

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 the first part of February 2003, the U.S. military buildup in the Persian Gulf continued, amid reports that U.S. forces would be ready to launch a war by mid-February or early March. 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 18 months or longer. Whether the overthrow of Iraqi President Saddam Hussein will lead to democratization in Iraq and the wider Middle East, or promotes 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 updated approximately one each 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	11
Congressional Action	11
Issues for Congress	14
Weapons of Mass Destruction Issues	14
Nuclear Program	14
Biological and Chemical Weapons Program	14
Missile Program	15
Inspections Status	15
Inspection Issues	15
Role of Intelligence	16
Post-War Iraq	16
Background	17
Current Planning Efforts	17
Reconstruction/Humanitarian Effects	18
War Crimes Trials	18
Burden Sharing	19
Political and Military Factors	19
Direct and Indirect Contributions	20
Post-conflict Assistance	21
Implications for the Middle East	21
Democracy and Governance	22
Arab-Israeli Peacemaking	23
Security Arrangements in the Gulf Region	23
Humanitarian Issues	24
Background	24
War-Related Concerns	25
Refugees	25
Aid Agency Planning	26
Potential Internal Humanitarian Consequences of War	27
International and Domestic Legal Issues	
Relating to the Use of Force	28

The Constitution and the War Powers Resolution	28
International Law and the Preemptive Use of Force	30
Security Council Authorization	30
Cost Issues	32
Oil Supply Issues	33
Economic Effects of a War with Iraq	34
Economic Effects of Military Expenditures	34
Economic Effects of Higher Oil Prices	34
The Role of Confidence in the Economy	35
Economic Effects of the First Gulf War	35
Information Resources	35
CRS Experts	35
CRS Products	36
Chronology	36
Iraq Facts	36
Maps	36
Reports, Studies, and Electronic Products	36
United Nations Resolutions	36

List of Figures

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

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Most Recent Developments

On February 12, NATO was reportedly considering proposals to resolve a deadlock over preparing to defend Turkey in the event of a war in Iraq.

A tape recording believed to be by al Qaeda leader Osama bin Laden, released on February 11, 2003, urged Muslims worldwide, and in Iraq, to resist a U.S. attack. Several Administration officials testified before congressional committees on Iraq-related issues on February 11. FBI Director Robert Mueller reported that several hundred Islamic militants with al Qaeda ties were in the United States; CIA Director George Tenet said that Iraq was harboring senior al Qaeda members; and Secretary of State Colin Powell emphasized the “nexus” between terrorists and states seeking weapons of mass destruction. Undersecretary of Defense Douglas Feith said that the reconstruction of Iraq could take two years at a cost that could not be estimated. Federal Reserve Chairman Alan Greenspan noted that “geopolitical tensions” were adding to uncertainties affecting the U.S. economy.

On February 10, France, Germany, and Russia issued a joint statement calling for a “substantial reinforcement” of the capabilities of the weapons inspectors in Iraq. The statement reaffirmed that disarming Iraq “is the common objective of the international community,” but argued that there was “still an alternative to war.” At a NATO meeting in Brussels, France, Germany, and Belgium blocked requests to begin preparations for defending Turkey, an Iraq neighbor, in the event of war. A French official argued that NATO could not begin war planning until the U.N. Security Council authorized a war. President Bush, referring specifically to France, said the move was “shortsighted” and would “affect the alliance in a negative way.” The President told religious broadcasters meeting in Nashville that the people of Iraq “have suffered long enough.”

U.N. chief weapons inspectors Hans Blix and Mohamed ElBaradei reported on February 9 that there had been no breakthroughs after a weekend of talks in Baghdad. ElBaradei said he had seen only the “beginning of a change of heart on the part of the Iraqis.” The next day, Iraq agreed to permit overflights by surveillance planes and adopt legislation banning weapons of mass destruction, but President Bush accused the Iraqis of “trying to stall for time.” Secretary of State Powell said on February 9 that if Iraq was not cooperating by the end of the week, President Bush would press immediately for a Security Council resolution authorizing the use of force. 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 5, 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 its 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 2003, the U.S. military buildup in the Persian Gulf intensified, as analysts indicated that U.S. forces would be positioned to launch an attack on Iraq by mid-February or early March. Officials maintained that it would be possible to attack later, even in the extreme heat of summer, but military experts observed that conditions for fighting a war would be far better in the cooler months before May. Statements by President Bush, Secretary of State Colin Powell, and other top officials during January 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 is running out"

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>].

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

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.”

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.

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 has disarmed in compliance with past U.N. resolutions. Iraq has not pro-actively

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

⁴ *BBC* report, January 19, 2003.

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

cooperated with the inspections process, they argue, and consequently there has been no such verification.⁶

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. At that time, 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 Nonetheless, 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."⁹ (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.¹⁰

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 and threaten 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 Iraq comes to appear inevitable, other countries, such as Russia and France, will offer support in order to retain some influence with Washington.

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

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

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

with disarmament, this eventuality could avert war altogether.¹¹ 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.

Diplomatic Situation

Carol Migdalovitz (7-2667)

(Last updated February 11, 2003)

Developments at the United Nations. February 14, 2003, and following days, could witness critical Iraq-related developments at the United Nations. On February 14, Hans Blix, the chief weapons inspector with respect to chemical and biological weapons, and Mohamed ElBaradei, responsible for nuclear weapons inspections, will report to the Security Council again on Iraq's compliance with U.N. disarmament resolutions. The United States and Britain are reportedly at work on a draft resolution that would authorize the use of force against Iraq and might be introduced after the inspectors report. France, Germany, and Russia, on the other hand, may sponsor a competing resolution to enlarge the inspection team, strengthen its capabilities, and prolong the inspections process.

