The TAL adds that no law can be passed that contradicts the agreed tenets of Islam, but neither could any law contradict certain rights including peaceful assembly; free expression; equality of men and women before the law; and the right to strike and demonstrate.

Interim (Allawi) Government/Sovereignty Handover/Resolution 1546. The TAL did not directly address the formation of an interim government that ran from sovereignty handover in June 2004 until the January 2005 elections. Sistani’s opposition torpedoed an initial U.S. plan for doing so; that plan involved the selection of a national assembly and government through nationwide “caucuses,” not elections. After considering other options, such as the holding of a traditional assembly, the United States decided to tap U.N. envoy Lakhdar Brahimi to select the interim government.³³ Although he envisioned a government of apolitical technocrats, maneuvering by senior politicians led to their domination of the interim government. This government was named on June 1, 2004, and began work. The IGC dissolved. The formal handover of sovereignty took place at about 10:30 A.M. on June 28, 2004, two days before the advertised June 30 date, partly to confound insurgents.

The interim government, whose powers were addressed in an addendum to the TAL, had a largely ceremonial president (Ghazi al-Yawar) and two deputy presidents (the Da’wa’s Jafari and the KDP’s Dr. Rowsch Shaways). Iyad al-Allawi was Prime Minister, with executive power, and there was a deputy prime minister and 26 ministers. Six ministers were women, and the ethnicity mix was roughly the same as in the IGC. The key defense and interior ministries were headed by Sunni Arabs.

Resolution 1546/Coalition Military Mandate. U.N. Security Council Resolution 1546 was adopted (June 8, 2004) to endorse the handover of sovereignty, reaffirm the responsibilities of the interim government, and spell out the duration and legal status of U.S.-led forces in Iraq. Primarily because of Sistani’s opposition to

³³ Chandrasekaran, Rajiv. “Envoy Urges U.N.-Chosen Iraqi Government,” *Washington Post*. Apr. 15, 2004.

the TAL's provision that would allow the Kurds a veto over a permanent constitution, the Resolution did not explicitly endorse the TAL. The Resolution also stipulated that

- U.S. officials no longer have final authority on non-security issues. The interim government and the current elected government could have amended the TAL or revoked CPA decrees, but they did so on only a few occasions. The Kurds had feared that the TAL's Kurd-related provisions would be modified wholesale, fears that were increased by the omission from Resolution 1546 of any mention of the TAL.
- The coalition's mandate is to be reviewed "at the request of the Government of Iraq or twelve months from the date of this resolution" (or June 8, 2005); that the mandate would expire when a permanent government is sworn in at the end of 2005; and that the mandate would be terminated "if the Iraqi government so requests." The Security Council reviewed the mandate in advance of the June 8, 2005 deadline, and no alterations to it were made, leaving the mandate standing at least until the end of 2005.
- The relationship between U.S. and Iraqi forces is to be "coordination and partnership," as spelled out in an exchange of letters between the United States and Iraq, annexed to Resolution 1546. The Iraqi government does not have a veto over coalition operations, and the coalition retains the ability to take prisoners. The Resolution stated that, at least until the end of 2005 (the end of the transition period), Iraqi forces will be "a principal partner in the multi-national force operating in Iraq under unified [American] command pursuant to the provisions of U.N. Security Council Resolution 1511 (October 16, 2003) and any subsequent resolutions."
- An agreement on the status of foreign forces (Status of Forces Agreement, SOFA) in Iraq was deferred to an elected Iraqi government. No such agreement has been signed, to date, and U.S. forces operate in Iraq and use its facilities (such as Balad air base) under temporary memoranda of understanding. However, Secretary of Defense Rumsfeld told journalists on July 27, 2005, that U.S. military lawyers are working with the Iraqis on a SOFA or other arrangements that would cover U.S. operations in Iraq after a permanent government takes over. (On April 22, 2005, it was publicly reported that the chairman and ranking Member of the Senate Armed Services Committee had written to Secretary of State Rice urging that the United States seek a formal invitation from the Iraqi government for U.S. troops to remain until security can be ensured by Iraqi forces.)
- The Resolution gave the United Nations a major role in assisting and advising the interim government in preparing for the January 30, 2005 elections and authorized a coalition component force to

protect U.N. personnel and facilities. A previous resolution, Security Council Resolution 1500 (August 14, 2003) established U.N. Assistance Mission - Iraq (UNAMI). On August 12, 2004, its mandate was renewed for one year and on August 11, 2005 (Resolution 1619), for another year. The size of UNAMI in Iraq is about 230 and expected to rise to about 300.

- Resolution 1546 provided for a conference of over 1,000 Iraqis (chosen from all around Iraq by a 60-member commission of Iraqis) to choose a 100-seat “Interim National Council” as an interim parliament.³⁴ The body, selected during August 13-18, 2004,³⁵ did not have legislative power but was able to veto government decisions with a 2/3 majority. The council held some televised “hearings,” including questioning ministers. Its work ended once the National Assembly was elected in January 2005.

Post-Handover U.S. Structure in Iraq. The following were additional consequences of the sovereignty handover, designed in part to lower the profile of U.S. influence over post-handover Iraq.

- Bremer departed Iraq for the United States on June 28, 2004, and the CPA and formal state of occupation ceased. Subsequently, a U.S. Ambassador (John Negroponte) established U.S.-Iraq diplomatic relations for the first time since January 1991. A U.S. embassy formally opened on June 30, 2004; it is staffed with about 1,100 U.S. personnel.³⁶ Negroponte was succeeded in July 2005 by Ambassador Zalmay Khalilzad, who was previously Ambassador to Afghanistan. (A FY2005 supplemental appropriation, P.L. 109-13, provides \$592 million of \$658 million requested to construct a new embassy in Baghdad, as well as requested funds for Iraq embassy operations .)
- The CPA yielded to Iraq control over its oil revenues and the Development Fund for Iraq (DFI), subject to monitoring for at least one year (until June 2005) by the U.N.-mandated International Advisory and Monitoring Board (IAMB). Iraq also was given responsibility for close-out of the “oil-for-food program.”³⁷ (In accordance with Resolution 1483 of May 22, 2004, that program ended November 21, 2003.)

³⁴ The provision for this interim parliament was also in the TAL.

³⁵ Tavernise, Sabrina. “In Climax To a Tumultuous 4-Day Debate, Iraq Chooses An Assembly,” *New York Times*, August 19, 2004.

³⁶ See CRS Report RS21867, *U.S. Embassy in Iraq*.

³⁷ For information on that program, see CRS Report RL30472, *Iraq: Oil-for-Food Program, Illicit Trade, and Investigations*.

- Some CPA functions, such as the advising of local Iraqi governments, local Iraqi governing councils, and U.S. military units, involve about 150 U.S. personnel working out of four major centers around Iraq (satellites of the U.S. Embassy): Hilla, Basra, Kirkuk, and Mosul. Reconstruction aid functions are part of an “Iraq Reconstruction and Management Office (IRMO),” headed since November 2004 by Ambassador William Taylor, formerly U.S. aid coordinator for Afghanistan. A separate “Project Contracting Office (PCO),” headed by Charles Hess, reports to the Defense Department; it funds infrastructure projects such as roads and school renovations.
- After the handover, U.S. military headquarters in Baghdad (Combined Joint Task Force-7, CJTF-7) became a multi-national headquarters “Multinational Force-Iraq, MNF-I”. Four-star U.S. Gen. George Casey is commander.³⁸ Lt. Gen. John Vines heads the “Multinational Corps-Iraq”; he is day-to-day operational commander of U.S. forces. Before dissolving, the CPA extended its orders giving U.S. military people, and some contractors, immunity from prosecution by Iraqi courts.³⁹

January 30, 2005 Elections/New Government. On January 30, 2005, national elections were held for a transitional National Assembly, 18 provincial councils, and the Kurdish regional assembly. As noted above, the elections gave the UIA a slim majority (140) of the 275 seats in the new Assembly; the two main Kurdish parties control 75 seats; interim Prime Minister Allawi’s bloc won 40 seats; and interim President Ghazi Yawar’s slate won 5 seats, with several other parties splitting the remaining 15 seats. (See CRS Report RS21968, *Iraq: Elections, Government, and Constitution.*)

The new government took shape during March- May 2005, although U.S. officials, including Secretary of State Rice who visited Iraq on May 15, 2005, say that was not sufficiently inclusive of the Sunni minority. Such inclusiveness, in the view of U.S. officials and most outside observers, is the key to stabilizing Iraq.

- The 275-seat Assembly first convened on March 16. It chose Sunni parliamentarian Hajim al-Hassani as speaker on March 29. He was interim Minister of Industry and was a member of the Iraqi Islamic Party, which boycotted the election, but he ran for election on Ghazi al-Yawar’s slate. Sistani aide Hussein Shahrastani and Kurdish official Arif Tayfour were selected deputy speakers.
- On April 6, in keeping with a UIA-Kurdish agreement on major Kurdish concerns, PUK leader Talabani was selected President. His two deputies are SCIRI official Adel Abdul Mahdi (finance

³⁸ Hendren, John, and Richard Serrano. “Pentagon Intends to Replace Ground Commander in Iraq,” *Los Angeles Times*, May 25, 2004.

