

Report for Congress

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Iraq War? Current Situation and Issues for Congress

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Summary

On November 8, 2002, the United Nations Security Council, acting at U.S. urging, adopted Resolution 1441, giving Iraq a final opportunity to “comply with its the disarmament obligations” or “face serious consequences.” During January and February 2003, the U.S. military buildup in the Persian Gulf continued, and analysts speculated that mid-March seemed the most likely time for U.S. forces to launch a war. President Bush, other top U.S. officials, and British Prime Minister Tony Blair have repeatedly indicated that Iraq has little time left to offer full cooperation with U.N. weapons inspectors. However, leaders of France, Germany, Russia, and China, are urging that the inspections process be allowed more time. The Administration asserts that Iraq is in defiance of 17 Security Council resolutions requiring that it fully declare and eliminate its weapons of mass destruction (WMD). Skeptics, including many foreign critics, maintain that the Administration is exaggerating the Iraqi threat.

In October 2002, Congress authorized the President to use the armed forces of the United States to defend U.S. national security against the threat posed by Iraq and to enforce all relevant U.N. resolutions regarding Iraq (P.L. 107-243). Some Members of Congress have expressed dissatisfaction with the level of Administration consultation on Iraq, and suggested that the Administration should provide more information on why Iraq poses an immediate threat requiring early military action. Administration officials maintain that they have consulted regularly, and have compelling information on Iraqi noncompliance that cannot be released.

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

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

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

Contents

Most Recent Developments	1
Current Situation	2
Overview	2
Background	2
Recent Developments	2
Options for the Future	4
Diplomatic Situation	5
Developments at the United Nations	5
Foreign Reactions	6
Peace Initiatives	7
Military Situation	7
U.S. Policy	10
The Administration	10
Policy Debate	10
Regime Change Goal	12
Congressional Action	12
Congressional Oversight	13
Legislation	14
Options for the Future	15
Issues for Congress	16
Weapons of Mass Destruction Issues	16
Nuclear Program	16
Biological and Chemical Programs	16
Missile Program	17
Inspections Status	17
Key Issues	17
Post-War Iraq	18
Current Planning Efforts	18
Reconstruction/Humanitarian Effects	20
War Crimes Trials	20
Burden Sharing	21
Political and Military Factors	21
Direct and Indirect Contributions	22
Post-Conflict Assistance	23
Implications for the Middle East	24
Democracy and Governance	24
Arab-Israeli Peacemaking	25
Security Arrangements in the Gulf Region	26
Humanitarian Issues	26
Background	26
War-Related Concerns	27
Refugee Preparations	28
Relief Planning	28
International and Domestic Legal Issues Relating to the Use of Force	30
The Constitution and the War Powers Resolution	30
International Law and the Preemptive Use of Force	32

Security Council Authorization	32
Cost Issues	34
War Costs	34
Related Aid to Allies	35
Occupation	35
Reconstruction	36
Humanitarian Assistance	36
Economic Repercussions	36
Oil Supply Issues	37
Information Resources	38
CRS Experts	38
CRS Products	38
Chronology	38
Iraq Facts	38
Maps	39
Reports, Studies, and Electronic Products	39
United Nations Resolutions	39

List of Figures

Figure 1. Iraq in the Middle East	2
Figure 2. Iraq	8

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Most Recent Developments

BBC News reported on February 26, 2003, that only about half the British jets being sent to the Persian Gulf had reached the region because some Middle Eastern countries had refused overflight rights.

President Bush told reporters on February 25 that President Saddam Hussein of Iraq had been “gaming the system,” but “we expect the Security Council to honor its word by insisting that Saddam disarm. Now is the time.” Earlier, chief United Nations weapons inspector Hans Blix, had said that Iraq had released new documents offering details on outstanding issues. These included the disposal of weapons of mass destruction materials and its possession of two bombs that could be filled with chemical or biological agents. U.S. Army Chief of Staff General Eric Shinseki told a Senate committee on February 25 that his personal assessment was that “something on the order of several hundred thousand soldiers” might be required to stabilize a post-conflict Iraq.

Also on February 25, the Kurdish parliament in northern Iraq voted to ask the United States to assure that Turkish troops not intervene in the region. Reports had appeared indicating that a Turkish intervention might be permitted in a U.S.-Turkey agreement that would permit as many as 62,000 U.S. troops to use Turkish bases. An anticipated February 23 vote on the agreement in the Turkish parliament was delayed.

In an interview with CBS news reported on February 25, Saddam Hussein denied that Iraq had any missiles with ranges exceeding the 150 kilometer limit set by the United Nations. On February 21, Hans Blix had demanded that Iraq destroy all of its Al-Samoud 2 missiles, as well as their warheads and other components, by March 1. Despite Saddam’s defiance, some analysts speculated Iraq might comply with the Blix demand at the last minute.

On February 24, the United States, Britain, and Spain introduced a resolution at the U.N. Security Council stating that Iraq had “failed to take the final opportunity afforded it” to disarm in accordance with Security Council Resolution 1441 of November 8, 2002. At the same time, France and Germany circulated a memorandum calling for at least four more months of U.N. weapons inspections. Secretary of Defense Donald Rumsfeld said on February 21, that U.S. armed forces were ready to launch military action against Iraq if a decision were made to do so.

For a chronology of Iraq-related events since October 2002, see CRS Report RL31667, *Iraq-U.S. Confrontation: Chronology and Scheduled Events*.

Current Situation

Overview

Raymond W. Copson, 7-7661

(Last updated February 25, 2003)

Background. Bush Administration concerns about Iraq's alleged weapons of mass destruction programs intensified after the September 11, 2001 terrorist attacks. President Bush named Iraq, Iran, and North Korea as the "axis of evil" nations in his January 2002 State of the Union address. Vice President Cheney, in two August 2002 speeches, accused Iraqi leader Saddam Hussein of seeking weapons of mass destruction to dominate the Middle East and threaten U.S. oil supplies.¹ These speeches fueled speculation that the United States might act unilaterally against Iraq. However, in a September 12, 2002

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

Recent Developments. During January and February 2003, the U.S. military buildup in the Persian Gulf intensified, as analysts, as analysts speculated that mid-March seemed a likely time for an attack to be launched. (See below, **Military Situation**.) Officials maintain that it would be possible to attack later, even in the extreme heat of summer, but military experts observe that conditions for fighting a war would be far better in the cooler months before May. Statements by President Bush, Secretary of State Colin Powell, and other top officials during January and February expressed a high degree of dissatisfaction over Iraq's compliance with Security Council disarmament demands. The President said on January 14, that "time

Figure 1. Iraq in the Middle East



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

¹ "Vice President Speaks at VFW 103d National Convention," August 26, 2002; and "Vice President Honors Veterans of Korean War," August 29, 2002. Available on the White House web site at [<http://www.whitehouse.gov>] under "News."

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

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

President Bush presented a sweeping condemnation of Iraq in his State of the Union Address on January 28, 2003. “With nuclear arms or a full arsenal of chemical and biological weapons,” the President warned, “Saddam Hussein could resume his ambitions of conquest in the Middle East and create deadly havoc in the region.” The President told members of the armed forces that “some crucial hours may lie ahead.” Alleging that Iraq “aids and protects” Al Qaeda, the President also condemned what he said was Iraq’s “utter contempt” for the United Nations and the world. On February 5, 2003, as discussed below under **Weapons of Mass Destruction Issues**, Secretary of State Powell detailed to the United Nations Security Council what he described as Iraq’s “web of lies” in denying that it has weapons of mass destruction programs. President Bush, in a February 6 statement, predicted that Saddam would likely play a last minute “game of deception,” but warned, “The game is over.” The President affirmed on February 18 that he would continue to work for a United Nations Security Council resolution that would broaden support for possible action against Iraq but told reporters “it’s not necessary as far as I’m concerned.” The President added, “Saddam Hussein is a threat to America. And we will deal with him.”

Despite the resolve of U.S. officials, international support for an early armed confrontation remains limited. President Jacques Chirac of France has been a leading critic of the U.S. approach, and maintains that he is not convinced by the evidence presented by Secretary of State Powell. On February 10, at a press conference in Paris with President Putin of Russia, Chirac said “nothing today justifies war.” Speaking of weapons of mass destruction, Chirac added “I have no evidence that these weapons exist in Iraq.”⁵ France, Germany, and Russia advocate a strengthened inspections regime rather than an early armed conflict with Iraq, and China takes a similar position. France, Russia, and China have veto power at the United Nations Security Council. (See below, **Diplomatic Situation**.)

U.S. officials point out that a number of other countries support the U.S. demand for immediate Iraqi compliance with U.N. resolutions on disarmament. Many foreign observers point out, however, that U.N. inspectors have yet to find a “smoking gun” proving that Iraq has continued its weapons of mass destruction programs. U.S. officials and others maintain that this was never the goal of the inspections. In their view, the purpose of inspections is to verify whether or not Iraq

³ “President’s Remarks on Iraq,” January 14, 2003 [<http://www.whitehouse.gov>].

⁴ *BBC News*, January 19, 2003.

⁵ “U.S.-Europe Rifts Widen Over Iraq,” *Washington Post*, February 11, 2003.

has disarmed in compliance with past U.N. resolutions. Iraq has not pro-actively cooperated with the inspections process, they argue, and consequently there has been no such verification.⁶

In mid-January 2003, polls showed that a majority of Americans wanted the support of allies before the United States launched a war against Iraq. The polls shifted on this point after the State of the Union message, with a majority coming to favor a war even without explicit U.N. approval.⁷ Polls shifted further in the Administration's direction following Secretary Powell's February 5 presentation to the Security Council.⁸ However, on February 14, 2003, the *New York Times* reported that a majority again wanted to give U.N. weapons inspectors more time to complete their work⁹. A *Washington Post-ABC News* poll, reported on February 25, showed a majority willing to wait for a U.N. resolution supporting military action against Iraq, while overall support for military action stood at 63%, down from 66% two weeks earlier.¹⁰ Many remain opposed to war. Forty-one Nobel laureates in science and economics released a declaration opposing war on January 27, and former President Jimmy Carter said on January 31 that President Bush has "not made a case for a pre-emptive military strike against Iraq."¹¹ (For congressional views, see below, **Congressional Action**.) Press reports noted that U.S. policy on Iraq was leading to a rise in anti-Americanism overseas, particularly in western Europe, where polls show strong opposition to a war with Iraq.¹² Large public demonstrations against a possible war with Iraq occurred in the United States and in cities overseas on the weekend of January 19-20, 2003. Demonstrations in western European cities and New York on the weekend of February 15-16 were widely described as "massive."