This Security Council drama began to take shape on November 8, 2002, with Security Council passage of Resolution 1441, giving Iraq a "final opportunity to comply with its disarmament obligations" under previous resolutions, and set up an enhanced inspection regime to bring about the "full and verified completion of the disarmament process." Iraq was required to submit, within 30 days, "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 the United Nations Monitoring, Verification, and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA) "immediate, unimpeded, unconditional access" to all sites they wish to inspect. Inspections began on November 27.

On December 7, 2002, Iraq submitted a 12,000-page declaration that it possessed no banned weapons. On January 9, 2003, Hans Blix, the Executive Chairman of UNMOVIC, appeared at the Security Council with Mohammed ElBaradei, the Director General of the IAEA. He observed that the Iraqi declaration, "is rich in volume but poor in new information...."¹²

On January 27, Blix presented a report to the Security Council that was harsher on Iraq than had been expected. Blix stated that Iraq had not come to a "genuine acceptance, not even today, of the disarmament which was demanded of it." He called for cooperation on substance, not just on process. He stated that Iraq had failed to account for anthrax, VX precursor chemicals, and chemical bombs, and he noted in Iraq's reporting on missiles. ElBaradei reported that inspectors had no evidence

¹¹ "Officials Support Exile for Hussein," *Washington Post*, January 20, 2003.

¹² "UN Inspection Report May Complicate U.S. Plan in Iraq," *Reuters*, January 10, 2003.

of a revived nuclear weapons program and asked that inspections be given a few more months. (For details, see below, **Weapons of Mass Destruction Issues**.) After the reports, France, Russia, China, Germany, and others called for continuing inspections, while the United Kingdom said that Iraq clearly was in “material breach” of its obligations to the U.N. Nor did Secretary Powell’s February 5 presentation at the Security Council persuade reluctant Council members to support early military action against Iraq. After Powell spoke, French Foreign Minister Dominique de Villepin called for increasing the number of inspectors, opening regional inspection offices, creating an on-site team to monitor sites already inspected, and using French Mirage IV planes for reconnaissance.¹³

Blix and ElBaradei traveled to Baghdad on February 8-9. ElBaradei observed “the beginning of the change of heart on the part of Iraq.” Blix noted “some positive attitude,” in that the Iraqis had submitted documents containing ‘explanations’ regarding anthrax, VX, and missile development, and agreed to allow inspections of sites at which weapons had been destroyed.¹⁴ There had been some interviews with scientists, and he hoped for more.

Foreign Reactions. There is a growing debate overseas about the prospects for war and its ramifications. Differences have deepened in Europe, where Germany and France are resisting the U.S. approach to Iraq. German Chancellor Gerhard Schroeder has said that his government could not vote for a resolution authorizing war, while French President Jacques Chirac has insisted that only the Security Council can authorize the forcible disarmament of Iraq. On January 30, 2003, the leaders of Britain, the Czech Republic, Denmark, Hungary, Italy, Poland, Portugal, and Spain seemed to criticize the French and German approaches in a *Wall Street Journal* op-ed piece, cautioning “The transatlantic relationship must not become a casualty to the current Iraqi regime’s attempts to threaten world security....” They called for unity in insisting that Saddam Hussein’s regime be disarmed and that the Security Council “maintain its credibility by ensuring full compliance with its resolutions.” On February 6, ten East European governments -- Estonia, Latvia, Lithuania, Slovakia, Slovenia, Romania, Bulgaria, Albania, Croatia, and Macedonia -- issued a statement of support for the United States. Yet, on February 9, Russian President Vladimir Putin warned against unilateral U.S. action, arguing that it would split the antiterrorist coalition, provoke Iraq’s disintegration, complicate a Middle East settlement, and radicalize the Islamic world, releasing a new wave of terrorism.¹⁵ British Prime Minister Tony Blair has said that if there were “an unreasonable blockage” of a second U.N. resolution declaring Iraq in breach and authorizing use of force, presumably referring to a potential French veto, he would still support military action.

Unease also prevails in the Middle East, where many leaders are concerned that war would increase regional instability and terrorism and bring other undesired

¹³ France rules out new Iraq resolution for now, *Reuters*, February 6, 2003.

¹⁴ Charles J. Hanley, Inspectors find ‘positive’ change in Baghdad, AP, February 10, 2003.

¹⁵ Russia’s Putin on French TV, *Interfax*, BBC Monitoring Newsfile, February 9, 2003.

results, such as the disintegration of Iraq. They mainly have called on Iraq to resolve the crisis by complying with U.N. resolutions.