³⁹ Wright, Robin. “U.S. Immunity in Iraq Will Go Beyond June 30,” *Washington Post*, June 24, 2004.

minister in the Allawi government) and Ghazi al-Yawar (president in the Allawi government). They obtained the required two-thirds Assembly vote. The three then nominated Ibrahim al-Jafari as Prime Minister; he was confirmed the next day.

- On April 28, with the one-month deadline for naming a cabinet approaching, Jafari received near-unanimous Assembly approval for a cabinet of 32 ministers and three deputy prime ministers. However, five cabinet positions and a deputy prime ministership were not initially filled, pending an agreement to appoint additional Sunnis. Chalabi and KDP activist Rosch Shaways were named as deputy prime ministers.
- On May 7, Jafari continued filling out the cabinet by appointing the five remaining permanent ministers (2 of which were Sunnis) and one (Sunni) deputy prime minister. One of the Sunnis was Defense Minister, Sadoun al-Dulaymi, a former official in Saddam Hussein's security service who broke with the regime in 1984 and lived in exile in Saudi Arabia. However, the other Sunni ministers hold slots they consider relatively unimportant, such as the ministries of culture and of women's affairs. Some of the difficulties in appointing Sunnis were reportedly caused by UIA and Kurdish resistance to appointing any Sunnis who were in the Baath Party. With all slots filled, of the 32 ministers, 16 are Shiites, 8 are Kurds, 6 are Sunnis, one is Christian (a Christian woman is Minister of Science and Technology), and one is Turkoman (Minister of Housing and Construction Jasim al-Jafar). Six are women.

The new government has received some diplomatic support, even though most of its neighbors, except Iran, resent the Shiite and Kurdish domination of the regime. At a June 22, 2005, international conference on Iraq held in Brussels, Jordan and Egypt pledged to appoint ambassadors to Baghdad. Perhaps in an effort to derail that effort, on July 2, insurgents kidnaped and killed Egypt's top diplomat in Baghdad; he was to be appointed the ambassador there. Jordan did go forward with appointing an ambassador. On July 5, insurgents attacked and wounded Bahrain's top diplomat in Iraq. In late July, insurgents captured and killed Algeria's two highest ranking envoys in Iraq, prompting Algeria to pull out. However, in early September 2005, Kuwait pledged to re-establish full diplomatic relations with the new government.

Drafting the Permanent Constitution and Next Election. On May 10, the National Assembly appointed a 55-member committee, composed of Assembly members, to begin drafting the permanent constitution. It was led by SCIRI cleric Humam al-Hamoudi. The UIA had 28 slots on that committee, the Kurdish alliance had 15, and Allawi's bloc had 8. Initially, only two of the appointees were Sunni Arabs, prompting U.S. and Iraqi public criticism of low Sunni Arab representation. Subsequently, an agreement was reached in June 2005 to expand the committee by adding 15 Sunni Arabs and 1 member of the Sabian sect as voting members, and 10 more Sunni Arabs as advisers. On July 19, 2005, two of the Sunnis (one full member and one adviser) were assassinated by unknown insurgents, prompting a several day Sunni boycott of the committee's work.

The committee did not complete the draft by the deadline of August 15, 2005, extending that period for seven days, and then even further.⁴⁰ On August 28, 2005, the drafters submitted what they called a final draft to the Assembly but said that some issues remain unresolved due to Sunni opposition. Talks with the Sunni negotiators continued until about September 15. On September 18, with the Sunnis still unsatisfied, the full Assembly approved the draft, with some minor final amendments requested by Sunnis, and the United Nations began printing the 5 million copies to be distributed to Iraqi households. Iraqis will have about three weeks to review and debate it before the national referendum on October 15, 2005. Sunnis reportedly are registering to vote in large numbers, reportedly to try to vote it down (2/3 of the voters in three provinces), although it is not certain the Sunnis could muster this super-majority in any provinces except Anbar and Salahuddin. It is possible that Sunnis might be joined in their opposition by followers of Moqtada al-Sadr, who has come out against the constitution primarily because of its provisions on federalism. However, most Shiites are likely to vote in favor because Ayatollah Sistani endorsed the document on September 22, and the Kurds strongly support the document as well. The following are major provisions or issues still provoking Sunni disagreement (discussed in greater depth in CRS Report RS21968, *Iraq: Elections, Government, and Constitution*):

- The Shiite Islamists succeeded in elevating the role of Islam to be “a main source of law.” The draft gives each sect and family the option of using civil or Islamic law (Sharia) in domestic situations, but many Iraqi women fear that their male elders will decide on use of Sharia courts, which might deprive them of substantial rights on matters such as divorce and inheritances. On the other hand, the 25% electoral goal for women is retained (as a permanent feature), and the concept of equal rights for men and women is stated.
- The Shiite Islamist bloc dropped its effort to include in the draft a special status to the Shiite clergy (the *marjaiyya*, currently Sistani) and (mostly Shiite) religious sites, a move opposed by the Sunnis and the Kurds.
- The issue of the strength of the central government (“federalism”) continues to be the issue provoking the most Sunni opposition. The Kurds and Shiites, whose regions have substantial oil reserves, have included in the draft a weak central government, and the ability of several provinces together to form autonomous “regions” with their own regional governments and internal security forces. The Sunnis oppose this concept because their region lacks oil and they depend on the central government for revenues. The Sunnis reportedly are unhappy with a provision of the draft that would place any new energy discoveries under at least partial control of regional governments, rather than the central government. The final (September 18) set of minor amendments did, as the Sunnis

⁴⁰ The TAL provided for a six month drafting extension if the Assembly cannot complete a draft by the specified deadline, but the drafters did not exercise this option.

demanded, place water resources under the control of the central government.

- In an effort to satisfy the Sunnis, the drafters have established a second chamber of the National Assembly (“Federation Council”), which will consist of provincial representatives, but its powers and method of selection are not specified in the draft.
- The Sunnis only obtained partial limitations on the extent of de-Baathification. The final set of amendments also moved toward the Sunnis’ position in stating that Iraq has historically been a part of the Arab nation.

Democracy-Building and Local Governance. The United States and its coalition partners are also trying to build civil society and democracy at the local level. U.S. officials say Iraqis are freer than at any time in the past 30 years, with a free press and the ability to organize politically. On the other hand, the State Department report on human rights in Iraq, released on February 28, 2005, notes numerous human rights abuses of the interim government, mostly by the police, but attributes the abuses to the interim government’s drive to secure the country.⁴¹

According to a State Department report to Congress in July 2005 detailing how the FY2004 supplemental appropriation (P.L. 108-106) is being spent (“2207 Report”), a total of \$941 million has been allocated for “democracy and governance” activities, and about \$56 million is allocated for related “rule of law” programs. An additional \$133 million is allocated to build and secure courts. An additional \$360 million for these activities was requested in the FY2006 regular foreign aid appropriations request, but those funds are not in the House-passed version of (H.R. 3057). The Senate-passed version fully funds the Administration’s FY2006 foreign aid request (presumably including all Iraq-related accounts) and contains an amendment by Senator Kennedy specifying \$28 million each to the International Republican Institute and the National Democratic Institute for democracy promotion in Iraq. Both those organizations, as well as the U.S. Institute of Peace and other groups, have been implementing U.S. funded democracy-building programs in Iraq.

Run by the State Department Bureau of International Narcotics and Law Enforcement Affairs (State/INL), USAID, and State Department Bureau of Democracy, Human Rights, and Labor (DRL), activities funded, aside from assistance for the January 30 elections, include the following.

- Several projects attempting to increase the transparency of the justice system, computerize Iraqi legal documents, train judges and lawyers, develop various aspects of law, such as commercial laws, promote legal reform, and support the drafting of the permanent constitution.

⁴¹ U.S. State Department, *Country Report on Human Rights Practices, Iraq*. February 28, 2005.

- The “Community Action Program”: local reconstruction projects such as school refurbishment that are voted on by village and town representatives. About 225 such projects have been completed thus far.
- Assistance to local governments on budgeting, finance, taxation, record computerization, and 30,000 “civic dialogue activities.”
- An orientation manual for members of the National Assembly.
- Independent media promotion.
- Women’s democracy initiatives, including candidate training, anti-violence programs, and political participation.

Provincial Reconstruction Development Committees. According to the July 2005 “2207 report,” the Administration is expanding its emphasis on developing regional governance. U.S. “Provincial Support Teams” composed of U.S. diplomats and military personnel are encouraging the formation of “Provincial Reconstruction Development Committees (PRDC’s) composed of provincial council members, representatives of the Iraqi governor of that province, and local ministry representatives. Each PRDC is to establish regional plans and priorities for reconstruction. During April-July 2005, the United States made available \$241 million (\$80 million in Commanders’ Emergency Response Program, CERP, funds and \$161 million in USAID-administered Community Action Program and Local Governance Program funds) for this initiative.