Options for the Future. Analysts believe it likely that the United States will soon move against Iraq, with or without the endorsement of the U.N. Security Council. Some nonetheless urge that policymakers delay a war as long as possible and accede to wishes of Council members who want the arms inspection process to be given more time. In their view, going to war without Security Council permission would be harmful to international institutions while threatening stability in the Middle East and perhaps beyond. Others argue that further delay would reward Iraq's alleged delaying tactics and undermine U.S. credibility. They also maintain that there would be serious economic, military, and political costs to leaving a large U.S. military force in the Middle East indefinitely. It may be that dramatic evidence of Iraqi non-compliance will emerge in the near future, and that this will bring stronger international backing for a war. Another view is that if U.S. action against

⁶ David Kay, "It was Never About a Smoking Gun," *Washington Post*, January 19, 2003.

⁷ "Support for a War with Iraq Grows After Bush's Speech," *Washington Post*, February 2, 2003.

⁸ "Poll: Bush Gaining Support on Invading Iraq," *CNN*, February 10, 2003; "Most Support Attack on Iraq, with Allies," *Washington Post*, February 11, 2003.

⁹ "Poll Shows Most Want War Delay," *New York Times*, February 14, 2003.

¹⁰ "Public Backs U.N. Assent on Iraq," *Washington Post*, February 25, 2003.

¹¹ "Carter Says Bush Has 'Not Made a Case' for War," *Washington Post*, February 1, 2003.

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

Iraq appears imminent, other countries, such as Russia and France, will hesitate at fracturing the international community and further alienating Washington through continued opposition. Some expect they may eventually offer support or at least abstain on any U.N. Security Council resolution authorizing force. Others argue that France, at least, has gone too far in opposing force for this to be an option until U.N. inspections have continued for months into the future.

According to reports, some governments in the Middle East region, despite their denials, have used back channels to urge Iraqi President Saddam Hussein and other Iraqi leaders to resign from office, possibly going into exile under some sort of guarantee of immunity from prosecution. If a new regime agreed to carry through with disarmament, this eventuality could avert war altogether.¹³ However, many analysts, noting Saddam's past intransigence, doubt that he would make such a move. Some observers are hoping for a military coup that will sweep Saddam from power, but others suggest that the Iraqi president's control of the armed forces is too firm to permit such an event.

CRS Products

CRS Video MM70039, *Disarming Iraq, Issues and Views*, available in cassette or online at [http://www.crs.gov/products/multimedia/sem_di-030219.shtml]

Diplomatic Situation

Carol Migdalovitz (7-2667)

(Last updated February 25, 2003)

Developments at the United Nations. The U.N. Security Council is the stage for final diplomacy to resolve the crisis over Iraq's disarmament. On February 24, 2003, the United States, the United Kingdom, and Spain tabled a new resolution, which President Bush said would allow the Council "to determine whether or not it's going to be relevant as the world confronts threats in the 21st century."¹⁴ The succinct resolution, if passed, would state that the Council "Decides that Iraq has failed to take the final opportunity afforded to it in resolution 1441" to disarm.¹⁵ The three allies reportedly aim to convince nine Council members to support the resolution and will then challenge France, Russia, or China to veto it. The United States and Britain reserve the right to take military action against Iraq if the resolution is defeated.

The Security Council remains divided. Germany, a rotating member, and France, a permanent member with veto power, believe that a new resolution is not needed. French President Jacques Chirac declared on February 18 that "France

¹³ "Officials Support Exile for Hussein," *Washington Post*, January 20, 2003.

¹⁴ Address to Governors, available at [<http://www.whitehouse.gov>] under "News."

¹⁵ "Text of U.K. Draft Resolution on Iraqi Disarmament", *Reuters*, February 24, 2003.

would have no choice but to oppose” (a new resolution), thereby threatening a veto.¹⁶ France, Germany, and Russia have circulated an informal memorandum, arguing that “the conditions for using force against Iraq are not fulfilled,” and calling for prioritizing key tasks for Iraq to complete, reinforced inspections, and timelines for Iraqi performance. The inspectors would report every three weeks and present an overall assessment in four months.¹⁷ Since these three governments maintain that a new resolution is not needed, their ideas were not presented as a counter-resolution to that backed by the U.S., UK, and Spain. China supports their proposal.

The Chairman of the United Nations Monitoring, Verification, and Inspection Commission (UNMOVIC) Hans Blix and the Director General of International Atomic Energy Agency (IAEA) Mohammed ElBaradei have reported to the Security Council several times. (For details, see below, **Weapons of Mass Destruction Issues**.) They are assessing Iraq’s compliance with U.N. Security Council resolutions that require it to disarm, especially Resolution 1441 of November 8, 2002, which gave Iraq a “final opportunity to comply with its disarmament obligations” and set up an enhanced inspection regime to bring about the “full and verified completion of the disarmament process.” Iraq was required to submit “a declaration of all aspects of its programs to develop chemical, biological, and nuclear weapons, ballistic missiles, and other delivery systems....” It also was required to provide UNMOVIC and the IAEA “immediate, unimpeded, unconditional access” to all sites they wish to inspect. Finally, 1441 warned Iraq that it would face “serious consequences as a result of its continued violations of its obligations.” Inspections began on November 27. On February 21, 2003, Blix ordered Iraq to hand over to inspectors “for verifiable destruction” all Al-Samoud 2 missiles that exceed U.N. range limits, warheads, 380 illegally imported SA-2 missile engines, and other components so that destruction can begin by March 1. Blix will deliver a report to the Security Council on March 1, and he and ElBaradei will address it on March 7. Secretary of State Powell has said that he expects the U.N. to decide on the resolution that was introduced on February 24 soon after March 7.¹⁸

Foreign Reactions. International public misgivings about the possibility of war continue to grow – as evidenced by massive anti-war protests around the world on February 15-16. A European Union summit held in their wake on February 17 was aimed at bridging internal EU differences between countries resisting the U.S. approach, such as France, Germany, and Belgium, and those supporting it, such as Britain, Spain, Italy, and East European candidates for EU membership. The summit communique reiterated that the objective is the “full and effective disarmament” of Iraq. It declared that “force should be used only as a last resort” but put the burden on Baghdad to end the crisis by complying with the Security Council’s demands. The EU said that inspectors must be given time and resources, but “inspections cannot continue indefinitely in the absence of full Iraqi cooperation.”¹⁹ Thirteen

¹⁶ “EU Seeks to Patch up Iraq Rift,” *Associated Press*, February 18, 2003.

¹⁷ “Text of French Proposals to U.N. Security Council,” *Reuters*, February 24, 2003.

¹⁸ “World Unites to Warn Iraq to Meet March 1 Deadline,” *Reuters*, February 24, 2003.

¹⁹ “Conclusions of the European Council, February 17, 2003,” available at (continued...)

acceding and candidate countries aligned themselves with the summit conclusions. On February 18-19, the Security Council gave more than 60 non-Council members an opportunity to express their views; most favored continuing inspections, not war. A conference of the 116-member Non-Aligned Movement in Kuala Lumpur on February 24 provided another forum for a succession of leaders to endorse inspections and oppose war.

Unease also prevails in the Middle East, where many leaders are concerned that war would increase regional instability and terrorism and produce other undesired results, such as the disintegration of Iraq or the demise of their regimes. On February 17, an Arab foreign ministers meeting condemned unilateral action against Iraq, called on Baghdad to abide by U.N. resolutions, and called on Arab states “to refrain from offering any kind of assistance or facilities for any military action that leads to the threat of Iraq’s security, safety, and territorial integrity.”²⁰

Peace Initiatives. There is considerable diplomatic activity seeking to avert a war. The Pope, who seeks a peaceful resolution to the crisis, has met Iraqi Deputy Prime Minister Tariq Aziz and British Prime Minister Tony Blair. South Africa, which eliminated its nuclear, chemical, and biological weapons under U.N. supervision, sent a team of disarmament experts to Iraq on February 23 to assist it with the mechanics of cooperating with weapons inspections. Former Russian Prime Minister Yevgeny Primakov, an expert on the Middle East and friend of Saddam Hussein, briefly and unexpectedly visited Iraq on February 23 without disclosing the details of his trip. It was assumed that Primakov was urging compliance with U.N. mandates.

CRS Products

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

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

Military Situation

Steve Bowman, 7-7613

(Last updated February 25, 2003)

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

¹⁹ (...continued)

[http://europa.eu.int/comm/external_relations/iraq/intro/ec170203.htm].

²⁰ “A New Power in the Streets,” *New York Times*, February 17, 2003.

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

Figure 2. Iraq



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

The number of U.S. personnel deployed to the Persian Gulf region (both ashore and afloat) is reportedly about 180,000, and may total about 250,000 by mid- March. DOD has announced that, as of February 12 , 2003, there are more than 150,000 National Guard and Reservists from all services now called to active duty, an increase of over 38,000 in one week.²¹ DOD has not indicated how many of these personnel are being deployed to the Persian Gulf region, and how many will be “backfilling” positions of active duty personnel in the United States and Europe who are deploying. In addition to U.S. deployments, Britain is dispatching an armor Battle

²¹ See the DOD web site: [<http://www.defenselink.mil/news/Feb2003/d20030205ngr.pdf>].

Group, a naval Task Force, and Royal Air Force units, totaling about with 47,000 personnel.²²

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

The United States has personnel and materiel deployed in the Persian Gulf states of Kuwait, Qatar, Bahrain, Saudi Arabia, and the United Arab Emirates. With the possible exception of Kuwait, it is still not clear what level of cooperation/participation can be expected from these nations if the United Nations Security Council does not pass another resolution specifically authorizing the use of force against Iraq.

Outside the Persian Gulf region, only the United Kingdom, Australia, Denmark, and Poland have offered military contributions if the Security Council does not act further. The White House press office announced in November 2002, that the United States had contacted 50 nations regarding cooperation in military operations against Iraq, but declined to provide specific details on responses.²³ After protracted debate, the NATO Military Committee approved Turkey's request for military assistance and directed NATO HQ to begin planning for the deployment of airborne early-warning aircraft, air defense missiles, and chemical-biological defensive equipment. Germany and Belgium reversed their early opposition to this effort, and France's anticipated opposition was obviated by acting within the Military Committee of which France is not a member. Both the Netherlands and Germany have indicated they will deploy Patriot air defense missiles to Turkey in the near future. (For military cooperation issues involving Turkey and NATO, see below, **Burden Sharing Issues**.)