Peace Initiatives. There has been considerable diplomatic activity seeking to avert a war. A meeting chaired by Turkey with the foreign ministers of Syria, Iran, Egypt, Jordan, and Saudi Arabia in Istanbul on January 23, called on Iraq to display “a more active approach” in providing information “in full conformity” with Resolution 1441.¹⁶ Foreign Minister George Papandreou of Greece has led a European Union mission to Syria, Jordan, Saudi Arabia, and Egypt to encourage them to be more active in mediating between the United States and Iraq. South Africa, current chair of the Non-Aligned Movement and the African Union, has sent its Deputy Foreign Minister to Baghdad to “do whatever possible” to stop war.¹⁷ And the Pope has sent an envoy to Baghdad “to help the Iraqis make a serious reflection on the duty of an effective international commitment...”¹⁸

CRS Products

CRS Report RL31629, *Iraq-U.S. Confrontation: International Attitudes.*

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

The number of U.S. personnel deployed to the Persian Gulf region (both ashore and afloat) is reportedly over 110,000, and may eventually total about 250,000 by early March. DOD has announced that, as of January 22, 2003, there are 94,624

¹⁶ “Six States’ Communique,” MENA, Foreign Broadcast Information Service Document GMP20030123000272.

¹⁷ “Pahad Starts his Iraqi ‘Mission Impossible,’” *Sunday Times* (Johannesburg), February 9, 2003.

¹⁸ “Pope is Sending Envoy to Baghdad in Effort to Avert a War,” *The New York Times*, February 10, 2003.

National Guard and Reservists from all services now called to active duty, an increase of over 15,000 in one week.¹⁹ 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 Group, a naval Task Force, and Royal Air Force units, totaling about with 47,000 personnel.²⁰

Figure 2. Iraq



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

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.

¹⁹ See the DOD website: [<http://www.defenselink.mil/news/Feb2003/d20030205ngr.pdf>].

²⁰ British Ministry of Defense website: [<http://www.operations.mod.uk/telic/forces.htm>]

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 of 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.²¹ The United States has also approached NATO Headquarters (HQ) concerning the use of certain NATO assets to defend Turkey, but France, Germany, and Belgium have blocked a request to have NATO HQ begin planning for war contingencies in the absence of a U.N. Security Council resolution authorizing war against Iraq. (See below, **Burden Sharing Issues**). The United States has indicated that if NATO assistance is not forthcoming, it would provide defensive assistance independently. U.S. negotiations also continue with Turkey over possible U.S. troop deployments and the use of Turkish airbases. (See **Burden Sharing Issues**.)

Though Administration spokesmen continue to maintain that no final decision has been made regarding the use of force, press reports speculate that early March is currently seen as the most likely time-frame for the onset of military operations.²² This would permit the completion of a large force deployment, with the possibility of completing operations before the arrival of Iraqi summer weather.

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, NSDP 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.²³

CRS Product

CRS Report RL31701, *Iraq: Potential U.S. Military Operations*

²¹ White House press Conference, December 5, 2002.

²² “Russia Says War on Iraq Decided; Allies Urge Peace,” *Reuters*, January 22, 2003

²³ “As U.S. Girds for Worst in Iraq, Retaliation Isn’t Clear-Cut Issue,” *Washington Post*, January 29, 2003. p. A14; “Bush Signs Paper Allowing Nuclear Response “, *Washington Times*, January 29, 2003.

U.S. Policy

The Administration

Kenneth Katzman, 7-7612

(Last updated February 4, 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. Iraq's WMD programs, according to the Administration, could be used to attain Saddam Hussein's long-term goal of dominating the Middle East, they could be used 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 might 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 weapons of mass destruction (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.

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 weapons inspections could succeed in containing the WMD threat from Iraq.²⁴ 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. 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

²⁴ "U.S. Officials Meet to Take Stock of Iraq Policy," *Washington Post*, October 16, 2002.

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.²⁵ 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.

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 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 4, 2003)

²⁵ Goldberg, Jeffrey. The Unknown: The CIA and the Pentagon Take Another Look at Al Qaeda and Iraq. *The New Yorker*, February 10, 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 statute 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 statute 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.

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. Senate Minority Leader Tom Daschle has 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. 107-243.²⁶ 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. Over the past few weeks, 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."²⁷ Other lawmakers have commented that the evidence against Iraq is less compelling, characterizing it as a "building block in making the case for going forward."²⁸ 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.²⁹ On January 30, 2003, the Senate Foreign Relations Committee held a hearing on Iraq. Senator Joseph Biden urged the Bush Administration to "make it easier" for international allies to join the United States in pressuring Iraq to comply with United Nations resolutions.

²⁶ Janet Hook, "New Anxiety Over Bush's Foreign Policy Some members of Congress – including Republicans – criticize the president's handling of simultaneous crises in Iraq and North Korea." *The Los Angeles Times*, January 16, 2003.

²⁷ Michael Hedges & Karen Masterson, "Congress Given a Peak at Case Against Saddam," *Houston Chronicle*, January 29, 2003.

²⁸ *Ibid.*

²⁹ "Hill Pressures Bush on Iraq," *Washington Post*, January 25, 2003.

Since the start of the 108th Congress, lawmakers have drafted several resolutions relating to the current confrontation with Iraq. In early January, Representative Sheila Jackson-Lee introduced H.Con.Res. 2, which called on Congress to repeal the “Authorization for Use of Military Force Against Iraq Resolution of 2002.” The Jackson-Lee resolution has been referred to the Committee on International Relations. After the President’s January 28 State of the Union Address, Senator Edward Kennedy introduced S.Res. 32 stating the sense of the Senate that the President should seek new legislation authorizing the use of force to disarm Iraq. S.Res. 28, sponsored by Senator Robert Byrd, states the sense of the Senate that weapons inspectors be given sufficient time to carry out their tasks in Iraq and that the Administration should seek a United Nations Security Council resolution specifically authorizing the use of force against Iraq.³⁰ Both resolutions have been submitted to the Senate Foreign Relations Committee. Senator Biden has resubmitted legislation (S. 205), which passed the Senate in November 2002, on the granting of visas and the admission of residency to Iraqi scientists, who would be willing to provide the United States with vital information on Iraqi weapons of mass destruction programs. The bill has been placed on the Senate’s legislative calendar.