Economic Reconstruction and U.S. Assistance

The Administration asserts that economic reconstruction will contribute to stability, and U.S. officials have sought to ensure that there are adequate resources for governance and reconstruction. In September 2004, the State Department decided to shift focus to smaller scale projects that could quickly employ Iraqis and yield concrete benefits. Administration officials say that life has returned to normal in much of Iraq, that Iraq’s economy is recovering, and that many Iraqis are demonstrating their confidence by buying goods. However, U.S. officials acknowledge that the difficult security environment has slowed reconstruction. Electricity was above pre-war levels in mid-2004 and is now about at pre-war levels (102,000 MWh as of September 19, 2005), giving Baghdad about 12 hours of power per day, although the national average is 14 hours per day. Sanitation, health care, and education have improved statistically, although some recent studies say that Iraq’s health care system and some health indicators are in a state of crisis.⁴² Lines for gasoline often last many hours, and the government has said it will continue to subsidize gas purchases, virtually ensuring that demand will continue to grow.

The Oil Industry. As the driver of Iraq’s economy, the rebuilding of the oil industry has received substantial U.S. attention. Before the war, it was widely

⁴² Vick, Karl. “Children Pay Cost of Iraq’s Chaos,” *Washington Post*, November 21, 2004.

asserted by Administration officials that Iraq's vast oil reserves, believed second only to those of Saudi Arabia, would fund much, if not all, reconstruction costs. The oil industry infrastructure suffered little damage during the U.S.-led invasion (only about nine oil wells were set on fire), but it has become a target of insurgents. Insurgents have particularly focused their attacks on pipelines in northern Iraq; those lines feed the Iraq-Turkey oil pipeline that is loaded at the Mediterranean port of Ceyhan, Turkey. As shown in the table, the attacks have kept production and exports below expected levels, although high world oil prices have more than compensated for the output shortfall.

Table 1. Iraq's Oil Sector

Oil Production (9/2005)	Oil Production (pre-war)	Oil Exports (9/2005)	Oil Exports (pre-war)	Oil Revenue (2004)	Oil Revenue (as of 9/2005)
2.09 million barrels per day (mbd)	2.5 mbd	1.38 mbd	2.2 mbd	\$17 billion	\$16.84 billion

Note: Oil export revenue is net of a 5% deduction for reparations to the victims of the 1990 Iraqi invasion and occupation of Kuwait, as provided for in U.N. Security Council Resolution 1483 (May 22, 2003). That 5% deduction is paid into a U.N. escrow account controlled by the U.N. Compensation Commission to pay judgments awarded.

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. Iraq's interim government has contracted for a study of the extent of Iraq's oil reserves, and it has contracted with Royal Dutch/Shell to formulate a blueprint to develop the gas sector.

International Donations. A World Bank estimate, released in October 2003, said Iraq reconstruction would require about \$56 billion during 2004-2007, including the \$21 billion in U.S. funding. At an October 2003 donors' conference in Madrid, donors pledged about \$13.6 billion, including \$8 billion from foreign governments and \$5.5 billion in loans from the World Bank and IMF. Another donors' meeting was held in Tokyo during October 13-14, 2004, with commitments by donors to accelerated payments on existing pledges. Iran joined as a donor country, pledging \$10 million. Of the funds pledged by other foreign governments, about \$3 billion has been disbursed, as of July 2005.⁴³ Included in that figure is about \$400 million in International Monetary Fund (IMF) loans, which were disbursed in 2004 after Iraq cleared up \$81 million in arrears to the Fund dating from Saddam Hussein's regime. The World Bank reportedly is considering returning staff to Iraq; its staff had left Iraq after the August 2003 bombing of U.N. headquarters in Baghdad.

⁴³ For information on international pledges, see CRS Report RL32105, *Post-War Iraq: Foreign Contributions to Training, Peacekeeping, and Reconstruction*.

The U.S. Military and Reconstruction. The U.S. military has attempted to promote reconstruction to deprive the insurgency of popular support. A key tool in this effort is the funding of small projects to promote trust among the population and promote interaction of Iraqis with the U.S. military. Called the Commanders Emergency Response Program (CERP), the DOD funds are controlled and disbursed by U.S. commanders at the tactical level. The total amount of CERP funds for Iraq for FY2004 was \$549 million, of which \$179 was from seized Iraqi assets, \$230 million was from Iraq's oil revenues; and \$140 million was from DOD operations and maintenance funds appropriated for this program in the FY2004 supplemental appropriation (P.L. 108-106). Additional funds for this program are being provided by the Iraqi government. Over 1,000 small projects were funded under this program in the first quarter of calendar 2005, and the program employs 24,000 Iraqis. The FY2005 supplemental appropriation (P.L. 109-13) provides the requested \$320 million in FY2005 CERP funds.

A similar program began in October 2004, called the Commander's Humanitarian Relief and Reconstruction Projects (CHHRP). About \$86 million in FY2005 is allocated for this program. These funds are for small projects, such as water and sewage repairs, mainly in restive Sunni towns such as Ramadi and Samarra, but also in the Kurdish areas.

Supplemental U.S. Funding. Three supplemental appropriations include funds for reconstruction. An FY2003 supplemental, P.L. 108-11, appropriated about \$2.5 billion for Iraq reconstruction. An FY2004 supplemental appropriations (P.L. 108-106) provided about \$18.5 billion for Iraq reconstruction (not including about \$50 billion appropriated for U.S. military costs). The two total \$20.912 billion available for reconstruction. Of those funds, \$16.8 billion has been obligated, and, of that, \$10.64 billion has been disbursed as of September 14, 2005.

The 2207 Report mandated by the FY2004 supplemental (P.L. 108-106) is to specify how those funds are allocated. According to the latest 2207 report (July 2005), the allocations are as follows:

- \$5.018 billion: Security and Law Enforcement;
- \$1.25 billion: Justice, Public Safety, Infrastructure, and Civil Society;
- \$941 million: democracy and governance;
- \$4.3 billion: Electricity Sector;
- \$1.7 billion: Oil Infrastructure;
- \$2.15 billion: Water Resources and Sanitation;
- \$509 million: Transportation and Communications;
- \$334 million: Roads, Bridges, and Construction;
- \$786 million: Health Care;
- \$840 million: Private Sector Employment Development. Includes \$352 million for debt relief for Iraq;
- \$363 million: Education, Refugees, Human Rights, Democracy, and Governance. Includes \$99 million for education, and \$25 million for "human rights" programs and "civic programs;" and
- \$214 million: USAID administrative expenses.

FY2005 Iraq Security Forces Funding/FY2006. No new funds for Iraq reconstruction were requested in the Administration's regular budget request for FY2005. One FY2005 supplemental appropriation of \$25 billion will be used mostly for military costs in Iraq and Afghanistan. The second FY2005 supplemental (P.L. 109-13) contained virtually all the funds requested — \$68 billion to cover U.S. military costs for the wars in Iraq and Afghanistan, and \$5.7 billion to train and equip Iraqi forces.

As noted above, the Administration's regular FY2006 foreign aid budget request asked for \$360 million in funds for democracy and governance activities in Iraq. An additional \$26 million was requested to improve the capacity of Iraq's police and justice sector. The House-passed version of the FY2006 foreign aid appropriations (H.R. 3057) does not provide the requested funds for Iraq on the grounds that sufficient funds remain from previous appropriations. The Senate-passed version fully funded the Administration request and thereby contains the funds requested for Iraq as well as the amendment discussed above for additional democracy promotion funds.

Lifting U.S. Sanctions. The Bush Administration has lifted most U.S. sanctions on Iraq, beginning with Presidential Determinations issued under authorities provided by P.L. 108-7 (appropriations for FY2003) and P.L. 108-11 (FY2003 supplemental):

- On July 30, 2004, President Bush issued an executive order ending the package of sanctions imposed on Iraq following the 1990 invasion of Kuwait. Those measures were in Executive Order 12722 (August 2, 1990) and 12724 (August 9, 1990), issued after Iraq's August 2, 1990, invasion of Kuwait. They imposed a ban on U.S. trade with and investment in Iraq and froze Iraq's assets in the United States. The Iraq Sanctions Act of 1990 (Section 586 of P.L. 101-513, signed November 5, 1990) reinforced those orders.
- On September 8, 2004, the President designated Iraq a beneficiary of the Generalized System of Preferences (GSP), enabling Iraqi products to have duty-free tariff treatment for entry into the United States.
- On September 24, 2004, Iraq was removed from the U.S. list of state sponsors of terrorism under Section 6(j) of the Export Administration Act (P.L. 96-72). Iraq is thus no longer barred from receiving U.S. foreign assistance, U.S. votes in favor of international loans, and sales of munitions list items (arms and related equipment and services). Exports of dual use items (items that can have military applications) are no longer subject to strict licensing

procedures.⁴⁴ The July 30, 2004, order did not unfreeze any assets in the United States of the former regime.

- The FY2005 supplemental request asks to remove Iraq from a named list of countries for which the United States is required to withhold its voluntary contributions to international organizations. The requirement is for the withholding of a proportionate share of the cost of any programs such organizations conduct for those countries. That provision is in P.L. 109-13.

Debt Relief/WTO Membership. The Administration is attempting to persuade other countries to forgive Iraq's debt built up during the regime of Saddam Hussein. The debt is estimated to total about \$116 billion, not including reparations dating to the first Persian Gulf war. On November 21, 2004, the "Paris Club" of 19 industrialized nations agreed to cancel about 80% of the \$39 billion Iraq owes them. However, the Persian Gulf states that supported Iraq during the Iran-Iraq war have not to date firmly agreed to write-off Iraq's approximately \$50 billion in debt to those countries (Saudi Arabia, Kuwait, United Arab Emirates, and Qatar). On December 17, 2004, the United States signed an agreement with Iraq writing off 100% of Iraq's \$4.1 billion debt to the United States; that debt consisted of principle and interest from about \$2 billion in defaults on Iraqi agricultural credits from the 1980s.⁴⁵ On December 13, 2004, the World Trade Organization (WTO) agreed to begin accession talks with Iraq.