News reports maintain that the Bush Administration, through National Security Presidential Directive (NSPD) 17 and the *National Strategy for Combating Weapons of Mass Destruction*, has endorsed the possible first use of nuclear weapons if U.S. or allied forces are attacked with chemical or biological weapons, or to attack underground bunkers that are deemed invulnerable to conventional munitions. Though shown to the press, NSPD 17 remains classified and Administration spokesmen have declined comment on its content. The *National Strategy* document does not refer to nuclear weapons specifically but rather refers to a "resort to all options." Some analysts suspect that press leaks on a nuclear option are an attempt to intimidate Iraq rather than a genuine threat. Critics are concerned that the Administration is lowering the nuclear threshold and discarding long-held U.S. assurances that it would not use nuclear weapons against a non-nuclear power.²⁴

²² British Ministry of Defense website: [<http://www.operations.mod.uk/telic/forces.htm>].

²³ White House press conference, December 5, 2002.

²⁴ "As U.S. Girds for Worst in Iraq, Retaliation Isn't Clear-Cut Issue," *Washington Post*, January 29, 2003; "Bush Signs Paper Allowing Nuclear Response," *Washington Times*, (continued...)

CRS ProductsCRS Report RL31701. *Iraq: Potential U.S. Military Operations.***U.S. Policy****The Administration****Kenneth Katzman, 7-7612***(Last updated February 26, 2003)*

The Bush Administration has characterized the regime of Saddam Hussein in Iraq as a grave potential threat to the United States and to peace and security in the Middle East region. The Administration maintains that Iraq has active weapons of mass destruction (WMD) programs that could be used to attain Saddam Hussein's long-term goal of dominating the Middle East. These weapons, according to the Administration, could be used by Iraq directly against the United States, or they could be transferred to terrorist groups such as Al Qaeda. The Administration says that the United States cannot wait until Iraq makes further progress on WMD to confront Iraq, since Iraq would then be stronger and the United States would have fewer military and diplomatic options.

The Administration asserts that Iraq is in breach of 17 U.N. Security Council resolutions – including Resolution 1441 of November 8, 2002 – that, among other requirements, mandate that Iraq fully declare and eliminate its WMD programs. President Bush has stated that Iraq must immediately and pro-actively cooperate with a new U.N. disarmament effort, or the United States will lead a coalition to disarm it. President Bush reiterated that position after a February 14, 2003 Security Council meeting in which most Council members expressed the view that U.N. weapons inspections should be given more time to produce additional results, and following large anti-war protests in many cities worldwide on February 15. The *Washington Post* reported on February 24, 2003 that senior U.S. officials have begun telling their foreign counterparts that a decision to go to war with Iraq has already been made.²⁵ However, it is possible that U.S. officials are conveying that message as part of an attempt to persuade wavering governments to support a U.S. draft resolution authorizing force.

Policy Debate. Several press accounts indicate that there have been divisions within the Administration on Iraq policy. Secretary of State Powell had been said to typify those in the Administration who believe that a long term program of unfettered

²⁴ (...continued)
January 29, 2003.

²⁵ "U.S. Officials Say U.N. Future at Stake in Vote," *Washington Post*, February 25, 2003.

weapons inspections could succeed in containing the WMD threat from Iraq.²⁶ He reportedly was key in convincing President Bush to work through the United Nations to give Iraq a final opportunity to disarm unilaterally. However, by late January 2003, Secretary Powell was insisting that Iraq's failure to fully cooperate with the latest weapons inspections indicate that inspections would not succeed in disarming Iraq and that war may be required, with or without U.N. authorization. The Secretary is reportedly highly critical in private of U.S. allies, particularly France, that oppose war with Iraq. Polls show that a majority of Americans look to Secretary Powell as a trusted Administration spokesman on the Iraq crisis, and Powell reportedly is now working with Britain to fashion a follow-up U.N. Security Council resolution that might declare Iraq in breach of Resolution 1441 and authorize the use of force.

Press reports suggest that Vice President Cheney and Secretary of Defense Rumsfeld, among others, have consistently been skeptical that inspections can significantly reduce the long-term threat from Iraq and reportedly have long been in favor of military action against Iraq. These and other U.S. officials reportedly believe that overthrowing Saddam Hussein would pave the way for democracy not only in Iraq but in the broader Middle East, and reduce support for terrorism. Those who favor military action believe that Iraq is concealing active WMD programs and will eventually try to use WMD to harm the United States unless it is completely disarmed. Skeptics, including many foreign critics, assert that the Administration is exaggerating the WMD threat from Iraq, and that launching an attack might goad Baghdad into using WMD as a last resort.

In January 2003, the Administration revived assertions it had made periodically since the September 11, 2001 attacks that Iraq supports and has ties to the Al Qaeda organization, among other terrorist groups. According to the Administration, Iraq has provided technical assistance in the past to Al Qaeda to help it construct chemical weapons, and senior Al Qaeda activists have contacts with the Baghdad regime. A faction based in northern Iraq and believed linked to Al Qaeda, called the Ansar al-Islam, is in contact with the Iraqi regime, according to the Administration. President Bush said in his 2003 State of the Union message that "Evidence from intelligence sources, secret communications, and statements from people now in custody, reveal that Saddam Hussein aids and protects terrorists, including members of Al Qaeda." However, press reports in early February 2003 said that this view was not uniform within the intelligence community and that some in the intelligence community discount any Iraq-Al Qaeda tie as only a possibility.

Another view is that there may have been occasional tactical cooperation between some in Al Qaeda and some Iraq intelligence agents.²⁷ Others are said to believe that there might have been some cooperation when Osama bin Laden was based in Sudan in the early 1990s, but that any Iraq-Al Qaeda cooperation trailed off later on, after bin Laden was expelled from in 1996 and went to Afghanistan. Bin Laden issued a statement of solidarity with the Iraqi people on February 12, exhorting them to resist any U.S. attack. Secretary of State Powell cited the tape as evidence

²⁶ "U.S. Officials Meet to Take Stock of Iraq Policy," *Washington Post*, October 16, 2002.

²⁷ Goldberg, Jeffrey. "The Unknown: The CIA and the Pentagon Take Another Look at Al Qaeda and Iraq." *The New Yorker*, February 10, 2003.

of an alliance between the Iraqi regime and Al Qaeda, although bin Laden was highly critical of Saddam Hussein in the statement, calling his Baath Party regime “socialist,” and therefore “infidel.”

Regime Change Goal. The Bush Administration’s decision to confront Iraq under a U.N. umbrella has led the Administration to mute its prior declarations that the goal of U.S. policy is to change Iraq’s regime. The purpose of downplaying this goal may be to blunt criticism from U.S. allies and other countries that note that regime change is not required by any U.N. resolution on Iraq. However, in practice, the United States draws little separation between regime change and disarmament; the Administration believes that a friendly government in Baghdad would be required to ensure complete elimination of Iraq’s WMD. Press reports in October 2002 said that the Administration is recruiting an Iraqi opposition force of up to 5,000, using equipment and training funds (\$92 million remaining) authorized by the Iraq Liberation Act (P.L. 105-338, October 31, 1998). This force, which will undergo training at an air base in Hungary, could support a U.S. attack or work on its own to destabilize Saddam Hussein. The Administration is working with Iraqi exile groups to determine future policies and priorities in a post-Saddam Iraq as part of its “Future of Iraq Project.”

CRS Products

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

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

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

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

Congressional Action

Jeremy M. Sharp, 7-8687

(Last updated February 24, 2003)

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

On October 16, 2002, the President signed H.J.Res. 114 into law as P.L. 107-243, the “Authorization for Use of Military Force Against Iraq Resolution of 2002.” The resolution authorized the President to use the armed forces to defend the national

security of the United States against the threat posed by Iraq and to enforce all relevant U.N. resolutions regarding Iraq. The resolution conferred broad authority on the President to use force and required the President to make periodic reports to Congress “on matters relevant to this joint resolution.” The resolution expressed congressional “support” for the efforts of the President to obtain “prompt and decisive action by the Security Council” to enforce Iraq’s compliance with all relevant Security Council resolutions.

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

- Many Members who voted in favor of the resolution have offered strong support for President Bush’s attempts to force Iraq into compliance with U.N. resolutions.
- Other lawmakers, including some who supported the resolution, have commended the Administration for applying pressure on Saddam Hussein’s regime but have called on the Administration to be more forthcoming with plans for the future of Iraq and more committed to achieving the broadest possible international coalition of allied countries.
- Still others, including some Members who voted in favor of H.J.Res. 114, have questioned the urgency of dealing with Iraq, particularly in light of developments in North Korea and Iran.
- Finally, many Members who voted against H.J.Res. 114 (P.L. 107-243) have continued to look for ways to forestall the use of force against Iraq, in part by proposing alternative resolutions that call for a more comprehensive inspections process. In one instance, several Members initiated a lawsuit to curtail the President’s ability to authorize the use of force.

Congressional Oversight. Some lawmakers have been dissatisfied with the level of consultation and communication between Congress and the White House since the signing of P.L. 107-243. In January 2003, Senate Minority Leader Tom Daschle stated that the Bush Administration has failed to report to Congress on its diplomatic efforts and military preparations within 60 days, as he said was required by P.L. 107-243.²⁸ In response, Secretary of Defense Donald Rumsfeld said he did not believe that the resolution required a written report, and that his verbal briefings should suffice. Secretary of Defense Rumsfeld and Secretary of State Powell have given several closed-door briefings to Members of Congress. After the briefings, some Members have commented that the Administration has evidence on Iraq’s weapons programs “that can change people’s minds.”²⁹ Other lawmakers have commented that the evidence against Iraq is less compelling, characterizing it as a

²⁸ “New Anxiety Over Bush’s Foreign Policy,” *Los Angeles Times*, January 16, 2003.

²⁹ “Congress Given a Peak at Case Against Saddam,” *Houston Chronicle*, January 29, 2003.

“building block in making the case for going forward.”³⁰ Some Members have asked that the Administration give weapons inspectors in Iraq more time, and several later commented that the Administration should do a better job of explaining why Iraq poses an immediate threat to the United States.³¹ On January 30, 2003, at a Senate Foreign Relations Committee hearing on Iraq, Senator Joseph Biden urged the Bush Administration to “make it easier” for international allies to join the United States in pressing Iraq to comply with United Nations resolutions.