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. 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) that 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 aid to Iraq against other budget priorities.

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. Some Members reportedly also support proposals to move many U.S. troops based in Germany to other locations.³¹

CRS Products

CRS Report RS21324, *Congressional Action on Iraq, 1990 - 2002*.

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

³⁰ A similar resolution, H.Res. 55, sponsored by Rep. Alcee Hastings, has been introduced in the House and referred to the Committee on International Relations.

³¹ “U.S. Lawmakers Weigh Actions to Punish France, Germany,” *Washington Post*, February 12, 2003.

Issues for Congress

Weapons of Mass Destruction Issues

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(Last updated February 12, 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. 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. In addition, current inspections seek to uncover what Iraq might have produced since 1998.

Nuclear Program. Iraq had a well-financed and broad-based nuclear weapons program but did not produce enough fissile material for a weapon before the 1991 Gulf War. In 1998, questions remained about nuclear weapons designs and centrifuge development, external assistance, and whether the nuclear program truly had been abandoned. On January 27, 2003, IAEA Director General Mohamed ElBaradei reported to the U.N. Security Council that inspectors had found no signs of a revived nuclear weapons program. The IAEA is still examining the alleged procurement of uranium from Niger (which Iraq denies) but concluded that Iraq's purchase of high-strength aluminum tubes could plausibly have been for conventional rockets rather than uranium enrichment. Secretary of State Powell, in his February 5 presentation to the UN Security Council, repeated those allegations and also cited Iraqi attempts to procure magnets and high-speed balancing machines from companies in Romania, India, Russia, and Slovenia as additional evidence of a clandestine uranium enrichment program.

Biological and Chemical Weapons Program. Much less is known about Iraq's biological weapons program. Iraq apparently produced anthrax, aflatoxin and the toxin agents botulinum and ricin. The December 7, 2002 declaration contained new information on biotechnology developments since 1998, but apparently questions remained about the production and destruction of anthrax. During meetings in Baghdad on February 8 and 9, 2003, Iraqi officials provided additional information on anthrax, but an assessment is not yet available. Iraq's capabilities in chemical weapons, in contrast, are well known. Iraq produced 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 apparently provided documentation on VX agent to Blix and Elbaradei in Baghdad on February 8-9, 2003, but the nature and quality of the documents is unknown. The Central Intelligence Agency assessed in October 2002 that Iraq had

renewed chemical weapons production and probably had stockpiled a few hundred tons of agent.

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. However, a key issue is whether the liquid-fueled Al Samoud-2 and the solid-fueled Al Fatah are proscribed systems. Iraq admitted in the December 7 declaration that some flight tests of those missiles did exceed the 150km-range by 50km, but apparently has argued that once the missiles are weighed down with ordnance and guidance systems, they will not exceed the 150km range. On January 27, 2003, Blix told the Security Council that the missiles may “represent *prima facie* cases of proscribed systems,” but that further technical considerations need to be made. Blix has convened a group of missile experts in advance of the February 14 briefing to the UN Security Council for this purpose. A report on February 12 indicated they had concluded that the Al Samoud missile indeed had a range longer than permitted.³² Additional key issues include whether Iraq is concealing any Scud missiles and manufacturing propellant for longer-range missiles, the existence of documentation of missile programs, and the fate of 300 tons of special missile propellant.

Inspections Status. The U.N. Monitoring, Verification and Inspection Commission (UNMOVIC) and the IAEA conducted over 400 inspections between mid-November 2002 and mid-January 2003. 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.

In his report to the U.N. Security Council on January 27, 2003, Chairman Blix distinguished between cooperation on process and on substance, noting that Iraqi cooperation on process has been good, but lacking in substance. Blix drew a roadmap for Iraqi cooperation, suggesting specifically that Iraq needed to help finding items and activities (e.g., 122mm chemical warheads and documents); in providing names of personnel; and in ensuring that interviews are credible. Director General ElBaradei’s January 27 report stated that inspections since November 2002 have identified no prohibited nuclear activities but urged states to continue to provide intelligence information. ElBaradei specifically suggested that the inspection process “should be allowed to run its natural course” and that credible assurances could be provided within the next few months. A White House spokesman has said that the January 27 “report...clearly shows Iraq is not complying.” Blix and ElBaradei will report again to the U.N. Security Council on February 14, 2003.

Inspection Issues. Following Secretary of State Powell’s February 5 presentation to the UN Security Council, there was some movement on outstanding

³² “38,000 Reservists Called Up; Powell Urges NATO to Solve Rift,” *New York Times*, February 12, 2003.

inspection issues. In meetings with Blix and ElBaradei in Baghdad on February 8 and 9, 2003, Iraqi officials handed over documents on anthrax, VX, and missile programs. On February 6, an Iraqi biologist agreed to be interviewed privately. Inspectors have asked to meet with five non-nuclear scientists, but only three 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. On February 10, Iraq notified the UN that it would permit overflights of American U-2, French Mirage, and Russian Antonov aircraft. President Bush has downplayed the significance of these developments, stating that Iraq is stalling for time and that U-2 flights would not be necessary if Iraq were complying. U.S. officials also noted that the Iraqi offer was “conditional” in that Iraq wanted prior notification of each flight. From the perspective of inspectors, however, imagery from U-2 flights helps mission planning and fills in gaps from noncontinuous satellite monitoring. Thus, U-2 and other aircraft overflights could help detect Iraqi evasion efforts. U-2 overflights were conducted routinely under the previous inspection regime from 1991 to 1998.