Political and Security Challenges, Responses, and Options

The Bush Administration cites the relatively successful elections and the growth of the Iraqi security forces to assert that current U.S. policy will lead to stability and democracy and should be maintained. However, some opinion polls released since June 2005 and statements by several Members of Congress show growing nervousness over continued U.S. casualties and persistent violence in Iraq. Some Members of Congress say U.S. policy is failing, and they and some outside experts are calling for significant changes in direction in Iraq.

The Insurgent Challenge

The Sunni Arab-led insurgency against U.S. and Iraqi forces has defied most U.S. expectations in intensity and duration.⁴⁶ Although they are hesitant to assess the

⁴⁴ A May 7, 2003, executive order left in place the provisions of the Iran-Iraq Arms Non-Proliferation Act (P.L. 102-484); that act imposes sanctions on persons or governments that export technology that would contribute to any Iraqi advanced conventional arms capability or weapons of mass destruction programs.

⁴⁵ For more information, see CRS Report RS21765, *Iraq: Debt Relief*.

⁴⁶ For further information, see Baram, Amatzia. "Who Are the Insurgents?" U.S. Institute (continued...)

size of the insurgency, U.S. commanders say that insurgents probably number approximately 12,000-20,000. Some Iraqi (intelligence) officials have publicly advanced higher estimates of about 40,000 active insurgents, helped by another 150,000 persons in supporting roles. CENTCOM Commander Gen. John Abizaid, commander of all U.S. forces in the Persian Gulf, East Africa, and Central Asia, said in testimony (Senate Armed Service Committee) on March 1, 2005, that the insurgency fielded about 3,500 fighters on January 30, 2005, election day. About 15,000 suspected insurgents are now in prison in Iraq, and the U.S. military announced in August 2005 that an extra 700 U.S. forces were sent to guard them.

The insurgents, believed to be loosely coordinated at the regional although probably not national level, have failed to derail the political transition, but they are having some success in their attempt to cause international workers, diplomats, and U.S.-led coalition peacekeeping forces to leave and to paint the Iraqi government as ineffective. Targets have included not only U.S. forces and Iraqi officials and security forces but also Iraqi civilians working for U.S. authorities, foreign contractors, oil export and gasoline distribution facilities, and water, power, and other infrastructure facilities. At times recently, insurgent attacks have caused blackouts and water shutdowns in parts of Baghdad.

The bulk of the insurgents appear to be motivated by opposition to perceived U.S. rule in Iraq, but some insurgents might be motivated by the goal of establishing an Islamic state. Others want to bring Sunnis back into power, whether Baathist or not, or to at least carve out for Sunni Arabs a larger role in post-Saddam governance. The generally older and more well-funded former Baathists might be hoping to bring the party, and perhaps Saddam Hussein himself, back to power. The following major insurgent factions are composed mostly of Iraqis, although some foreign fighters might be participating in them:

- The Islamic Army of Iraq. Claimed responsibility for a January 9, 2005 attack that killed eight Ukrainian troops and one Kazakh soldier.
- Muhammad's Army. This faction is said to be led by radical Sunni cleric Abdullah al-Janabi, who was said to be in Fallujah before the November 2004 U.S. offensive there.
- The Al Haq Army. Active in and around Ramadi.

The U.N. Security Council has adopted the U.S. interpretation of the insurgency. On August 4, 2005, it adopted Resolution 1618, condemning the "terrorist attacks that have taken place in Iraq," including attacks on Iraqi election workers, constitution drafters, and foreign diplomats in Iraq.

Sunni Clerics and Political Relations with the Insurgency. There is no one recognized Sunni Arab leader in Iraq now that Saddam has been toppled.

⁴⁶ (...continued)
of Peace, Special Report 134, April 2005.

Some leading Sunni personalities, such as Ghazi al-Yawar, were discussed above. Two Sunni organizations are now participating openly in the political process: the Sunni Endowment, a government agency responsible for Sunni religious affairs, headed by Ahmad al-Samarrai; and the National Dialogue Council, headed by Saleh al-Mutlak. The latter is considered a loose grouping of ex-Baathists and other Sunnis who want to achieve a larger role for Sunnis through negotiations with Iraq's newly dominant communities.

However, many Iraqi insurgents appear to respect a network of Sunni Islamist clerics or politicians that have opposed the U.S. presence and have not participated in any governing structures. These clerics belong to an organization called the Muslim Clerics Association (MCA), which claims to represent 3,000 Sunni mosques countrywide. The MCA is led by Harith al-Dhari, who heads the large Umm al-Qura mosque in Baghdad, and a leader of the Abu Hanifa mosque in Baghdad, Abd al-Salam al-Qubaysi. The MCA has, on occasion, succeeded in persuading insurgent groups to release Western or other hostages. The MCA urged a boycott of the January 2005 elections but, since then, at least one MCA cleric has indicated that Sunnis should join the security forces, if only to prevent a Shiite/Kurdish takeover of those institutions. The MCA is not urging a boycott of the constitution referendum, but rather participation to try to defeat the draft.

Another major Sunni Islamist organization is the Iraqi Islamic Party (IIP) of Muhsin Abd al-Hamid. It is considered more moderate than the MCA, and might have some influence over some insurgent groups. It participated in the IGC and registered for the January 30 election but pulled out of the vote in December 2004, shortly after the U.S. assault on Fallujah. It also is advocating that Sunnis vote "no" in the October 15 referendum. U.S. officials acknowledge openly that some Sunni representatives from the two harder-line Sunni organizations mentioned above have held discussions with U.S. military personnel and diplomats about conditions under which they might pressure insurgents to enter the political process.

Foreign Insurgents/Zarqawi

A relatively small but important component of the insurgency are non-Iraqi fighters.⁴⁷ A study by the Center for Strategic and International Studies released in September 2005 said that about 3,500 foreign fighters are in Iraq, which would represent just under 20% of the overall insurgency if the U.S. military estimate of 20,000 total insurgents is correct. According to the study, the foreign fighters come mostly from Algeria, Syria, Yemen, Sudan, Saudi Arabia, and Egypt, with Saudis constituting only about 350 of the 3,000 estimated foreign fighters.

A major portion of the foreign insurgent contingent is commanded by Abu Musab al-Zarqawi, a 39-year-old Jordanian Arab who reputedly fought in Afghanistan during the 1980s alongside other Arab volunteers for the "jihad" against the Soviet Union. Zarqawi came to Iraq in late 2001 after escaping the U.S. war effort in Afghanistan along with several hundred Arab fighters. They made their way to northern Iraq, after transiting Iran and Saddam-controlled Iraq, eventually taking

⁴⁷ See CRS Report RL32217, *Iraq and Al Qaeda: Allies or Not?*

refuge with a Kurdish Islamist faction called Ansar al-Islam,⁴⁸ near the town of Khurmal.⁴⁹ They occasionally clashed with PUK fighters around Halabja. After the Ansar enclave was destroyed in Operation Iraqi Freedom, Zarqawi fled to the Sunni Arab areas of Iraq and began using other organizational names, including the Association of Unity and Jihad, which was named as an FTO on October 15, 2004. Since then, as he has affiliated with bin Laden, he has changed his organization's name to "Al Qaeda Jihad in Mesopotamia" (Iraq's name before its formation in the 1920s). It is named as an FTO, assuming that designation from the earlier Unity and Jihad organizational title.⁵⁰ Press reports said that U.S. forces almost caught him near Ramadi in February 2005, and his aides posted web messages that he was seriously wounded in a subsequent U.S. raid but then regained health.

Zarqawi's faction has been the subject of substantial U.S. counter-efforts because of its alleged perpetration of "terrorist" attacks — suicide and other attacks against both combatant and civilian targets. Some of the previous major attacks attributed to this faction include the bombings in Baghdad of U.N. headquarters at the Canal Hotel (August 19, 2003)⁵¹ and the August 2003 bombing that killed SCIRI leader Mohammad Baqr Al Hakim. The group, and related factions, have also kidnaped a total of over 200 foreigner workers, many of whom have subsequently been killed. More recently, the group has been targeting Iraqi Shiite festivals and ceremonies, most likely hoping to provoke civil conflict between Sunnis and Shiites; in September 2005, Zarqawi declared war on Iraq's Shiites, according to a website attributed to his followers. However, this tactic reportedly has caused tensions and occasional armed clashes with Iraqi insurgent factions that oppose attacks on purely civilian targets. There is some speculation that Zarqawi's faction, or a related group, might have committed the August 19, 2005, failed rocket attack in the Jordanian port of Aqaba against two U.S. warships docked there.

An offshoot of Zarqawi's group is called "Ansar al-Sunna," or Partisans of the Traditions [of the Prophet]. This group reportedly blends both foreign volunteers and Iraqi insurgents. Ansar al-Sunna claimed responsibility for the December 21, 2004, attack on Camp Marez in Mosul that killed 22, including 14 U.S. soldiers, and has been responsible for several subsequent attacks particularly in the Mosul area.