Secretary of State Colin Powell’s February 5 briefing before the United Nations Security Council received a positive response on Capitol Hill, though some Members were still divided over the best approach to deal with Iraq. After the briefing, Representative Nancy Pelosi stated that “the question is whether war now is the only way to rid Iraq of these deadly weapons. I do not believe it is. Before going to war, we must exhaust all alternatives, such as the continuation of inspections, diplomacy and the leverage provided by the threat of military action.”³² Others, including Speaker of the House Dennis Hastert, were more supportive of the use of force, saying that “the evidence proves that Saddam Hussein has a loaded gun pointed at the civilized world. It is time to take that loaded gun away from this evil tyrant.”³³ In another hearing with Secretary Powell before the House International Relations Committee on February 12, 2003, Chairman Henry Hyde challenged the United Nations to deal effectively with the Iraq issue, saying that “in Iraq, the world’s fifty-eight-year experiment with collective security is being put to the supreme test. If Iraq is permitted to defy twelve years of United Nations resolutions demanding its disarmament, then that fifty-eight-year experiment in collective security will be, for all intents and purposes, over.”³⁴

Legislation. Since the start of the 108th Congress, lawmakers have drafted several resolutions relating to the current confrontation with Iraq. Some Members opposed to a war in Iraq have proposed bills to repeal the “Authorization for Use of Military Force Against Iraq Resolution of 2002.”³⁵ Other lawmakers have drafted legislation that would require the President to meet additional criteria such as allowing additional time for weapons inspections and passing a second U.N. Security Council resolution before authorizing the use of force against Iraq.³⁶

The *Washington Post* has reported that some Members of Congress are considering measures, such as trade sanctions, that would retaliate against France and Germany for their stance on Iraq. U.S. lawmakers, angry over French and German

³⁰ Ibid.

³¹ “Hill Pressures Bush on Iraq,” *Washington Post*, January 25, 2003.

³² “Congressional Quotes: Reaction to Powell’s U.N. Briefing,” *Associated Press*, February 5, 2003.

³³ Ibid.

³⁴ “Pathology of Success: Hyde’s Remarks at Hearing with Secretary Powell,” House Committee on International Relations, February 12, 2003.

³⁵ For specific bills, see H.Con.Res. 2 and H.J.Res. 20.

³⁶ See H.Res. 55, S.Res. 28, and S.Res. 32.

opposition to the Administration's Iraq policies, are considering retaliatory gestures such as trade sanctions against French wine and bottled water. Some Members reportedly also support proposals to move many U.S. troops based in Germany to other locations.³⁷

In a legal challenge to President Bush's authority to declare war under P.L. 107-243, six House Members initiated a lawsuit against the Bush Administration to try to prevent the President from launching an invasion of Iraq without an explicit declaration of war from Congress. In a statement from Representative John Conyers, a plaintiff in the lawsuit, the Congressman remarked that "the president is not a king...he does not have the power to wage war against another country absent a declaration of war from Congress."³⁸ However, on February 24, 2003, a federal judge in Boston refused to issue a temporary restraining order against the Administration, calling a potential war in Iraq a political rather than a legal issue, which was "beyond the authority of this court to resolve."³⁹

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

CRS Products

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

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

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

³⁷ "U.S. Lawmakers Weigh Actions to Punish France, Germany," *Washington Post*, February 12, 2003.

³⁸ "Anti-War Lawsuit Challenges Bush's Authority," *USA Today*, February 13, 2003.

³⁹ "Judge Rejects Lawsuit to Block War Against Iraq," *Boston Globe*, February 25, 2003.

Issues for Congress

Weapons of Mass Destruction Issues

Sharon Squassoni, 7-7745

(Last updated February 25, 2003)

Iraq's chemical, biological, and nuclear weapons programs, along with its long-range missile development and alleged support for terrorism, are the justifications put forward for the use of U.S. military forces. Iraq had varying capabilities in all weapons of mass destruction (WMD) before the 1991 Gulf War.⁴⁰ The inspections conducted between 1991 and 1998 destroyed or otherwise eliminated much of those capabilities, but certain aspects of the programs that were unresolved in 1998 remain so today. Current inspections seek to resolve those ambiguities as well as uncover what Iraq might have produced since 1998.⁴¹

Nuclear Program. Iraq had a well-financed and broad-based nuclear weapons program before the 1991 Gulf War, but did not produce enough fissile material for a weapon. In 1998, questions remained about nuclear weapons designs and centrifuge development, external assistance, and whether the nuclear program truly had been abandoned. On February 14, 2003, IAEA Director General Mohamed ElBaradei again reported that inspectors have found no signs of a revived nuclear weapons program. The IAEA is still examining the alleged procurement of uranium from Niger (which Iraq denies) and has asked Iraq to explain the reasons for the technical specifications of its high-strength aluminum tubes, which the IAEA initially decided could plausibly have been for conventional rockets rather than uranium enrichment. In addition, the IAEA is investigating allegations of Iraq's attempts to procure magnets and high-speed balancing machines for a possible clandestine uranium enrichment program.

Biological and Chemical Programs. Iraq produced and weaponized anthrax, aflatoxin and botulinum. Although UNSCOM destroyed facilities, production equipment, and growth media, it never accepted Iraq's declaration as "a full account of Iraq's BW program."⁴² Iraq had a significant chemical weapons program, producing blister agents ("mustard gas") and both persistent and non-persistent nerve agents (VX and Sarin). From 1991 to 1998, inspectors destroyed 38,500 munitions, 480,000 liters of chemical agents and 1.8 million liters of precursor chemicals. Nonetheless, the fate of about 31,600 chemical munitions, 500 mustard gas bombs, and 4,000 tons of chemical precursors is still unknown, as are Iraq's capabilities to produce VX agent. In 1995, Iraq admitted it had produced 4 tons of VX agent, but UNSCOM inspectors believed it had imported enough precursor chemicals to produce 200 tons. Iraqi officials provided documents on VX agent to Blix and Elbaradei in Baghdad in February 2003, but again, there appears

⁴⁰ See CRS Issue Brief IB92117, *Iraq: Weapons threat, Compliance, Sanctions, and U.S. Policy*.

⁴¹ See CRS Report RL31671, *Iraq: UN Inspections for Weapons of Mass Destruction*.

⁴² Un Security Council S/1999/356, March 30, 1999, *Final Report of the Panel on Disarmament and Current and Future Ongoing Monitoring and Verification Issues*.

to be no new information. Blix reported that Iraq had offered suggestions for proving the destruction of anthrax and VX precursors but that experts are not hopeful it will be possible to prove that specific quantities were destroyed.

Missile Program. Iraq had a robust missile force and missile production capabilities prior to the Gulf War, but much of this was destroyed during that war and in inspections from 1991 to 1998. About 130 Soviet-supplied Scud missiles remained after the war and inspectors accounted for all but two. Iraq is permitted to produce missiles with ranges shorter than 150 kilometers and has made progress in producing Ababil and Samoud missiles of permitted ranges. UNMOVIC missile experts concluded that the Al-Samoud-2 missiles exceeded the permitted range and on February 22, Chairman Blix notified Iraq that it must destroy the missiles as well as the SA-2 engines it imported for them. Blix gave Iraq a deadline of March 1 to comply. Iraq admitted earlier that flight tests of those missiles did exceed the 150km-range by 50km but argued that, once weighed down with ordnance and guidance systems, the missiles would not exceed the 150km range. The experts are still considering whether the solid-fueled Al Fatah is a proscribed system but concluded that Iraq's missile test stand would not be recommended for destruction.

Inspections Status. The U.N. Monitoring, Verification and Inspection Commission (UNMOVIC) and the IAEA have conducted over 577 inspections at 425 sites since November 2002. Few new details have been uncovered through inspections, apart from the discovery in mid-January of empty chemical weapons shells not previously declared and of 2000 pages of undeclared documents on uranium enrichment in a private home. The ten mustard gas shells that were taken for destruction on February 12 outside of Baghdad had previously been under seal and scheduled for destruction. Progress on private interviews with scientists has been mixed. On February 6, an Iraqi biologist agreed to be interviewed privately, and three of five non-nuclear scientists that previously had rejected interviews agreed to the inspectors' terms. However, no further scientists have agreed to private interviews. Blix characterized Iraq as beginning to adopt a "more serious attitude" of cooperation, but would not call these developments a breakthrough. Iraq agreed on February 10 to overflights of American U-2, French Mirage, and Russian Antonov aircraft, and U-2 flights began on February 18.

Key Issues. Some key issues to consider with respect to Iraq's weapons of mass destruction follow.

- What constitutes evidence of noncompliance? To some, noncompliance is equated with anything less than full cooperation (i.e., unless compliance is proven, Iraq is noncompliant); to others, there must be proof that Iraq is producing weapons of mass destruction.
- What are the risks of continuing inspections? To some, continuing inspections gives Iraq more time to produce weapons of mass destruction; to others, continuing inspections makes it more likely that any covert programs will be uncovered.
- If inspections uncover signs of Iraqi WMD activity, is this a sign of the failure or the success of inspections?

- Can coercive inspections ever be effective? To some, only cooperative inspections provide full assurances, while to others, inspections provide an invaluable source of information that cannot be gained from other means.
- What is the best means of preventing the transfer of WMD technologies or capabilities from Iraq to terrorists? To some, military force is the best way to quickly and irrevocably disarm Iraq of its WMD capabilities to forestall such an action; to others, military action could unintentionally create an environment conducive to terrorist acquisition of WMD-related items.

CRS Products

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

CRS Report RL31671, *Iraq: U.N. Inspections for Weapons of Mass Destruction.*

CRS Report RS21376, *Iraq: WMD-Capable Ballistic Missiles and Unmanned Aerial Vehicles (UAVs).*

Post-War Iraq

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(Last updated February 26, 2003)

The same U.S. concerns about fragmentation and instability in a post-Saddam Iraq that surfaced in prior administrations are present in the current debate over Iraq policy. One of the considerations cited by the George H.W. Bush Administration for ending the 1991 Gulf war before ousting Saddam was that a post-Saddam Iraq could dissolve into chaos. It was feared that the ruling Sunni Muslims, the majority but under-represented Shiites, and the Kurds would divide Iraq into warring ethnic and tribal factions, opening Iraq to influence from neighboring Iran, Turkey, and Syria. Because of the complexities of planning for a post-war Iraq, and the potential for major inter-ethnic and factional feuding if Saddam falls, some observers believe that the President George W. Bush Administration would prefer that Saddam Hussein be replaced by a military or Baath Party figure who is not necessarily committed to democracy but would comply with applicable U.N. resolutions. Administration statements, however, continue to express a strong commitment to democratizing Iraq. President Bush reaffirmed in his February 20, 2003 speech in Georgia that “if we liberate the Iraqi people, they can rest assured that we will help them build a country that is disarmed and peaceful, and united, and free.”⁴³

Current Planning Efforts. The Administration is planning for a post-Saddam regime. The Administration asserts that, if it takes military action and ousts the government of Saddam Hussein, it will do what is necessary to bring about a stable, democratic successor regime that complies with all applicable U.N.