Role of Intelligence. Secretary of State Powell’s February 5 address to the Security Council highlighted the significant role intelligence can play in determining Iraqi compliance. While most observers agree that the presentation did not include a “smoking gun,” the information points to Iraqi practices to evade detection. For example, Powell’s presentation contained “before and after” satellite photos of suspect facilities, including bulldozed chemical weapons sites and the removal of telltale vehicles and equipment from chemical weapons bunkers at the Taji site before the December 22, 2002 inspections. Similarly, Secretary Powell played audiotapes of Iraqi military officers discussing hiding modified vehicles from inspectors and orders to eliminate talk of “nerve agents” in wireless communications. Powell cited defectors as sources of information about documents in cars driven by Iraqi intelligence officers, the removal of hard drives from computers, and the sanitizing of sprawling presidential palaces. Other notable pieces of information included production and configuration details of reported mobile biological weapons based on human intelligence sources, and an allegation that Iraq tested an unmanned aerial vehicle for a distance of 500km without refueling. To support that allegation, Secretary Powell showed a satellite photograph with a racetrack-shaped outline of the flight path, stating that the UAV flew around in a circle.

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).*

(Last updated February 12, 2003)

Background. 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. Some regional governments that fear destabilizing effects on their own regimes from a war, including Saudi Arabia and Jordan, are said to be trying to persuade Saddam to go into exile in order to prevent war.

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. 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 two year period during which governance of Iraq were transferred from the U.S. military to an Iraqi administration.³³ During that time, 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

³³ "American Officials Disclose 2-Year Plan to Rebuild Iraq," *New York Times*, February 12, 2003.

after Saddam is overthrown. Nonetheless, the opposition is planning to meet in northern Iraq on or about February 19, 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.³⁴

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.³⁵ The working groups in phase one of the project have discussed (1) transitional justice; (2) public finance; (3) public and media outreach; (4) democratic principles; (5) water, agriculture, and the environment; (6) health and human services; and (7) economy and infrastructure. Phase two, which 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. 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 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,³⁶ 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, that he and his inner circle would be tried in Iraq.³⁷ 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.

³⁴ “Exile Group Leaders Fault U.S. Plan for Postwar Iraq,” *Washington Post*, February 12, 2003.

³⁵ “State Department Hosts Working Group Meeting for Future of Iraq Project,” *Washington File*, December 11, 2002.

³⁶ “After Saddam, an Uncertain Future,” *Insight Magazine*, February 3, 2003

³⁷ “U.S. Seeks War Crimes Trial Data.,” *Washington Post*, October 30, 2002.

CRS Products

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

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

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.*

Burden Sharing

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(Last updated February 11, 2003)

In November 2002, it was reported that the U.S. government had contacted the governments of 50 countries with specific requests for assistance in a war with Iraq. Press reports indicate that 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.³⁸ Nevertheless, at present 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 the United States will seek 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

³⁸ NATO Allies Willing To Attack Iraq Without U.N., Wolfowitz Says. By Paul Baskin. Bloomberg.com. January 10, 2003. U.S. Coalition For War Has Few Partners, Troop Pledges. By Glenn Kessler and Bradley Graham. *WP*. January 25, 2003.

utmost speed in command and communications.³⁹ 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.

Direct and Indirect Contributions. 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 fly-over 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.⁴⁰

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.⁴¹ The Bush

³⁹ On Iraq, Can Too Many Troops Spoil A War? By Ann Scott Tyson. *CSM*. January 22, 2003.

⁴⁰ Hungary Approves US Request For Training Base For Iraqi Exiles. By Eszter Szamado. *AFP*. December 18, 2002.

⁴¹ NATO works on a consensus basis; France, Germany, Belgium and Luxembourg opposed the U.S. request. NATO Blocked On Iraq Decision. By Keith Richburg. *WP*. January 23, 2003. At the end of the month, however, nine European leaders signed an open letter supporting U.S. efforts to disarm Iraq. European Leaders Declare Support For U.S. On Iraq. By Marc Champion. *WSJ*. January 30, 2003. That statement was followed by a declaration (continued...)

Administration asked permission of the Turkish government to use Turkish bases and ports, and to move up to 80,000 U.S. troops through southeast Turkey to establish a northern front against Iraq – a key issue for U.S. planners. Reports indicate that discussions currently center on the deployment of 38,000 U.S. troops to Turkey. On February 5, Turkish Prime Minister Gul said that he would seek parliamentary approval to allow U.S. troops to use Turkish bases; a vote is set for February 18. On February 9, the Turkish parliament approved a plan to permit 3,500 American military engineers to renovate Turkish military bases to accommodate U.S. troops.⁴²

Although the Persian Gulf states generally oppose an attack on Iraq in public statements, more than 110,000 U.S. troops currently 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.

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 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 4, 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.

⁴¹ (...continued)

of support by the ten countries aspiring to join NATO. Who Stands With U.S.? Europe Is Of Two Minds. By John Tagliabue. *NYT*. January 31, 2003. East Europeans Line Up Behind Bush. By Thomas Fuller. *IHT*. February 6, 2003.