⁴⁸ Ansar al-Islam originated in 1998 as a radical splinter faction of a Kurdish Islamic group called the Islamic Movement of Iraqi Kurdistan (IMIK). Based in Halabja, the IMIK publicized the effects of Baghdad's March 1988 chemical attack on that city. Ansar is named by the State Department as a Foreign Terrorist Organization (FTO).

⁴⁹ Chivers, C.J. "Repulsing Attack By Islamic Militants, Iraqi Kurds Tell of Atrocities," *New York Times*, Dec. 6, 2002.

⁵⁰ In early 2004, U.S. forces captured a letter purportedly written by Zarqawi asking bin Laden's support for Zarqawi's insurgent activities in Iraq and an Islamist website broadcast a message in October 2004, reportedly deemed authentic by U.S. agencies, that Zarqawi has formally allied with Al Qaeda. There have also been recent press reports that bin Laden has asked Zarqawi to plan operations outside Iraq. For text, see [<http://www.state.gov/p/nea/rls/31694.htm>].

⁵¹ Among the dead in the latter bombing was the U.N. representative in Iraq, Sergio Vieira de Mello, and it prompted an evacuation of U.N. personnel from Iraq.

Outside Support. Some public U.S. assessments say the insurgents, both Iraqi and non-Iraqi, receive funding from wealthy donors in neighboring countries such as Saudi Arabia,⁵² where a number of clerics have publicly called on Saudis to support the Iraqi insurgency. Other accounts say that insurgent leaders are using Syria as a base to funnel money and weapons to their fighters in Iraq,⁵³ an assessment that drew additional credence when Syria turned Saddam's half brother Sabawi over to Iraqi authorities in February 2005. In September 2005, U.S. ambassador Khalilzad publicly accused Syria of allowing training camps in Syria for Iraqi insurgents to gather and train before going into Iraq. These reports have led to U.S. warnings to and imposition of additional U.S. sanctions against Syria and to the U.S. Treasury Department's blocking of assets of some suspected financiers of the insurgency.

Defense Secretary Rumsfeld confirmed in August 2005 that some explosives from Iran had been intercepted in Iraq, although he did not assert that the shipment was authorized by Iran's government. Others believe that outside support is minimal and that the insurgents have ample supplies of arms and explosives; according to the Defense Department, about 250,000 tons of munitions remain around in Iraq in arms depots not secured after the regime fell.

U.S. Responses to the Insurgency

Subsequent to the capture of Saddam Hussein in December 2003, some U.S. commanders said the United States had "turned the corner" against the resistance, but Secretary of Defense Rumsfeld said in September 2004 that the insurgency was "worsening." In her confirmation hearings on January 18-19, 2005, Secretary of State Condoleezza Rice said the insurgency "cannot be overcome by military force alone," an assertion repeated by U.S. officials and commanders in recent months.

U.S. officials expressed more optimism after the January 30, 2005, elections. In his March 2005 congressional testimony referenced above, Gen. Abizaid characterized the elections as a rebuke to the insurgents and a key to what he said was a "waning" of the insurgency, pointing out that no polling stations were overrun that day. However, after a post-election lull, insurgent attacks escalated to about 70 attacks per day — including suicide and other attacks that have killed several thousand Iraqis since April 2005, including 160 Iraqi civilians on one day (September 14). In concert with Administration events to commemorate the first anniversary (June 28, 2005) of the handover of sovereignty, top U.S. defense officials in Iraq and the region testified before Congress and appeared on U.S. news programs, asserting progress but acknowledging that the insurgency has not diminished.

U.S. Counter-Insurgent Operations. U.S. officials say that U.S. forces will remain in Iraq to defend the Iraqi government until it is capable of securing Iraq on its own. About 138,000 U.S. troops are in Iraq, with about another 20,000 troops

⁵² Krane, Jim. "U.S. Officials: Iraq Insurgency Bigger." Associated Press report published in the Philadelphia Inquirer. July 9, 2004; Schmitt, Eric, and Thom Shanker. "Estimates By U.S. See More Rebels With More Funds," *New York Times*, October 22, 2004.

⁵³ Blanford, Nicholas. "Sealing Syria's Desolate Border," *Christian Science Monitor*, December 21, 2004.

permanently in Kuwait supporting OIF, and another 23,000 coalition partner forces in Iraq from 29 other countries. The U.S. military says another 2,000 U.S. forces will be sent to help secure the October 15 constitution referendum.

Despite the assessments of the insurgents' continued strength, in March 2005, and then again on July 27, 2005, Gen. Casey has said that there could be "fairly substantial reductions" in the number of U.S. troops in Iraq by March 2006,⁵⁴ although he predicated such a reduction on continued political progress and the insurgency not escalating beyond current levels. Other senior U.S. defense officials subsequently downplayed the remarks, and U.S. Army chief of staff Gen. Peter Schoomaker said on August 18, 2005, that the Army is planning, as a worst case scenario, for forces close to current levels through 2009. During a visit to Washington in September 2005, Iraqi president Talabani first talked about the possibility of troop reductions in 2006 but then largely retracted that statement, saying no timetable should be set for a U.S. pullout.

A major focus of U.S. combat is in the province of al-Anbar, which includes the city of Fallujah. In April 2004, after the city fell under insurgent control (it was run by a "mujahedin shura," or council of insurgents), U.S. commanders contemplated routing insurgents from the city but, concerned about collateral damage and U.S. casualties, they agreed to allow former Iraqi officers to patrol it. This solution quickly unraveled and, as 2004 progressed, about two dozen other Sunni-inhabited towns, including Baqubah, Balad, Tikrit, Mosul, Ramadi, Samarra, and Tal Affar, as well as the small towns south of Baghdad, fell under insurgent influence.

U.S. forces, joined by Iraqi forces, began operations in September 2004 to expel insurgents from these cities. Most notable was "Operation Phantom Fury" on Fallujah (November 2004), involving 6,500 U.S. Marines and 2,000 Iraqi troops. U.S. forces captured the city within about ten days, killing an estimated 1,200 insurgents and finding numerous large weapons caches and a possible chemical weapons lab, but most of the guerrillas left before the U.S. offensive began. Over half of the city's 250,000 have now returned, and some reconstruction has begun there, using U.S. funds from a \$246 million "post-battle reconstruction initiative,"⁵⁵ drawn from funds appropriated in the FY2004 supplemental (P.L. 108-106). However, some fighting continues there. Funds from the initiative are also being used for reconstruction in other cities damaged by U.S. operations, such as Samarra and Najaf, a mostly Shiite city that was damaged by the Sadr uprisings in 2004. Despite the U.S. operations, violence is prevalent in virtually all of the major Sunni cities, and election day turnout in them was far lower than in the Shiite and Kurdish areas of Iraq. (Turnout in all of Anbar province was well below 10%, and some cities, such as Ramadi, saw almost no voting at all.)

Since May 2005, U.S. (and Iraqi) forces have conducted several operations (Operations Matador, Dagger, Spear, Lightning, and Sword) to clear contingents of

⁵⁴ Comments on CNN by Gen. Casey, as cited in Hendren, John. "General Predicts Reduction of American Troops in Iraq," *Los Angeles Times*, March 28, 2005.

⁵⁵ These funds are derived from the FY2004 supplemental (P.L. 108-106), which provided about \$18.6 for Iraq reconstruction.

foreign fighters that had entered Iraq near the towns of Qaim, Husaybah, and Ubaydi, and had dug in there, and other insurgents in Hit, Haditha, and Baghdad itself (near the airport). U.S. forces claim to have cleared these areas of insurgents, although U.S. commanders say some of the fighters might have melted into neighboring areas and could re-infiltrate once U.S. and Iraqi forces leave. In September 2005, U.S. and Iraqi forces conducted a major offensive to clear insurgents from Tal Afar, and U.S. officials say Iraqi forces will remain in the city to prevent re-infiltration.

Casualties. As of September 23, 2005, about 1,911 U.S. forces and about 200 coalition partner soldiers have died in OIF, as well as over 100 U.S. civilians working on contract to U.S. institutions in Iraq. Of U.S. deaths, about 1,800 have occurred since President Bush declared an end to “major combat operations” in Iraq on May 1, 2003, and about 1,500 of the U.S. deaths were by hostile action. About 2,000 members of the Iraqi Security Forces, which are analyzed below, have been killed in action, to date.

Building Iraqi Security Forces (ISF)⁵⁶

A major pillar of current U.S. policy is to equip and train Iraqi security forces (ISF) that could secure Iraq by themselves and enable U.S. forces to draw down. President Bush stated in his June 28, 2005 speech, “Our strategy can be summed up this way: As the Iraqis stand up, we will stand down.”⁵⁷ The conference report on the latest FY2005 supplemental appropriation (P.L. 109-13) required a Defense Department report to Congress on the status of securing Iraq, particularly the building of the ISF. That report, released July 21, 2005, entitled “Measuring Stability and Security in Iraq,” generally reiterates U.S. official statements of progress in Iraq and contains details of the training of the ISF.

The Department of Defense reports that, as of September 21, 2005, there are 192,100 total members of the ISF: 87,800 “operational” military forces under Iraq’s Ministry of Defense and 104,300 police/lighter forces “trained and equipped” under the Ministry of Interior. They are organized into 107 total battalions. The total force is approaching the 271,000 goal set for July 2006.