⁴³ “President Meets with Small Business Owners in Georgia.”

resolutions. Senior State Department and Defense Department officials testified before the Senate Foreign Relations Committee on February 11, 2003 that there would likely be at least a 2-year period before governance of Iraq could be transferred from the U.S. military to an Iraqi administration.⁴⁴ Some analysts speculated that the transition might last considerably longer. The Chief of Staff of the Army, General Eric Shinseki, told the Senate Armed Services Committee on February 24 that as many as 200,000 U.S. troops might be needed for a postwar occupation, although other Administration officials, speaking on background, said that Shinseki was expressing a personal assessment. A press report on February 21 indicated that a prominent American civilian would likely be named to head an interim regime in Iraq and direct the reconstruction effort.⁴⁵ During the interim period, the United States would eliminate remaining WMD, eliminate terrorist cells in Iraq, begin economic reconstruction, and purge Baath Party leaders. Iraq's oil industry would also be rebuilt and upgraded. Some earlier reports indicated that some military planners would prefer that the United Nations and U.S. allies play a major role in governing post-war Iraq on an interim basis. In September 2002, the Congressional Budget Office estimated that U.S. occupation force levels would range between 75,000 and 200,000 personnel, at a cost of \$1 billion to \$4 billion per month. (See below, **Cost Issues**.)

The exiled Iraqi opposition, including those groups most closely associated with the United States, generally opposes a major role for U.S. officials in running a post-war Iraqi government, asserting that Iraqis are sufficiently competent and unified to rebuild Iraq after a war with the United States. The opposition groups that have been active over the past few years, such as the Iraqi National Congress, believe that they are entitled to govern post-Saddam Iraq, and fear that the Administration might hand power to those who have been part of the current regime. For now, the Administration has rebuffed the opposition and decided not to back a "provisional government," composed of Iraqi oppositionists, that would presumably take power after Saddam is overthrown. Nonetheless, the opposition is planning to meet in northern Iraq by February 23, 2003 to plan their involvement in a post-Saddam regime. On February 11, Iraqi exile opposition leaders reiterated their strong opposition to the installation of a U.S. military governor in post-war Iraq.⁴⁶

As part of the post-war planning process, the U.S. State Department is reportedly running a \$5 million "Future of Iraq" project in which Iraqi exiles are meeting in working groups to address issues that will confront a successor government.⁴⁷ The working groups in phase one of the project have discussed (1) transitional justice; (2) public finance; (3) public and media outreach; (4) democratic

⁴⁴ "American Officials Disclose 2-Year Plan to Rebuild Iraq," *New York Times*, February 12, 2003.

⁴⁵ "Full U.S. Control Planned for Iraq; American Would Oversee Rebuilding," *Washington Post*, February 21, 2003.

⁴⁶ "Exile Group Leaders Fault U.S. Plan for Postwar Iraq," *Washington Post*, February 12, 2003.

⁴⁷ "State Department Hosts Working Group Meeting for Future of Iraq Project," *Washington File*, December 11, 2002.

principles; (5) water, agriculture, and the environment; (6) health and human services; and (7) economy and infrastructure. Phase two, which began in late 2002, includes working groups on (1) education; (2) refugees, internally-displaced persons, and migration policy; (3) foreign and national security policy; (4) defense institutions and policy; (5) free media; (6) civil society capacity-building; (7) anti-corruption measures; and (8) oil and energy.

Reconstruction/Humanitarian Effects. It is widely assumed that Iraq's vast oil reserves, believed second only to those of Saudi Arabia, would be used to fund reconstruction. Presidential spokesman Ari Fleischer said on February 18, 2003, referring to Iraq's oil reserves, that Iraq has "a variety of means"... to shoulder much of the burden for [its] own reconstruction." However, many observers believe that an Iraqi regime on the verge of defeat could destroy its own oil fields. Iraq set Kuwait's oil fields afire before withdrawing from there in 1991. The Administration reportedly is planning to try to secure Iraq's oil fields early in any offensive against Iraq to prevent this from happening. A related issue is long term development of Iraq's oil industry, and which foreign energy firms, if any, might receive preference for contracts to explore Iraq's vast reserves. Russia, China, and others are said to fear that the United States will seek to develop Iraq's oil industry with minimal participation of firms from other countries. Some press reports suggest the Administration is planning to exert such control,⁴⁸ although some observers speculate that the Administration is seeking to create such an impression in order to persuade Russia that it has an interest in participating in a coalition against Iraq.

War Crimes Trials. Analysts have debated whether Saddam Hussein and his associates should be prosecuted for war crimes. The Administration reportedly has reached a consensus that, if there is U.S. military action that overthrows Saddam, he and his inner circle would be tried in Iraq.⁴⁹ The Administration is gathering data for a potential trial of Saddam and 12 of his associates, but at the same time, some officials have indicated that Saddam might be allowed a safe haven if he leaves Iraq voluntarily before a war. The *New York Times* reports that U.S. intelligence has catalogued and categorized about 2,000 members of the Iraqi elite, segmenting them into those that might be tried as war criminals, those that might quickly defect to the U.S. side in the event of war, and those that already could be considered opposed to Saddam or whose expertise would be crucial to running post-war Iraq.⁵⁰

CRS Products

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

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

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

⁴⁸ "After Saddam, an Uncertain Future," *Insight Magazine*, February 3, 2003.

⁴⁹ "U.S. Seeks War Crimes Trial Data.," *Washington Post*, October 30, 2002.

⁵⁰ "U.S. Lists Iraqis to Punish, or to Work With," *New York Times*, February 26, 2003.

Burden Sharing

Carl Ek (7-7286)

(Last updated February 26, 2003)

In November 2002, the U.S. government reportedly contacted the governments of 50 countries with specific requests for assistance in a war with Iraq. Several governments have offered help of one kind or another; other countries, according to Bush Administration officials, also intend to support the war effort but, for domestic political reasons, would prefer not to publicize their contributions.⁵¹ Nevertheless, it appears unlikely that a coalition comparable to that of *Desert Storm* in 1991 will arise.

Political and Military Factors. On the international political front, analysts contend that it is important for the United States to enlist allies in order to demonstrate that it is not acting unilaterally – that its decision to use force to disarm Iraq has been endorsed by a broad global coalition. In most cases, foreign decisions to participate or cooperate likely will be predicated upon the results of U.N. arms inspections and further actions by the U.N. Security Council. Although the political leaders of some Islamic countries are reportedly sympathetic to the Bush Administration’s aims, they must consider hostility to U.S. actions among their populations.

From a strictly military standpoint, active allied participation may not be critical. NATO invoked Article 5 (mutual defense) shortly after the September 11, 2001 attacks against the United States, but during the subsequent war in Afghanistan, the United States initially relied mainly on its own military resources, accepting only small contingents of special forces from a handful of other countries. Allied combat and peacekeeping forces arrived in larger numbers only after the Taliban had been defeated. Analysts speculate that the Administration chose to “go it alone” because the unique nature of U.S. strategy, which entailed special forces ground units locating and then calling in immediate air strikes against enemy targets, necessitated the utmost speed in command and communications.⁵² An opposing view is that the United States lost an opportunity in Afghanistan to lay the political groundwork for an allied coalition in the conflict against terrorism. During *Operation Allied Force* in Kosovo in 1999, some U.S. policy-makers complained that the requirement for allied consensus hampered the military campaign with a time-consuming bombing target approval process. Another military rationale for having primarily U.S. forces conduct operations against Iraq is that few other countries possess the military capabilities (e.g., airborne refueling, air transport, precision guided munitions, and night vision equipment) necessary to conduct a high-tech campaign designed to achieve a swift victory with minimum Iraqi civilian and U.S. casualties.

⁵¹ “NATO Allies Willing to Attack Iraq without U.N., Wolfowitz Says,” *Bloomberg.com*, January 10, 2003; “U.S. Coalition For War Has Few Partners, Troop Pledges,” *Washington Post*, January 25, 2003.

⁵² “On Iraq, Can Too Many Troops Spoil A War?” *Christian Science Monitor*, January 22, 2003.

Direct and Indirect Contributions. An Administration official recently stated that “a core group of eight nations ... has pledged either combat forces or support units”⁵³ Britain, the only other country that has had warplanes patrolling the no-fly zones in Iraq, is expected to make contributions of ground, air, and naval forces. Australia has deployed a combat task force, and it is believed that other countries, such as Poland, the Netherlands, Denmark, and Canada, may support coalition forces once a conflict begins. The Czech Republic has reinforced a contingent of anti-chemical weapons specialists in Kuwait, stationed there since March 2002, and the Slovak parliament has approved the deployment of a similar unit. Japan, constitutionally barred from dispatching ground troops, reportedly may also help in the disposal of chemical and biological weapons, and has recently reinforced its fleet of naval vessels patrolling the Indian Ocean. Sweden and New Zealand have indicated that they might contribute medical support.

Other forms of support might prove valuable. For example, countries could grant overflight rights, or back-fill for U.S. troops that might redeploy to Iraq from Central Asia or the Balkans. In addition, gaining permission to launch air strikes from countries close to Iraq would reduce the need for mid-air refueling, allow aircraft to re-arm sooner, and enable planes to respond more quickly to ground force calls for air strikes; Djibouti, Kuwait, Spain, Italy, Romania and Bulgaria have offered the use of their airbases and seaports. At the Bush Administration’s request, the Hungarian government is allowing the use of an air base for the training of up to 3,000 Iraqi opposition members to assist coalition forces as non-combatant interpreters and administrators.⁵⁴

On January 15, the United States formally requested several measures of assistance from the NATO allies, such as AWACS, refueling, and overflight privileges; the request was deferred. On February 10, France, Germany and Belgium vetoed U.S. and Turkish requests to bolster Turkish defenses on the grounds that it would implicitly endorse an attack on Iraq; German Chancellor Schroeder sought to sharpen the distinction by announcing that his government would provide defensive missiles and AWACS crews to help protect Turkey on a bilateral basis.⁵⁵ A week later, the impasse was broken by an agreement over language indicating that such assistance “relates only to the defense of Turkey” and does not imply NATO support

⁵³ “America’s Allies Pledge Array of Support,” *Baltimore Sun*, February 14, 2003. For domestic political reasons, some countries wish to delay announcement of their support.

⁵⁴ “Hungary Approves US Request For Training Base For Iraqi Exiles,” *Agence France Press*, December 18, 2002.