⁴² Turkey Backs United States Plans For Iraq. By Dexter Filkins. *NYT*. February 6, 2003. Turkey Agrees. By Dexter Filkins. *NYT*. February 9, 2003.

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. Turkey, which says it has lost billions of dollars in trade since sanctions were imposed against Iraq, is likely to press the United States for compensation if it agrees to allow U.S. forces to stage operations against Iraq from bases on Turkish territory. Similarly, Saudi Arabia, 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. (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. The timing of further initiatives to move forward with Arab-Israeli peacemaking has been among the issues covered in recent debates over a possible war with Iraq. Administration officials and other commentators argue that resolving the present crisis with Iraq will create a more favorable climate in which Arab-Israeli issues can be addressed. 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 the United States 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 negotiation, 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.⁴³ Regardless of priority, however, it is likely that a war with Iraq will be followed by further pressures on the U.S. Administration to intensify its efforts to resolve the long-standing Arab-Israeli conflict.

Security Arrangements in the Gulf Region. Changed conditions in the Persian Gulf region in the aftermath of a war with Iraq could breathe new life into long moribund proposals for a Gulf regional security organization, perhaps with the participation of other U.S. regional allies in the region such as Egypt and Jordan. Over time, such an organization, if effective, might help alleviate burdens that currently devolve upon the United States in countering threats to regional stability and might also play a useful role in the war against terrorism. On the other hand, the departure of Saddam Hussein from the scene could remove a leading incentive for

⁴³ 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.

Gulf states to expand their involvement in regional security arrangements. Furthermore, a U.S.-led war that did not enjoy widespread acceptance among the Middle East populace might make local governments reluctant to participate in a regional organization if it were perceived as a U.S. creation. It is possible, too, that Gulf states would prefer to continue relying on their bilateral ties with the United States for security guarantees rather than moving toward a multilateral approach.

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 12, 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 27 million,⁴⁴ 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 water, food, medicine, and electricity are a matter of urgent concern.⁴⁵ 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.⁴⁶ Both bilateral and multilateral aid have continued to flow into the country since the end of the war, although it is difficult to

⁴⁴ Total population numbers for Iraq vary by source from 24 to 27 million people. "UNICEF Humanitarian Action: Iraq Donor Update January 14, 2003." See [<http://www.reliefweb.int>].

⁴⁵ "Agencies Fear Consequences But Plan for War in Iraq; Iraq Stocks up Food Ahead of Possible US War." *Turkish Daily News*, December 27, 2002.

⁴⁶ For more information about the Oil-for-Food Program (OFFP) see CRS Report RL30472, *Iraq: Oil-for-Food Program, International Sanctions, and Illicit Trade* by Kenneth Katzman.

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? And finally, what will be the impact of refugee flows on stability in the region and the role of neighboring countries in contributing to post-war efforts?

A U.N. Task Force assembled to coordinate the U.N. response to a possible conflict predicts a conflict in Iraq could cause 500,000 casualties, create 900,000 refugees, and displace 2 million people, leaving about 10 million Iraqi civilians (nearly 40% of the Iraqi population) in need of emergency assistance.⁴⁷ However, U.S. military planners are reportedly planning a war strategy, including an initial precision bombing campaign, that will attempt to minimize civilian casualties and damage to infrastructure.⁴⁸ The United Nations reportedly estimates that 4.5 million to 9.5 million Iraqis would need food soon after the onset of hostilities.⁴⁹

Refugees. Iran, Turkey, Jordan, Syria, and Kuwait have publicly stated that they will prevent refugees from entering their countries.⁵⁰ Iranian leaders have stated that refugees will not be allowed over Iranian borders, but refugees would be

⁴⁷ “War in Iraq Will Have Major Impact on Global Economy, U.N. Says,” *Deutsche Presse Agentur*, January 10, 2003. The U.N. report “Likely Humanitarian Scenarios” that contained this information was originally kept strictly confidential, but a Mennonite organization obtained a copy and posted it [<http://www.cam.ac.uk/societies/casi/pr/pr030107undoc.html>]. According to the U.S. Committee for Refugees, Jordan had 1.64 million refugees at the end of 2001; 350,000 Iraqis have settled there since the 1991 war. “Aid Groups Get Ready for War—Nearby Nations Expect Flood of Iraqi Refugees,” *Atlanta Journal and Constitution*, December 23, 2002.

⁴⁸ “War Plan Calls for Precision Bombing Wave to Break Iraqi Army Early in Attack.” *New York Times*, February 2, 2003.

⁴⁹ “Supplies Amassed Along Front Line of Iraq’s ‘Other’ War; As U.S. Military Prepares for Fighting, Relief Groups Mobilize to Save Lives,” *Washington Post*, January 5, 2003.

⁵⁰ “Aid Groups Cagely on Contingency Plans for Iraq War,” *Reuters*, January 15, 2003.

provided assistance in Iraq, which is a similar strategy used by Iran in Afghanistan.⁵¹ 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.⁵² 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.⁵³

Aid Agency Planning. The United Nations has an extensive infrastructure in Iraq to oversee the OFFP.⁵⁴ 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.⁵⁵ Among NGOs, there is a concern that U.S. and other military leaders have underestimated the potential humanitarian crisis in Iraq,⁵⁶ and that military planners have not developed adequate plans for dealing with that crisis. 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.⁵⁷

NGOs have complained that the U.S. government has delayed approval of licenses required for U.S. agencies in Iraq, Iran, and Syria because of U.S.