Many of the raw numbers of ISF are subject to interpretation. In hearings and statements, some Members of Congress who have visited Iraq said in June 2005 that they have been told that only about 5,000 - 10,000 ISF (3-6 battalions) are capable of independent counter-insurgency operations.⁵⁸ That number appears to be confirmed by a written answer to the Senate Armed Services Committee by Vice Chairman of the Joint Chiefs of Staff Peter Pace (June 29, 2005), who noted that “Only a small number of [ISF] are taking on the insurgents and terrorists

⁵⁶ For additional information, see CRS Report RS22093. *Iraq’s New Security Forces: The Challenge of Sectarian and Ethnic Influences.*

⁵⁷ Speech by President Bush can be found at [<http://www.whitehouse.gov/news/releases/2005/06/print/20050628-7.html>].

⁵⁸ House Armed Services Committee *Hearing on Iraqi Security Forces.* June 23, 2005. Federal News Service.

themselves.” The remainder, according to Pace, depend on coalition support. Pace’s written comments added that “Approximately one half of [Iraqi] police battalions are forming and not yet capable of conducting operations.”⁵⁹ The police-related component of the ISF totals include possibly tens of thousands (according to the GAO on March 15, 2005) who are absent-without-leave and might have deserted. The police generally live with their families, rather than in barracks, and are therefore hard to account for.

There are also widely varying assessments of ISF effectiveness. U.S. officials and reports praise their performance in the January 30 elections noting that, on election day, some ISF put their lives on the line to protect voters and polling stations. U.S. commanders say that the election spurred recruitment for the ISF, and they cite recent operations by ISF units as evidence of their growing confidence, such as the September 2005 offensive in Tal Afar. In August 2005, U.S. commanders turned full control of the city of Najaf to the ISF. Some areas of Baghdad, such as the Haifa Street area, which has been a hotbed of insurgent activity, was turned over to Iraqi control in April 2005 and is now said to be much quieter.

At the same time, some U.S. commanders say that the ISF continue to lack an effective command structure, independent initiative, or commitment to the mission, and that it could fragment if U.S. troops draw down.⁶⁰ A report on the Iraqi police by the offices of the Inspector General of the State and Defense Departments, released July 15, 2005, said that many recruits are only marginally literate, and some recruits are actually insurgents trying to infiltrate the ISF (p.3).⁶¹ In one notable example, about three quarters of the 4,000-person police force in Mosul collapsed in the face of an insurgent uprising there in November 2004. In March 2005, 400 Iraqi soldiers deployed to the border town of Husaybah virtually disintegrated, allowing foreign fighters to enter Iraq from over the Syrian border. U.S. forces have had particular difficulty recruiting Sunni Muslims to the ISF because they are generally viewed as traitors by their community if they join the ISF. U.S. commanders have reportedly told some visiting Members of Congress in Iraq that Iraqi security organs might not be able to secure Iraq by themselves for at least two more years.

The accelerated training and equipping of the Iraqis is a key part of U.S. policy. Maj. Gen. David Petraeus, who had served until late 2003 as commander of the 101st Airborne Division, oversaw the training of the ISF as head of the Multinational Security Transition Command-Iraq (MNSTC-I).⁶² In September 2005, he was replaced by Maj. Gen. Martin Dempsey. The Administration has been shifting much U.S. reconstruction funding into this security force training and equipping mission. According to the July 2005 “2207 report,” a total of \$5.02 billion in FY2004 funds has been allocated to build (train, equip, provide facilities for, and in some cases

⁵⁹ General Pace Answer to SASC Member Senator Levin. June 29, 2005.

⁶⁰ Officers Worry Iraqi Army Will Disintegrate After U.S. Draws Down. *Inside the Pentagon*, September 15, 2005.

⁶¹ Inspectors General. U.S. Department of State and U.S. Department of Defense. *Interagency Assessment of Iraqi Police Training*. July 15, 2005.

⁶² For more information on this mission, see [<http://www.mnstci.iraq.centcom.mil/>].

provide pay for) the ISF. That is about 50% more than was originally allocated for this function when the supplemental funds were first apportioned. Of those funds, \$4.626 billion has been allocated as of September 21. In addition, as a result of the deficiencies of the ISF, in 2005 the U.S. military began adopting plans, reportedly based on the January 2005 review conducted by Gen. Gary Luck, to shift up to 10,000 U.S. forces in Iraq from patrolling to embedding with Iraqi units.

The FY2005 supplemental appropriation (P.L. 109-13) provides an additional \$5.7 billion to equip and train the ISF, funds to be controlled by the Department of Defense and provided to MNSTC-I. When spent, that would bring the total invested on ISF to \$11 billion. The funds are slated for the various ISF as noted below.

ISF Components. The following, based on Administration reports from May 2005, are the status of the major Iraqi security institutions.⁶³

Ministry of Defense/Military Forces. The following forces are considered military forces, under the control of the Ministry of Defense.

- *Iraqi Army.* The CPA formally disbanded the former Iraqi army following Bremer's arrival in Baghdad; the outcome of that move is still being debated. About 87,000 of both Army and National Guard (see below) are reported as "operational." Of this force, about 17,000 might be strictly Army (not National Guard). New recruits are paid \$60 per month and receive eight weeks of training. Of FY2004 and FY2005 funds, \$731 million is allocated for Iraqi Army facilities; \$629 million is for equipment; and \$429 million for training and operations.
- *Iraqi National Guard (ING).* This force, formerly called the Civil Defense Corps, or ICDC, has now been made part of the "Army," although it is largely a paramilitary force that mans checkpoints and assists in combating insurgents. This force may consist of about 70,000 of the broader "Army" total force cited above. Recruits are paid \$50 per month and cannot have served in Iraq's former army at a level of colonel or higher. They receive three weeks of training but most of their training is "on-the-job," patrolling alongside U.S. forces. Its members tends to be deployed in areas where they are recruited. Of FY2004 and FY2005 funds, \$225 is allocated for ING operations and personnel; \$92 million is for its equipment; and \$359 million is for its facilities construction.
- The *Iraqi Intervention Force*, another military force, is divided into four brigades (perhaps about 3,000 personnel) trained and equipped. Recruits receive thirteen weeks of basic and urban operations training.

⁶³ Most of the information in this section comes from State Department weekly summaries on Iraq. Numbers of some ISF categories are openly reported, but some specific categories are classified and can only be estimated from open sources.

- *Special Operations Forces.* These forces consist of “Iraqi Counter Terrorist Forces” (ICTF) and a “Commando Battalion.” The forces are given 12 weeks of training, mostly by Jordanian officers in Jordan. Several hundred are estimated to have been trained or equipped, and the goal is 2,000.
- *Air Force.* It currently has about 200 personnel of its goal of 500, manning four squadrons. Because the Saddam-era air force was destroyed in the various wars with the United States, the new Air Force only flies nine helicopters, three C-130s, and eight propeller observation aircraft. The UAE has said it would supply the Iraqi Air Force with some additional unspecified combat aircraft. About \$28 million in FY2004 funds was allocated for Iraqi Air Force airfields (of those funds for the Iraqi Army, above). Pilots undergo up to six months of training.
- *Navy.* This service has 700 operational personnel, roughly its target size. It has a “Patrol Boat Squadron” and a “Coastal Defense Regiment.” It is equipped with five patrol boats, with six more to be delivered, 24 Fast Aluminum Boats to patrol Iraq’s waterways (out to the 12-mile international water boundary in the Persian Gulf) to prevent smuggling and infiltration. In March 2005, it took control of its own naval base at Umm Qasr and, as of July 2005, U.S. Navy personnel have turned over responsibility for Iraq’s Basrah port and Khor Al Amaya oil terminals. The Royal Australian Navy is training some of the Iraqi navy personnel.
- *Military Training.*⁶⁴ U.S. training takes place at Taji, north of Baghdad; Kirkush, near the Iranian border; and Numaniya, southeast of Baghdad. All 26 NATO countries are participating in the NATO Training Mission-Iraq (NTM-I),⁶⁵ which will open a new headquarters later in September at Rustamiya, near Baghdad. As of September 2005, 151 NATO trainers are in Iraq, according to NATO officials in Baghdad, with the goal of 300 trainers eventually. About 1,000 Iraqi officers are to be trained there each year. Additional Iraqi officers are being trained (under NTM-I) at NATO facilities in Norway, Germany, and Italy. Other countries performing training under bilateral agreements are Jordan (1,500 Iraqi officers trained at Zarqa Military College), Egypt (146 officers), and Poland. A number of other countries, such as Spain, Turkey, France (police), Malaysia, and Morocco, have offered military training, but the offers

⁶⁴ For information on foreign contributions to the training of the ISF, see CRS Report RL32105, *Post-War Iraq: Foreign Contributions to Training, Peacekeeping, and Reconstruction*.

⁶⁵ France, Belgium, Greece, Spain, Luxembourg, and Germany had previously declined to send troops to Iraq to participate in the NTM-I, although some of these countries were providing bilateral training outside Iraq.

were not responded to by Iraq. On June 2, 2005, U.S. forces turned over a military training base in Kirkuk to Iraqi control.