⁵⁵ “Germany To Ship Missiles To Turkey,” *Washington Post*, February 14, 2003.

for a military operation against Iraq.⁵⁶ Despite the compromise, many observers believe the temporary rift may have lasting consequences for NATO.

In addition, the Bush Administration asked permission of the Turkish government to use Turkish bases and ports and to move American troops through southeast Turkey to establish a northern front against Iraq – a key issue for U.S. planners. The negotiations over allowing U.S. troops proceeded in tandem with discussions over a U.S. aid package.⁵⁷ The two sides apparently reached an agreement permitting as many as 62,000 U.S. troops in Turkey, although a vote on the agreement in the Turkish parliament has been delayed. The United States reportedly may provide approximately \$6 billion in aid to Turkey.⁵⁸ Some have criticized Turkey, claiming it has leveraged U.S. strategic needs to squeeze a large aid package out of Washington. However, Turkish officials argue that more than 90% of their country's population opposes a war and that Turkey suffered severe economic losses from the 1991 Gulf War. Ankara also is concerned over the possibility that a new conflict in Iraq could re-ignite the efforts of Kurdish separatists.

Although the Persian Gulf states generally oppose an attack on Iraq in public statements, approximately 180,000 U.S. troops are currently ashore or on ships in the region, and Saudi Arabia and Qatar host large U.S. military command centers. Whether the United States will be permitted to use facilities in Saudi Arabia in carrying out an attack on Iraq remains unclear. U.S. troops based in Kuwait would likely play a key role in any ground attack against Iraq. In addition, several U.S. aircraft carriers will be positioned in the region.

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

⁵⁶ NATO works on a consensus basis; France, Germany, Belgium and Luxembourg opposed the initial U.S. request. "NATO Blocked on Iraq Decision," *Washington Post*, January 23, 2003. At the end of January, however, eight European leaders signed an open letter supporting U.S. efforts to disarm Iraq. "European Leaders Declare Support for U.S. on Iraq," *Wall Street Journal*, January 30, 2003. That statement was followed by a declaration of support by the ten countries aspiring to join NATO. "Who Stands with U.S.? Europe Is of Two Minds," *New York Times*, January 31, 2003. "East Europeans Line Up Behind Bush," *International Herald Tribune*, February 6, 2003. "NATO Agrees to Begin Aid to Turkey," *Washington Post*, February 17, 2003.

⁵⁷ Israel, Jordan, and Egypt also reportedly have requested U.S. aid to offset possible effects of to a war. "Deals For Allies' War Support Are Likely To Cost U.S. Billions," *Philadelphia Inquirer*, February 20, 2003.

⁵⁸ "Turkey Backs United States Plans For Iraq," *New York Times*, February 6, 2003. Turkey Conditions Troop Deployment on More U.S. Aid," *Washington Post*, February 19, 2003; "Turkey Seems Set To Let 60,000 G.I.'s Use Bases For War," *New York Times*, February 26, 2003.

peacekeeping forces. Japan, Sweden, and Romania have indicated that they might play a role.

CRS Products

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

CRS Report RL31533, *The Persian Gulf: Issues for U.S. Policy, 2003*.

Implications for the Middle East

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(Last updated February 25, 2003)

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

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

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

Democracy and Governance. Some commentators believe that a war with Iraq culminating in the overthrow of Saddam Hussein would lead to a democratic revolution in large parts of the Middle East. The Bush Administration itself has repeatedly expressed support for the establishment of a more democratic order in the Middle East, although skeptics point out that key U.S. allies in the region have authoritarian regimes. Some link democracy in the Middle East with a broader effort to pursue development in a region that has lagged behind much of the world in

economic and social development, as well as in individual freedom and political empowerment. In a speech at the Heritage Foundation on December 12, 2002, Secretary of State Colin Powell announced a three-pronged “Partnership for Peace” initiative designed to enhance economic development, improve education, and build institutions of civil society in the Middle East. Separately, Crown Prince Abdullah of Saudi Arabia has reportedly proposed an “Arab Charter” that would encourage wider political participation, economic integration, and mutual security measures.

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

Arab-Israeli Peacemaking. Administration officials and other commentators argue that resolving the present crisis with Iraq will create a more favorable climate for future initiatives to resume currently stalled Arab-Israeli peace negotiations. Proponents of this view cite the experience of the first Bush Administration, which brought Arabs and Israelis together in a landmark peace conference at Madrid in 1991, after first disposing of the Iraqi occupation of Kuwait. Many believe that the then Bush Administration secured wide Arab participation in the coalition to expel Iraq from Kuwait by promising a major post-war effort to address the Arab-Israeli conflict. Officials of the present Bush Administration continue to speak of their vision of pursuing an Arab-Israeli peace settlement after eliminating current threats from Iraq, although the President alluded only briefly to this issue in his State of the Union address on January 28, 2003.

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

inflaming popular opinion against the United States and encouraging an increase in anti-U.S. terrorism.⁵⁹

Security Arrangements in the Gulf Region. Large-scale deployment of U.S. troops to the Middle East to wage war against Iraq and the likelihood of a continued major U.S. military presence in the region will exert added pressures on Middle East governments to accommodate U.S. policies in the near term. Long-lasting major U.S. military commitments in the region, however, could heighten resentment against the United States from Islamic fundamentalists, nationalists, and other groups opposed to a U.S. role in the Middle East; such resentment could manifest itself in sporadic long-term terrorism directed against U.S. interests in the region. Even friendly Middle East countries may eventually seek a reduction in U.S. military presence. According to a *Washington Post* report on February 9, 2003, Saudi Arabia's Crown Prince Abdullah plans to request the withdrawal of U.S. armed forces from Saudi territory after Iraq has been disarmed. U.S. and Saudi officials declined to comment on this report, which an unnamed White House official described as "hypothetical." At the same time, some friendly Middle East states, particularly in Persian Gulf region, may prefer to continue relying on their bilateral ties with the United States for long-term security guarantees.

CRS Products

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

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

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

Humanitarian Issues

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(Last updated February 26, 2003)

Background. Since the end of the 1991 war with Iraq, surveys and studies show a continuing decline in the health and nutrition status of the Iraqi civilian population, estimated at 24 million to 27 million, especially among children and the elderly. But it is difficult to determine how much of the suffering is due to the sanctions imposed on Iraq and how much is due to other factors. Imposition of U.N. sanctions followed a nearly decade-long war between Iraq and Iran, during which spending on the social welfare system declined. Decades of conflict and the bombing during the Gulf War damaged or destroyed much of the public infrastructure such as water and sewage plants and many public buildings. Some argue that supplies of

⁵⁹ A former high U.S. official described the "Arab street" as "explosive"; however, many observers point out that Middle East governments had little trouble containing incipient anti-U.S. demonstrations during the Gulf War in 1990-1991.

water, food, medicine, and electricity are a matter of urgent concern.⁶⁰ However, much of the information available on the conditions within Iraq is also considered unreliable. Some groups question the accuracy of statistics publicized by the government, but have no independent sources of information. All estimates of the number of deaths due to lack of food or medical care vary widely based on the source.

U.N. and other humanitarian agencies provide aid to Iraq through the Oil-for-Food Program (OFFP), which uses revenue from Iraqi oil sales to buy food and medicines for the civilian population.⁶¹ Both bilateral and multilateral aid have continued to flow into the country since the end of the war, although it is difficult to assess the total amount provided by all donors outside the OFFP. During the 1990s, the OFFP alleviated some of the worst effects of the sanctions, but the humanitarian situation (defined as urgent need for food, shelter, and basic health care) remains serious and has continued to deteriorate over time. Some improvements have been seen in nutrition, health services, water supply and sanitation, but there is now greater dependence on government services. Health and nutrition problems have been tied to the consequences of war, sanctions, shortcomings of assistance, and the deliberate policies of the Iraqi regime.

War-Related Concerns. The implications of war in Iraq include a potential humanitarian emergency with population movements across borders or within Iraq itself. Four issues are of critical interest to Congress in that context. First, how the war will be fought and for how long; will it be a protracted, urban war with heavy civilian casualties or a shorter war with less impact on the Iraqi people? Second, what type of humanitarian assistance will be provided to displaced populations (aid priorities, use of oil revenues) and the role of other donors? Third, how will assistance programs be implemented – through U.S. occupation, U.N. administration, or U.N./donor assistance? Fourth, what will be the impact of refugee flows on stability in the region? And finally, what will be the role of neighboring countries in contributing to post-war efforts?

On February 13, 2003, U.N. Secretary General Kofi Annan held a private briefing for Security Council members on the likely humanitarian situation in Iraq in the event of a war. Afterward, the chief U.N. emergency relief coordinator, Kenzo Oshima, told reporters that the United Nations expected that 600,000 to 1.45 million refugees and asylum seekers might flee Iraq, that 2 million could become internally displaced, and that 10 million inside Iraq would require food assistance.⁶² Leaked U.N. documents reportedly show that the organization is expecting 100,000

⁶⁰ “Agencies Fear Consequences But Plan for War in Iraq; Iraq Stocks up Food Ahead of Possible US War.” *Turkish Daily News*, December 27, 2002.

⁶¹ For more information about the Oil-for-Food Program (OFFP), see CRS Report RL30472, *Iraq: Oil-for-Food Program, International Sanctions, and Illicit Trade*.

⁶² “Shortfall Imperils U.N.’s Iraq Aid; Funds Sought for Humanitarian Work,” *Washington Post*, February 14, 2003.

immediate casualties in Iraq and increased risk to children due to malnutrition.⁶³ The United Nations is appealing for \$120 million to prepare for post-war Iraqi relief and has received pledges of about \$30 million. In addition to the United States, other international donors are also responding to the U.N. request for support.

U.N. agencies continue to reiterate that contingency planning does not mean they have given up hope of avoiding war; at the same time, given the challenge of current conditions in Iraq, these agencies also acknowledge that a conflict in Iraq would disrupt critical infrastructure, delivery of basic services, and food distribution with the potential of severe humanitarian consequences. Nevertheless, relief agencies are having to plan for humanitarian needs amid great uncertainty about conditions in the aftermath of conflict.