⁵¹ 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.

⁵² “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.”

⁵³ *Ibid.*

⁵⁴ 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 War.” *Dow Jones International News*, December 23, 2002.

⁵⁵ “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.

⁵⁶ AlertNet, “Agencies Should Resist Being Taken for Granted,” January 17, 2003, [<http://www.reliefweb.org>].

⁵⁷ “U.S. Military Lays Out Postwar Iraq Plan,” *Washington Post*, February 12, 2003.

sanctions.⁵⁸ As a result, according to Interaction (an alliance of U.S.-based international development and humanitarian non-governmental organizations), very few U.S. or international organizations are operating in and around Iraq, which means that they have no network in place and little experience in the area.⁵⁹ Furthermore, according to NGOs, Pentagon officials have suggested that aid organizations should not expect to operate in much of Iraq for several months after a start of hostilities.

Some international organizations, such as the International Committee for the Red Cross, have stockpiled supplies in and around Iraq, but there is a reluctance to do this because these organizations do not want to send a message that they believe a conflict is inevitable.⁶⁰ U.N. humanitarian agencies met with key donors in Geneva on December 13, 2002, to develop possible humanitarian scenarios and contingency plans. The United Nations has appealed for \$37.4 million to provide humanitarian assistance and food, increase staffing for relief operations, and develop joint services for the aid community in Iraq.⁶¹ UNHCR has been putting together a contingency plan to address the potential for large-scale population movements. The United Nations Department of Peacekeeping is reportedly planning to establish an office that could help with the coordination and distribution of humanitarian aid.⁶²

Potential Internal Humanitarian Consequences of War. The United Nations has explored the ways in which the current poor humanitarian situation inside Iraq could worsen during a conflict.⁶³ With more than two thirds of the country receiving food assistance and many suffering from malnutrition and other health problems, this situation could get worse if parts of Iraq became isolated and humanitarian agencies could not gain access to these areas. Food security is a critical concern in Iraq. Reportedly, families cannot make their rations last the full month or they need to sell part of it for other necessities—leaving them without any food stored in reserve and more vulnerable, particularly if food distribution were to be interrupted.⁶⁴ Military destruction of roads or railways could also destroy the food distribution systems within Iraq and those from the international community. If power stations were hit, the already damaged water and sanitation systems could be further damaged, which could lead to epidemics, such as cholera and hepatitis. According to the United Nations, particularly with an increase in displaced populations “the outbreak of diseases in epidemic if not pandemic proportions is very

⁵⁸ “Aid Agencies accuse US of Hindering War Relief Preparations in Iraq,” *Agence France-Presse*, January 17, 2003.

⁵⁹ Interaction, *U.S. Relief and Development Organizations Concerned Over Potential Humanitarian Consequences of War in Iraq*, November 2002, [http://www.interaction.org/media/Hot_Iraq.html].

⁶⁰ “This Time Around, War Would Hit Iraq Harder,” *The Washington Post*, Oct. 29, 2002.

⁶¹ “U.N. Appeals for \$37.4 million in Iraq Aid.” *AP On Line*, December 23, 2002.

⁶² “Iraq War Could Put 10 Million in Need of Aid,” *The Washington Post*, January 7, 2003.

⁶³ “Strictly Confidential U.N. document “Likely Humanitarian Scenarios,” December 10, 2002, [<http://www.cam.ac.uk/societies/casi/pr/pr030107undoc.html>].

⁶⁴ “UNICEF Humanitarian Action: Iraq Donor Update,” January 14, 2003.

likely.”⁶⁵ Water and sanitation are of greatest concern. Shortages in medical supplies, drugs and vaccines have also been reported, and current stocks are predicted to last only 4 months at current consumption rates.

In the confusion of war or in the context of a power vacuum, some observers have suggested that Iraqis may initiate revenge killings and seek to resolve grievances through violence or some form of revolt. In 1991, some Shiites executed Baath party officials. Such an environment with a breakdown of the social order could have serious humanitarian impacts, such as large-scale deaths and serious human rights abuses, particularly towards women.⁶⁶

Depending on the type of warfare, many Iraqis could suffer the unintended consequences of military action, or the effects of chemical and biological weapons if used by their government. If units of the Iraqi army took a scorched earth policy, as they did with the Kuwaiti oil wells in the Gulf War, there could be serious environmental and health consequences.

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

⁶⁵ “Strictly Confidential U.N. Document.”

⁶⁶ “Statement on War with Iraq,” Women’s Commission for Refugee Women and Children, International Rescue Committee, [<http://www.womenscommission.org>].

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*.

CRS Report 91-395, *Iraq-Kuwait: U.N. Security Council Texts and Votes – 1991*.

CRS Report 90-513, *Iraq-Kuwait: U.N. Security Council Resolutions Texts and Votes – 1990*.

Cost Issues

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(Last updated February 4, 2003)

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. The Administration is expected to request supplemental appropriations to cover additional expenses of on-going counter-terrorism operations and of mobilizing forces for Iraq some time in the spring. In the meantime, the FY2003 Omnibus Appropriations bill, H.J.Res. 2, may include some interim measures to give the Defense Department flexibility in paying for the buildup of forces in the Persian Gulf. The House-passed version of H.J.Res. 2 includes a provision providing DOD with \$2.5 billion in additional general transfer authority – the regular FY2003 defense appropriations bill provided \$2 billion, equal to amounts usually provided in recent years.