- *Equipment.* Iraqi military forces are poorly equipped because much of Iraq's arsenal was destroyed in OIF. The new military is being supplied with U.S. and other donated equipment and some repaired Iraqi equipment. NATO countries from the former East bloc are donating tanks and other mostly Russian-made equipment compatible with the Soviet-era equipment used by the former regime. 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 ISF; authority to repeal this ban was granted in an FY2003 emergency supplemental appropriations (P.L. 108-11), subject to a determination that sales to Iraq are "in the national interest." On July 21, 2004, the Administration determined that Iraq would be treated as a friendly nation in evaluating U.S. arms sales to Iraqi security forces and that such sales would be made in accordance with the Foreign Assistance Act and the Arms Export Control Act.

Ministry of Interior/Police Forces. The following are police forces under the Ministry of Interior. However, many of these police forces are being trained to perform counter-insurgency missions rather than traditional policing.

- *Iraqi Police Service (IPS).* There are 68,800 IPS personnel, divided primarily into provincial police departments, trained and equipped thus far. (This figure includes an unspecified number of personnel in the *Highway Patrol*.) The goal of the police force is 135,000. New police receive eight weeks of training, 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. They are recruited locally, making them susceptible to intimidation by insurgents in restive areas. Of FY2004 and FY2005 funds, \$1.806 billion has been allocated for police training.
- *Other Police Forces.* There are a number of other "police" forces, totaling 35,500. They are (1) the *Bureau of Dignitary Protection*, designed to protect Iraqi leaders, with about 500 personnel; (2) the *Special Police Commando* unit, a counter-insurgency unit with about 8,000 personnel. It receives four weeks of training; and (3) the *Civil Intervention Force*, which is also designed to counter unrest and insurgents. The force consists of an Emergency Response Unit (ERU), a hostage rescue force; the 8th Mechanized Police Brigade; and Public Order Battalions, with a total of about 12,000 personnel. Civil Intervention Force Units get four-six weeks of training.
- *Border Enforcement.* This force is also included in the MOI forces. Intended to prevent cross-border infiltration, it has about 15,000 personnel. It also has a Riverine Police component to secure water crossings (Shatt al-Arab, dividing Iran and Iraq). Members of these

forces receive four weeks of training. Of FY2004 and FY2005 funds, \$437 million is allocated for this force.

- *Police Training and Funding.* Police training is taking place mostly in Jordan (Jordan International Police Training Center, JIPTC); Iraq (Adnan Training Facility and elsewhere); and the United Arab Emirates (UAE). The countries contributing police instructors in these locations include United States, Canada, Britain, Australia, Sweden, Poland, UAE, Denmark, Austria, Finland, the Czech Republic, Germany, Hungary, Slovenia, Slovakia, Singapore, and Belgium. Also, Egypt trained 258 officers in Egypt in August 2004. Several countries, such as France and Belgium, as well as most of the countries discussed above under “military training,” have offered to train Iraqi police forces.⁶⁶
- *Facilities Protection Service.* This is a force that consists of the approximately 75,000 security guards that protect installations such as oil pumping stations, electricity substations, and government buildings. This force is not counted in U.S. totals for Iraq’s forces because it is not controlled by either the Ministry of Interior or Ministry of Defense. Of FY2004 and FY2005 funds, \$53 million has been allocated for this service.

Irregular and Militia Forces. Many of the political factions discussed earlier maintain militia forces separate from the ISF. The most prominent are SCIRI’s Badr Brigades, Kurds’ *peshmerga*, and Sadr’s Mahdi Army. These forces operate against insurgents and are sometimes accused of retaliating against Sunnis suspected of supporting the insurgents. The *New York Times* reported on June 16, 2005, that Kurdish security elements have been imprisoning Arab suspected insurgents in the Kurdish area, in contravention of Iraqi law. In an example of militia promotion of extra-legal activity, on August 9, 2005, Badr fighters reportedly helped SCIRI member Hussein al-Tahaan forcibly replace Ali al-Tamimi as mayor of Baghdad.

Some militia members have joined the ISF but retain loyalties to the parties or figures that sponsored them rather than to the ISF command structure. These recruits reportedly are undisciplined and focus primarily on carrying out retaliatory attacks against rival ethnicities and factions. An example is the “Wolf Brigade” (discussed above), which is an official component of the national police but is commanded by a Badr member. During 2004, the United States and Iraq conducted some “emergency recruitment” of former Saddam military units, mostly Sunni ex-Baathists. These units, one of which is led by Saddam-era Air Force intelligence officer Adnan Thavit, have stiffened some security operations but have also provoked threats by UIA and Kurdish leaders, who fear a future Ba’th coup,

⁶⁶ France has offered to train Iraqi police forces in Qatar.

Coalition-Building and Maintenance⁶⁷

Some Members believe that the Bush Administration did not exert sufficient efforts to enlist greater international participation in peacekeeping and that, because of the risk of casualties, the option of enlisting major new international force contingents for Iraq is no longer available. These Members and others believe that coalition building was essential to reduce the financial and military burden of the war. (About 90% of coalition casualties in Iraq have been Americans.). Coalition countries are donating only about 15% of the total U.S.-led coalition contingent in Iraq, and major potential force donors such as France and Germany refused to contribute peacekeeping forces.

The Bush Administration asserts that the United States has a substantial coalition in Iraq, pointing to the fact that 29 other countries are providing about 23,000 peacekeeping forces. However, perhaps because of international reluctance to become involved in Iraq, the Administration is focusing on maintaining the existing coalition rather than enlisting new donor forces. Poland and Britain lead multinational divisions in central and southern Iraq, respectively. The UK-led force (UK forces alone number about 8,000) is based in Basra; the Poland-led force (Polish forces number 1,700) is based in Hilla. Japan has deployed about 600 troops to Samawah, in southern Iraq, and South Korea has 3,500 troops in Kurdish Irbil.⁶⁸

Critics point to the several withdrawal announcements since Spain's May 2004 withdrawal of its 1,300 troops as an indication that even the U.S. coalition-maintenance effort is faltering. Spain made that decision following the March 11, 2004 Madrid bombings and subsequent defeat of the former Spanish government that had supported the war effort. However, since the Iraqi election, Spain has said it might train Iraqi security forces at a center outside Madrid. Honduras, the Dominican Republic, and Nicaragua followed Spain's withdrawal (900 total personnel), and the Philippines withdrew in July 2004 after one of its citizens was taken hostage and threatened with beheading. Among other recent changes:

- Hungary completed a pullout of its 300 forces in December 2004.
- Italy announced on March 15, 2005, that it would begin withdrawing its force of 3,200 in September 2005; the announcement came after the U.S. wounding of an Italian journalist who was leaving Iraq after being released by insurgents. It reiterated the pullout commitment in September 2005.

⁶⁷ For additional information on international contributions to Iraq peacekeeping and reconstruction, see CRS Report RL32105, *Post-War Iraq: Foreign Contributions to Training, Peacekeeping, and Reconstruction*.

⁶⁸ A list of countries performing peacekeeping can be found in the Department of State's "Iraq Weekly Status Report," and in CRS Report RL32105, *Post-War Iraq: Foreign Contributions to Training, Peacekeeping, and Reconstruction*.

- Thailand, New Zealand, and Norway withdrew in early 2005, and Norway's 20 personnel left in Iraq will be withdrawn in October 2005.
- In March 2005, Poland drew down to 1,700 from its prior force level of 2,400. Its president said in July 2005 that the remainder would be withdrawn by early 2006 and replaced with a smaller contingent to help train ISF.
- In March 2005, the Netherlands withdrew its 1,350 troops. Some U.K. forces have taken over the Netherlands force's duty to help protect Japan's forces in Samawa. After the January Iraqi elections, the Netherlands said it might send 100 trainers for the ISF.
- Ukraine, which lost eight of its soldiers in a January 2005 insurgent attack, withdrew 150 personnel from their base 25 miles south of Baghdad in March 2005. Ukraine says it will complete its withdrawal probably by October 2005, but it adds that it might give equipment to the Iraqi military.
- In February 2004, Portugal withdrew its 127 paramilitary officers.
- On September 2, 2005, Bulgaria announced that it had begun pulling out its 400-member unit. It has said it would continue to contribute to NTM-I and would increase its civilian reconstruction contingent in Iraq.
- South Korea withdrew 270 of its almost 3,600 troops in June 2005.
- Japan, according to press reports in May 2005, is considering withdrawing its 600 person military reconstruction contingent in Samawah, by the end of 2005, and then focus instead on expanding financial aid to Iraq. Its forces are protected by Australian coalition forces.
- On the other hand, some countries have increased forces to compensate for withdrawals. Singapore deployed 180 troops in November 2004 after a hiatus of several months, and Japan approved extending its deployments at least through 2005. Azerbaijan also has said it would increase forces.
- In February 2005, El Salvador agreed to send a replacement contingent of 380 soldiers to replace those who are rotating out.
- In February 2005, Australia said it would send an additional 450 troops to Iraq, bringing that contribution to over 900.
- In March 2005, Georgia sent an additional 550 troops to Iraq to help guard the United Nations facilities, bringing its total Iraq deployment

to 850. In March 2005, Albania said it would increase its force by 50, giving it a total of 120 troops in Iraq.