Refugee Preparations. Iran, Turkey, Jordan, Syria, and Kuwait have publicly stated that they will prevent refugees from entering their countries.⁶⁴ Iranian leaders have stated that refugees will not be allowed over Iranian borders, but refugees would be provided assistance in Iraq, which is a similar strategy used by Iran in Afghanistan.⁶⁵ However, Iran is also setting up 19 camps within its borders just in case. Turkey has said that it would prefer not to allow refugees over its borders and is planning to build 13 camps in northern Iraq. However, Turkey is also planning five more camps within its borders and has started preparations to build one camp of 24,000 tents. The Red Crescent team is making preparations to accommodate up to 100,000 people and treat up to 7,000 injured by bombs and fighting.⁶⁶ Kuwait's government has said it will not let refugees enter the country from Iraq but that displaced people could be cared for in the demilitarized border zone between the two countries. The government is also preparing to establish a camp for refugees. According to relief agency officials, Jordanian authorities appear determined not to allow Iraqi refugees into Jordan. Saudi Arabia has not publicly discussed the need for preparation for refugees, but there have been reports that the government is making some plans.⁶⁷

Relief Planning. The United Nations has an extensive infrastructure in Iraq to oversee the OFFP,⁶⁸ but expatriate staff would probably be withdrawn during a

⁶³ “‘Grim Picture’ Seen for Iraqis,” *Los Angeles Times*, February 14, 2003.

⁶⁴ “Aid Groups Cagey on Contingency Plans for Iraq War,” *Reuters*, January 15, 2003.

⁶⁵ Iranian police chief Mohammad Baqer Qalibaf recently said, “No Refugees Will Be Allowed into Our Territory if America Attacks Iraq.” “Tehran Sends Mixed Signals on Iraqi Refugees,” *RFL/RL*, January 16, 2003; “Iran Prepares for Possible Iraqi Refugee Influx,” *Reuters*, January 16, 2003.

⁶⁶ “Turkey to Set Up 24,000 Tents at Iraq Border for Possible Refugee Influx,” *Agence France-Presse*, January 15, 2003; “Supplies Amassed Along Front Line of Iraq’s ‘Other’ War.”

⁶⁷ *Ibid.*

⁶⁸ The United Nations High Commissioner for Refugees (UNHCR) has four offices inside Iraq, and works primarily with 100,000 Palestinians, 23,000 Iranians, and 13,000 Turks—all of whom are refugees. “U.N. Seeks \$37.4 Million Humanitarian Supplies in Case of Iraq

conflict and would not be available to administer assistance while the fighting lasted. Few nongovernmental organizations (NGOs) have offices in Baghdad and only a handful have a presence in Iraq. The Iraqi regime restricts NGOs: for example, those that work in the North cannot have offices in the South. In addition, U.S.-based organizations are required by the U.S. government to have a license to operate in Iraq.⁶⁹ Within Iraq, relief agencies are stockpiling supplies of food, water, hygiene packets, and medical supplies for approximately 250,000 people.

According to Pentagon planners, U.S. armed forces would initially take the lead in relief and reconstruction, later turning to Iraqi ministries, NGOs, and international organizations to assume some of the burden.⁷⁰ The Department of Defense (DOD) has set up an Office of Reconstruction and Humanitarian assistance as a central point for those involved in humanitarian and reconstruction efforts. The group has developed an operational concept for the delivery of aid, relief coordination, and a transitional distribution system. U.S. forces are pre-positioning food and relief aid near Iraq and making plans to deal with a possible humanitarian crisis.

DOD is taking an inter-agency approach to the potential need for humanitarian assistance. Marc Grossman, Under Secretary of State for Political Affairs, told the Senate Foreign Relations Committee on February 11, 2003, that the U.S. Agency for International Development (USAID) and the Department of State were engaged with working with NGOs and international organizations, which would be “important partners in addressing Iraq’s humanitarian needs,” adding “civilian and military officials regularly consult and coordinate plans.” With funding from USAID, U.S. NGOs have formed a consortium, the Joint NGO Emergency Preparedness Initiative, for better coordination. Grossman noted that the United States had allocated \$15 million for planning, and \$35 million was being made available from other accounts.⁷¹

Over the past several months, USAID has been putting a Disaster Assistance Response Team (DART) together and is making preparations to deal with the basic needs of one million people. There will be a core office in Kuwait City and three mobile field offices. Planning has included assembling and training the response team, stockpiling emergency supplies and commodities, and communicating with U.S. and international organizations. According to USAID, so far it has spent \$26 million from contingency planning funds. Another \$56 million will be drawn from existing funding sources within USAID. The President is expected to make decisions shortly on follow-on funding.

⁶⁸ (...continued)

War,” *Dow Jones International News*, December 23, 2002.

⁶⁹ “U.S. Plans Humanitarian Assistance for Iraqi People in Case of War,” January 16, 2003, [<http://usinfo.state.gov/regional/nea/iraq>]. “Uncertainty Dogs Relief Groups’ Plans to Care for Iraq Refugees,” *Financial Times*, January 6, 2003.

⁷⁰ “U.S. Military Lays Out Postwar Iraq Plan,” *Washington Post*, February 12, 2003.

⁷¹ Transcript provided by Federal Document Clearing House.

Nonetheless, among relief organizations there remains a concern that U.S. and other military leaders have underestimated the potential humanitarian crisis in Iraq⁷² and that military planners have not developed adequate plans for dealing with that crisis. They complain that, despite U.S. statements to the contrary, they are not being adequately consulted on relief plans and at present lack the resources to flow into Iraq behind advancing U.S. forces, as projected by military planners.⁷³ NGOs also maintain that the U.S. government has delayed approval of the licenses required for organizations not already present in Iraq to set up operations.⁷⁴ Although the humanitarian issues in Iraq have been getting more attention in recent weeks in the United States, at the United Nations, and at international meetings such as the one sponsored by the Swiss Agency for Development and Cooperation in Geneva in mid-February, the state of preparedness for humanitarian contingencies, degree of transparency over planning, and lack of funding have many concerned about the impact of war and capacity of the international community to meet the humanitarian needs on the ground.

International and Domestic Legal Issues Relating to the Use of Force

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(Last Updated, February 10, 2003)

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

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

⁷² AlertNet, “Agencies Should Resist Being Taken for Granted,” January 17, 2003, [<http://www.reliefweb.org>].

⁷³ “AID Groups Say U.S. Shut Them Out of Post-Invasion Plan,” *Boston Globe*, February 18, 2003.

⁷⁴ *Ibid.*

constitutional authority to defend the United States from sudden attack without congressional authorization, dispute still arises concerning whether, and the extent to which, the use of offensive force in a given situation, such as may be contemplated against Iraq, must be authorized by Congress in order to be constitutional.

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

In the present circumstance these legal requirements seemingly have been met and any controversy about the President's unilateral use of force resolved. As noted earlier in this report, P.L. 107-243, signed into law on October 16, 2002, authorizes the President "to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to (1) defend the national security of the United States against the continuing threat posed by Iraq; and (2) enforce all relevant United Nations Security Council resolutions regarding Iraq." As predicates for the use of force, the statute requires the President to communicate to Congress his determination that the use of diplomatic and other peaceful means will not "adequately protect the United States ... or ... lead to enforcement of all relevant United Nations Security Council resolutions" and that the use of force is "consistent" with the battle against terrorism.

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

CRS Products

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

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

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

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

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

In the past the imminence of a threat has usually been readily apparent due to the movement of enemy armed forces. But the advent of terrorism, coupled with the potential availability of weapons of mass destruction, has altered that equation. As a consequence, the legitimacy under international law of a preemptive attack on Iraq by the United States, absent any Security Council authorization, may not, at the outset, be readily determinable; and the circumstances eventually determined to provide justification for such an attack may shape what, in the future, is deemed to be a lawful preemptive use of force.

CRS Products

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

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

Security Council Authorization. Prior to widespread adoption of the Charter of the United Nations (U.N.), international law recognized a nation’s use of force against another nation as a matter of sovereign right. But the Charter was intended to change this legal situation. The Charter states one of its purposes to be “to save succeeding generations from the scourge of war.” To that end it mandates that its member states “refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations” and that they “settle their disputes by peaceful means” It also creates a system of collective security under Chapter VII to maintain and, if necessary, restore international peace and security, effectuated through the Security Council. While that system was often frustrated by the Cold War, the Security Council has directed its member states to impose economic sanctions in a number of situations and to use military force in such

situations as Korea, Iraq's invasion of Kuwait, and the Balkans. In addition, the Charter in Article 51, as noted above, continues to recognize the "inherent right" of States to use force in self-defense.

Whether further Security Council authorization is necessary to give U.N. authority to the use of force against Iraq is debatable. It is at least arguable that the authorization the Council adopted in 1990 remains in effect. In the wake of a number of resolutions concerning Iraq's invasion and occupation of Kuwait, Resolution 678, adopted on November 29, 1990, authorized Member States "to use all necessary means to uphold and implement Resolution 660 (1990) and all subsequent relevant resolutions and to restore international peace and security in the area." In Resolution 687, adopted April 3, 1991, the Council set forth various requirements – including unconditional Iraqi disarmament and unconditional Iraqi agreement not to develop or acquire chemical, biological or nuclear weapons or facilities or components related to them – as obligations that Iraq had to meet as conditions of the cease-fire. Resolution 687 specifically reaffirmed previous U.N. resolutions on Iraq, including Resolution 678. It can be contended, therefore, that a failure of Iraq to meet the conditions set forth in Resolution 687 vitiates the cease-fire and brings the authorization contained in Resolution 678 back into play.

Nonetheless, that may not be the view of a number of members of the Security Council, and it remains a fact that the Council has not enacted any further explicit authorization for the use of force against Iraq since 1990. On November 8, 2002, in the wake of President Bush's challenging address to the United Nations a month earlier, the Security Council did adopt Resolution 1441; and the focus now is on Iraqi compliance with that resolution. Resolution 1441 stated that Iraq was in "material breach" of its obligations under earlier resolutions, imposed "an enhanced inspections regime" in order to give Iraq "a final opportunity to comply with its disarmament obligations," and stated that Iraq would face "serious consequences" if it continued to fail to meet its obligations. The resolution obligates the Council to "convene immediately" should Iraq interfere with the inspections regime or otherwise fail to meet its disarmament obligations. Whether Resolution 1441 necessitates an additional resolution specifically authorizing the use of force appears debatable.

CRS Products

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

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

Cost Issues

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Currently, the Defense Department is financing the mobilization of forces and the deployment of equipment for a potential war with Iraq using regular FY2003 funding with costs of \$2.3 billion already incurred to activate reservists and deploy and support troops and equipment in the region. According to recent press reports, defense officials are estimating that the cost of a war in Iraq – including initial occupation and aid to allies – could be more than \$100 billion. A request for a supplemental appropriations bill could be made shortly, according to observers.⁷⁵ Debate within the Administration about the size and timing of the supplemental, however, could delay that request. The FY2004 budget does not include any funds to cover current or potential costs of a war with Iraq. The potential cost of a war and related post-war costs are currently raising concerns.