The Defense Department has not provided any estimates of the potential costs of a war with Iraq. 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.

Two congressional estimates of costs are available, however.

- On September 30, 2002, the Congressional Budget Office prepared estimates of the costs of two illustrative campaigns – a heavy ground option involving 370,000 troops deployed to the region and a heavy air option involving 270,000 troops. It projected that costs of these options could range from \$9 to \$13 billion to deploy forces to the Persian Gulf, from \$6 to \$9 billion a month to fight a war, from \$5 to \$7 billion to return forces to their home bases, and from \$1 to \$4 billion a month for a continuing occupation.⁶⁷
- A week earlier, the Democratic staff of the House Budget Committee prepared an estimate based on costs of the Persian Gulf War of 1991. Its estimates ranged from \$31 billion for a conflict lasting 30 days with 125,000 troops to \$60 billion for a conflict lasting 60 days with 250,000 troops. The estimate also calculated that interest costs of increasing the deficit to finance the war would total an additional \$17 to \$33 billion over 10 years. The study did not address occupation or reconstruction costs.⁶⁸

CBO and the House Budget Committee Democratic staff estimated only the direct budgetary effects of a war. Neither considered the possible economic consequences, which could, in turn, affect federal revenues and outlays indirectly. In November 2002, William Nordhaus of Yale University prepared a study that

⁶⁷ The CBO report is at [<ftp://ftp.cbo.gov/38xx/doc3822/09-30-Iraq.pdf>].

⁶⁸ See [http://www.house.gov/budget_democrats/analyses/spending/iraqi_cost_report.pdf].

estimated the total economic costs. Using the CBO and House Budget Committee staff estimates as a starting point, he calculated that total costs could range from a cumulative total of \$120 billion on optimistic assumptions to \$1.6 trillion on unfavorable assumptions over the next 10 years.⁶⁹

Oil Supply Issues

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(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.

⁶⁹ See [http://www.amacad.org/publications/monographs/War_with_Iraq.pdf] .

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*

Economic Effects of a War with Iraq

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(Last updated January 24, 2003)

U.S. military operations in Iraq would potentially have two distinct effects on the economy. First, an increase in military expenditures, if deficit financed, could increase aggregate demand in the short run. Second, if military operations led to a sudden and persistent spike in the price of oil, economic growth could fall and inflation could rise in the short run. Specific economic estimates are hindered by uncertainty surrounding the scale and scope of operations, the effects of operations on oil prices, and the response of (and effect on) neighboring oil-producing countries.

Economic Effects of Military Expenditures. In the past, military conflicts have been financed through higher taxes, lower government spending in non-military areas, government borrowing from the public, or money creation. Higher taxes or lower government spending may play a small role in financing any U.S. operation in Iraq; money creation would almost certainly not play a role. Government borrowing from the public, through the issuance of U.S. Treasury securities to finance a larger budget deficit, appears likely to be the primary form of financing any military operations in Iraq. If this were the case, the military outlays would boost aggregate demand in the short run. Some of the boost in aggregate demand would be directed to foreigners instead of domestic producers since the operations would occur abroad. Some of the boost in aggregate demand would be “crowded out” by higher interest rates, which reduce investment spending and other interest-sensitive spending, and dollar appreciation, which reduces exports and the production of import-competing goods. If economic activity were still sluggish when an invasion took place, less of the boost in aggregate demand would be crowded out. In any case, even the highest cost estimates of the operations suggest that the outlays would be too small relative to GDP to have significant economic effects. Wars may shift resources from non-military spending to military spending, but since military spending is included in GDP, this would not by itself lead to a recession.

Economic Effects of Higher Oil Prices. Perhaps the greatest unknown economic factor in a military conflict with Iraq is the effect it would have on oil prices. Economic theory suggests that oil shocks lead to higher inflation, a

contraction in output, and higher unemployment. Effective policy responses are difficult because expansionary policy would exacerbate the inflationary pressures while contractionary policy would exacerbate the contraction in output. Military operations against Iraq would be likely to reduce Iraqi oil output temporarily. Whether this led to a sustained spike in oil prices would depend on whether other oil producers increase their production to fill the gap or whether the military operations could accomplish their objectives quickly with little collateral damage to Iraqi oil facilities, topics beyond the scope of this report. Evidence suggests that an increase in the price of oil would have little effect on the economy if it is transient.

The Role of Confidence in the Economy. Many of the negative economic forecasts by private analysts concerning a potential conflict are being driven in large part by their assumptions that the conflict would reduce consumer and business confidence and stock market values. These effects are highly speculative, as they have not been important factors in many past American wars.

Economic Effects of the First Gulf War. Most economists do not attribute the 1990-1991 recession to the Gulf War. Rather, they attribute it to contractionary monetary policy, the spike in oil prices that accompanied the Iraqi invasion of Kuwait, and problems in the U.S. banking sector. The Gulf War did not begin until the recession was almost over. As a percentage of GDP, military outlays actually fell during the Gulf War, unlike the typical war-time military buildup that expands aggregate demand.

CRS Products

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

CRS Report RL31176, *Financing Issues and Economic Effects of Past American Wars.*

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 website includes links to a wide range of sources relevant to the Iraq confrontation.

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

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

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

United Nations Resolutions

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

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

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