NATO/EU/Other Offers of Civilian Training. As noted above, all NATO countries have now agreed to train the ISF through the NTM-I, as well as to contribute funds or equipment. Several NATO countries and others are offering to train not only Iraqi security but also civilian personnel. In addition to the security training offers discussed above, European Union (EU) leaders have offered to help train Iraqi police, administrators, and judges outside Iraq. At the June 22, 2005 Brussels conference discussed above, the EU pledged a \$130 million package to help Iraq write its permanent constitution and reform government ministries; Norway offered energy sector cooperation, and Turkey offered to conduct seminars on democracy for Iraqis. Japan has made a similar offer on constitutional drafting, and Malaysia has offered to train Iraqi civil servants. The FY2005 supplemental appropriations (P.L. 109-13) provides \$99 million to set up a regional counter-terrorism center in Jordan to train not only Iraqi security personnel but civil servants as well.

The Administration asserts that it has consistently sought international backing for its post-war efforts, and it has supported an increase in the U.N. role since late 2003. Resolution 1483 (May 6, 2003) provided for a U.N. special representative to coordinate the U.N. activities in Iraq and it “call[ed] on” governments to contribute forces for stabilization. In a further attempt to satisfy the requirements of several major nations for greater U.N. backing, the United States obtained agreement on Resolution 1511 (October 16, 2003, referenced above), formally authorizing a “multinational force under unified [meaning U.S.] command.” Resolution 1546 restated many of these provisions. In July 2004, Secretary of State Powell said the United States would consider a Saudi proposal for a contingent of troops from Muslim countries to perform peacekeeping in Iraq, reportedly under separate command. However, the idea floundered because of opposition from potential contributing countries.

New Options

Some Members say that major new initiatives need to be considered to ensure success of the U.S. mission in Iraq. Some of the ideas widely circulated among Members and other policy experts include the following.

Troop Increase. Some believe that the United States should increase its troops in Iraq in an effort to prevent insurgents from re-infiltrating areas cleared by U.S. operations. Some experts believe the extra troops needed for such an effort might number about 100,000.⁶⁹ The Administration asserts that U.S. commanders feel they have enough force in Iraq to complete the mission, and that they are able to request additional forces, if needed, and have not done so. Some experts believe that troop level increases would aggravate Sunni Arabs already resentful of the U.S. intervention in Iraq and that even many more U.S. troops would not necessarily

⁶⁹ Bersia, John. “The Courage Needed to Win the War,” *Philadelphia Inquirer*, August 9, 2005.

produce stability. Others believe that increasing U.S. force levels would further the impression in Iraq that the Iraqi government is beholden to the United States for its survival and that the United States is continuing to deepen its commitment to Iraq without a clear exit strategy or victory plan.

Troop Drawdown or Withdrawal. Some Members argue that the United States should begin to withdraw immediately and unconditionally, although gradually. Those who take this position include Representatives Lynne Woolsey, Maxine Waters, and Barbara Lee who, together with about 47 other Members, have initiated an “Out of Iraq Caucus.” Supporters of this position tend to argue that the decision to invade Iraq and change its regime was a mistake in light of the failure thus far to locate WMD and that a continued large U.S. presence in Iraq will result in additional U.S. casualties without securing U.S. national interests. One bill (H.R. 3142) states that it is U.S. policy not to maintain a permanent or long-term presence in Iraq. Critics of the withdrawal proposals, including the Bush Administration, say that an immediate U.S. pullout would likely cause the Iraqi government to collapse, harming U.S. credibility and permitting Iraq to become a haven for terrorists.

Another version of this recommendation is the setting of a timetable to begin a U.S. withdrawal. This is exemplified by H.J.Res. 55, introduced by five House Members from both parties, including Representative Walter Jones. That bill calls on the Administration to begin a withdrawal by October 2006. It has 58 co-sponsors as of September 23, 2005. Another version of this idea was a call by Senator Russ Feingold in August 2005 to withdraw U.S. forces by the end of 2006, because setting such a deadline would propel Iraq’s various factions to reconcile with each other. He has introduced a resolution (S.Res. 171) that calls for the Administration to report to Congress on the time frame needed for the United States to complete its Iraq mission.

The Administration and other Members disagree on setting any timetable for withdrawal, claiming that doing so would benefit the insurgency. Some Members instead advocate the stipulation of conditions that, if met, would permit a U.S. withdrawal. An amendment to the State Department authorization bill for FY2006 and FY2007 (H.R. 2601), adopted by a vote of 291-137, states the sense of Congress that the United States should withdraw only when U.S. national security and foreign policy goals have been or are about to be achieved.

Power-Sharing Formulas. The Administration and its critics appear to agree that the dominant factions in Iraq need to cede more power to Sunni Arabs in an effort to defuse the insurgency. The Administration points to some progress in this direction, particularly the addition of Sunni Arabs on the constitutional drafting commission. U.S. Ambassador Khalilzad reportedly urged the Shiite and Kurdish factions to fashion a constitution draft that could be acceptable to the Sunnis, although apparently without success in that goal.

The Administration appears to have adopted one recommendation of its critics — that there should be negotiations with Sunni figures representing the insurgency. Secretary of Defense Rumsfeld told journalists in late June 2005 that such discussions have been taking place, although press reports say those talks have not resulted in any insurgents laying down their arms, to date.

Another power-sharing idea was advanced by Ayatollah Sistani in June 2005. His aides suggested that the election method be altered to a district-based system rather than the proportional representation system used in the January 2005 election. A district-based election would likely ensure the election of a substantial number of Sunnis to a new Assembly, because Sunnis would likely be elected in Sunni districts no matter how low the Sunni turnout in that district. However, the Kurds opposed shifting to this election system out of concern that doing so would reduce their numbers in the next Assembly.

Accelerating Economic Reconstruction. Some believe that the key to calming Iraq is to accelerate economic reconstruction. According to this view, accelerated reconstruction will drain support for insurgents by creating employment, improving public services, and creating confidence in the government. Others doubt that economic improvement alone will produce major political results. According to this view, the divisions among Iraq's major factions are fundamental and resistant to amelioration by an improved economy.

Focus on Local Security. Some experts believe that the United States should shift its focus from broad counter-insurgency combat operations to local efforts to improve the sense of security of average Iraqis, which would deny the insurgents popular support.⁷⁰ At least one version of this idea, advanced by Andrew Krepinevich in the September/October 2005 issue of *Foreign Affairs*,⁷¹ says that the United States should devote substantial resources to providing security and reconstruction in selected areas, cultivating these areas as a model that would attract support and be expanded to other areas and eventually throughout Iraq.

⁷⁰ Pollack, Kenneth. "Five Ways to Win Back Iraq," *New York Times* op-ed. July 1, 2005.

⁷¹ Krepinevich, Andrew. "How to Win in Iraq," *Foreign Affairs*, September/October 2005.

Table 2. U.S. Aid (ESF) to Iraq's Opposition
(Amounts in millions)

	INC	War crimes	Broadcasting	Unspecified opposition activities	Total
FY1998 (P.L. 105-174)		2.0	5.0 (RFE/RL for "Radio Free Iraq)	3.0	10.0
FY1999 (P.L. 105-277)	3.0	3.0		2.0	8.0
FY2000 (P.L. 106-113)		2.0		8.0	10.0
FY2001 (P.L. 106-429)	12.0 (aid in Iraq)	2.0	6.0 (INC radio)	5.0	25.0
FY2002 (P.L. 107-115)				25.0	25.0
FY2003 (no earmark)	3.1			6.9	10.0
Total, FY1998-FY2003	18.1	9.0	11.0	49.9 (about 14.5 million of this went to INC)	88.0
FY2004 (request)				0	0

Notes: According to the U.S. Government Accountability Office (April 2004), the INC's Iraqi National Congress Support Foundation (INCSF) received \$32.65 million in U.S. Economic Support Funds (ESF) in five agreements with the State Department during 2000-2003. Most of the funds — separate from drawdowns of U.S. military equipment and training under the "Iraq Liberation Act" — were for the INC to run its offices in Washington, London, Tehran, Damascus, Prague, and Cairo, and to operate its *Al Mutamar* (the "Conference") newspaper and its "Liberty TV," which began in August 2001, from London. The station was funded by FY2001 ESF, with start-up costs of \$1 million and an estimated additional \$2.7 million per year in operating costs. Liberty TV was sporadic due to funding disruptions resulting from the INC's refusal to accept some State Department decisions on how U.S. funds were to be used. In August 2002, the State Department and Defense Department agreed that the Defense Department would take over funding (\$335,000 per month) for the INC's "Information Collection Program" to collect intelligence on Iraq; the State Department wanted to end its funding of that program because of questions about the INC's credibility and the propriety of its use of U.S. funds. The INC continued to receive these funds even after Saddam Hussein was overthrown, but was halted after the June 2004 return of sovereignty to Iraq. The figures above do not include covert aid provided — the amounts are not known from open sources. Much of the "war crimes" funding was used to translate and publicize documents retrieved from northern Iraq on Iraqi human rights; the translations were placed on 176 CD-Rom disks. During FY2001 and FY2002, the Administration 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. See General Accounting Office Report GAO-04-559, *State Department: Issues Affecting Funding of Iraqi National Congress Support Foundation*, April 2004.

Figure 1. Map of Iraq



Source: Map Resources. Adapted by CRS. (K.Yancey 7/21/04)