The full costs of a war with Iraq could include not only the cost of the war itself but also the cost of aid to allies to secure basing facilities and to compensate for economic losses (e.g. Turkey, Pakistan, Israel, Egypt, and Jordan), post-war occupation costs, reconstruction costs, and humanitarian assistance. Post-war costs could be higher than the cost of the war itself, according to the estimates below. Those estimates suggest that a 2-month war could cost between \$27 billion and \$60 billion, while the costs of aid to allies, occupation, reconstruction, and humanitarian assistance could total as much as \$68 billion in the first year, assuming an occupation force of 200,000.

The Defense Department has not provided any official estimates of the potential costs of a war with Iraq, although Secretary of Defense Rumsfeld stated in interviews several weeks ago that \$50 billion would be “on the high side.”⁷⁶ The Office of Management and Budget has prepared an internal estimate, which reportedly projects costs of \$50-60 billion, but it has not issued the estimate publicly, and it has not explained the assumptions underlying its projections. An earlier estimate by former chief White House economist Larry Lindsey of \$100 billion to \$200 billion was dismissed by the Administration.

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

The Congressional Budget Office has published estimates of the costs of two illustrative campaigns: a heavy air option involving 250,000 troops deployed to the region and heavy ground option involving 370,000 troops based on factors from the

⁷⁵ “Bush To Seek Up To \$95 Billion to Cover Cost of War In Iraq,” *Wall street Journal*, February 26, 2003; “Iraq War Cost Could Soar, Pentagon Says,” *Los Angeles Times*, February 26, 2003.

⁷⁶ “Iraq War Cost Could Soar, Pentagon Says,” *Los Angeles Times*, February 26, 2003.

individual services. In a war that lasted two months, the heavy air option would cost \$27 billion and the heavy ground option would cost \$36 billion for the war itself.⁷⁷ Using a methodology based on the costs of the Persian Gulf War of 1991, the Democratic staff of the House Budget Committee estimated that a two-month war that deployed 250,000 troops would cost \$53 billion to \$60 billion, an estimate closer to that used by Secretary Rumsfeld.⁷⁸ A new estimate by the Center for Strategic and Budgetary Assessments (CSBA) that blends the two approaches, suggested that a two month war would cost about \$35 billion. A six-month war, with the same force size, could cost substantially more, ranging from \$50 billion using CBO's figures to \$85 billion using CSBA's approach.⁷⁹

Related Aid to Allies. The cost of aid to allies to ensure access for U.S. troops, as in the case of Turkey or to provide compensation for economic losses or refugee costs, as in the case of Pakistan or Jordan and Egypt and Israel, is uncertain. Discussions are reportedly underway. Press reports have mentioned requests from allies of \$15 billion in grants and loan guarantees from Turkey, \$12 billion from Israel, and major additions to current aid from Egypt and Jordan.⁸⁰ Based on those press reports, such aid to allies could add many billions to the cost of the war. It is not clear to what extent, if at all, estimates of those costs are included in the Pentagon's new overall estimate of \$95 billion.

Occupation. The cost of a post-war occupation would vary depending on the number of forces and the duration of their stay. Using factors based on the recent experience for peacekeepers, CBO estimated that monthly occupation costs would range from \$1.4 billion for 75,000 personnel to \$3.8 billion for 200,000 personnel, a force size that was considered by the U.S. Central Command.⁸¹ A year-long occupation employing 200,000 troops would cost \$45.6 billion using these factors. That estimate was recently buttressed by testimony from the Army Chief of Staff, General Eric Shinseki, stating his view that several hundred thousand troops could be needed initially.⁸²

An estimate by the Center for Strategic and Budgetary Assessments has pegged the post-war occupation cost at \$105 billion over 5 years, assuming an initial peacekeeping force of 150,000 troops declining to 100,000 troops the second year

⁷⁷ Congressional Budget Office, Letter to Senator Kent Conrad and Congressman John M. Spratt, Jr, concerning costs of a potential war with Iraq, September 30, 2002; see [<ftp://ftp.cbo.gov/38xx/doc3822/09-30-Iraq.pdf>]. CBO used costing methodology based on cost factors used by the services and the scenarios described above.

⁷⁸ See [http://www.house.gov/budget_democrats/analyses/spending/iraqi_cost_report.pdf]

⁷⁹ See House Budget Committee, above, and Center for Strategic and Budgetary Assessments, Backgrounder, Potential Cost of a War with Iraq and its Post-War Occupation by Steven M. Kosiak, February 25, 2003 [<http://www.csbaonline.org>].

⁸⁰ "U.S. builds War Coalition With Favours And Money," *USA Today*, February 25, 2003.

⁸¹ CBO, Letter cited. Costs would be higher if U.S. peacekeepers engaged in reconstruction activities like rebuilding bridges.

⁸² "A Huge Postwar Force Seen," *Los Angeles Times*, February 26, 2003.

and 65,000 troops for the following 3 years.⁸³ If the peacekeeping role were shared with the U.N. or other nations, the costs to the U.S. would be lower. Press reports suggest that the Administration is considering an occupation of about 2 years.

Reconstruction. According to United Nations agencies, the cost of rebuilding Iraq after a war could run at least \$30 billion in the first 3 years.⁸⁴ Nobel prize-winning economist William D. Nordhaus has indicated that reconstruction in Iraq could cost between \$30 billion over 3 to 4 years, based on World Bank factors, to \$75 billion over 6 years using the costs of the Marshall Plan as a proxy.⁸⁵

If Iraqi oil fields are not damaged, some observers have suggested that oil revenues could pay for occupation or reconstruction. Most of those revenues, however, are used for imports under the U.N. Oil for Food Program or for domestic consumption. Although expansion of Iraqi oil production may be possible over time, additional revenues would not be available for some time. The only additional revenues available immediately might be those from the estimated 400,000 barrels per day that Iraq currently smuggles and that generate about \$3 billion a year.⁸⁶

Humanitarian Assistance. Estimates of post-war humanitarian assistance for emergency food and medical supplies have been estimated at about \$2.5 billion the first year, and \$10 billion over 4 years, assuming that about 20% of Iraq's population of 24 million needed help.⁸⁷ If the number needing help were lower or other nations or the U.N. contributed, the cost to the U.S. would be lower.

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

⁸³ Center for Strategic and Budgetary Assessments, Background. CSBA uses the same factors as CBO.

⁸⁴ "U.N. Estimates rebuilding Iraq Will Cost \$30 Billion." *New York Times*, January 31, 2003.

⁸⁵ American Academy of Arts and Sciences, *War with Iraq: Costs, Consequences, and Alternatives*, November 2002, p. 66-67; available online from the Academy's web site at [http://www.amacad.org/publications/monographs/War_with_Iraq.pdf].

⁸⁶ CBO, Letter to Senator Kent Conrad and Congressman John M. Spratt, Jr, concerning costs of a potential war with Iraq, September 30, 2002; see [<ftp://ftp.cbo.gov/38xx/doc3822/09-30-Iraq.pdf>].

⁸⁷ American Academy of Arts & Sciences, *War with Iraq: Costs, Consequences, and Alternatives*, November 2002, p. 67; available online from the Academy's web site at [http://www.amacad.org/publications/monographs/War_with_Iraq.pdf]. This estimate assumes a cost of \$500 per person per year based on the experience in Bosnia and Herzegovina in the 1990s.

CRS Products

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

Oil Supply Issues

Larry Kumins, 7-7450

(Last updated February 11, 2003)

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

Under U.N. Resolution 986, the “oil for food” program, Iraq’s oil exports have varied greatly; in some weeks virtually no oil has been exported, in others as much as 3.0 million barrels per day (mbd) enter world markets. During the past two months, the U.N. Office of the Iraq Program reports that exports have averaged 1.5 mbd under the oil-for-food program. Despite the off-and-on nature of Iraq’s international oil flow, the oil market relies on the Iraqi supply, and it plays a role in the determination of crude oil prices and other supplier-purchaser arrangements.

Iraq accounts for about 10% of average oil production by the Organization of Petroleum Exporting Countries (OPEC). Iraq is an OPEC member but does not participate in the cartel’s quota program (as do the 10 other members) because Iraqi exports are controlled by the U.N. under Resolution 986. Iraq’s financial incentive to keep supplying the world market is strong, since crude prices are at record levels due mainly to an oil workers’ strike in Venezuela. The strike began on December 2, 2002. Combined with uncertainty regarding a new Persian Gulf conflict, the strike has resulted in oil prices that are 50% higher than the 2001 average.

Current indications suggest the Venezuelan strike is winding down and that oil output is growing. But it is not clear how soon production will reach pre-strike levels. Were the strike to continue through spring – and events in the Persian Gulf cause a halt in Iraqi crude oil supply – OPEC members would not be able to make up the lost crude. With little surplus producing capacity elsewhere in the world, a crude supply shortfall would likely occur, and oil prices could spike above their recent \$35 per barrel levels. If any conflict involving Iraq were to spread beyond its borders to Kuwait – as Saddam Hussein has threatened – or affect tanker traffic in the Persian Gulf, a greater oil shortfall could take place with a more significant impact on prices.

On the other hand, should Iraq experience a change of government, the country could become a much larger oil producer, increasing world market supply, and

changing the oil price paradigm that has prevailed since the Iranian political upheaval of 1978-79. This eventuality could unleash a new set of political and economic forces in the region.

CRS Products

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

Information Resources

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

CRS Experts

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

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

CRS Products

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

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

Chronology

For a chronology of Iraq related events since October 2002, see CRS Report RL31667, *Iraq-U.S. Confrontation: Chronology and Scheduled Events*.

Iraq Facts

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

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

Maps

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

Reports, Studies, and Electronic Products

This CRS web page includes links to a wide range of sources relevant to the Iraq confrontation.

[<http://www.congress.gov/brbk/html/ebter233.html>].

The following CRS page focuses on official sources, including sources in both the legislative and executive branches of the U.S. government, foreign government sources, and sources of information at international organizations.

[<http://www.crs.gov/products/browse/iraqdocs.shtml>].

United Nations Resolutions

For the draft “second resolution” introduced by the United States, the United Kingdom, and Spain on February 24, 2003, see

[<http://www.un.int/usa/scdraft-iraq-2-24-03>]

On November 8, 2002, the United Nations Security Council unanimously adopted Resolution 1441, holding Iraq in “material breach” of its disarmament obligations. For background and text, see

[<http://www.un.org/News/Press/docs/2002/SC7564.doc.htm>]

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