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

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Summary

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

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

The leadership and precise shape of the permanent government that will replace Saddam Hussein's Baath Party is yet to be determined. Some Administration officials reportedly had hoped that major military and governmental defections from the Hussein regime would serve as the core of a successor government. However, no senior Hussein regime figures defected, and exiled opposition groups form the core of a U.S.-appointed 25-seat "governing council" that was unveiled on July 13, 2003. It is hoped by the Administration that the formation of the council will signal that Iraq is moving toward self rule and calm some of the resistance against U.S. occupation forces in Iraq; the resistance has killed 33 U.S. soldiers since President Bush declared major combat operations ended on May 1, 2003.

This report will be updated as warranted by major developments.

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

The United States has sought to change Iraq's regime since the 1991 Persian Gulf war, although achieving this goal was not declared policy until 1998. In November 1998, amid a crisis with Iraq over U.N. weapons of mass destruction (WMD) inspections, the Clinton Administration stated that the United States would seek to go beyond containment to promoting a change of regime. A regime change policy was endorsed by the Iraq Liberation Act (P.L. 105-338, October 31, 1998). Bush Administration officials have emphasized regime change as the cornerstone of U.S. policy toward Iraq since shortly after the September 11, 2001, attacks. Operation Iraqi Freedom was launched on March 17, 2003, and achieved the objective of regime change by April 9, 2003.

Past Attempts to Oust Saddam

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

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

Emergence of An Anti-Saddam Coalition

Reports in July 1992 of a serious but unsuccessful coup attempt suggested that the U.S. strategy might ultimately succeed. However, there was disappointment within the George H.W. Bush Administration that the coup had failed and a decision was made to shift the U.S. approach from promotion of a coup to supporting the diverse opposition groups that had led the post-war rebellions. At the same time, the Kurdish, Shiite, and other opposition elements were coalescing into a broad and diverse movement that appeared to be gaining support internationally. This opposition coalition seemed to provide a vehicle for the United States to build a viable overthrow strategy. Congress more than doubled the budget for covert support to the opposition groups to about \$40 million for FY1993.¹

The Iraqi National Congress/Ahmad Chalabi

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

The INC appeared viable because it brought under one banner varying Iraqi ethnic groups and diverse political ideologies, including nationalists, ex-military officers, and defectors from Iraq's ruling Baath Party. The Kurds provided the INC with a source of armed force and a presence on Iraqi territory. Its constituent groups publicly united around a platform that appeared to match U.S. values and interests, including human rights, democracy, pluralism, "federalism" (see below), the preservation of Iraq's territorial integrity, and compliance with U.N. Security Council resolutions on Iraq.² However, many observers doubted its commitment to democracy, because most of its groups have an authoritarian internal structure, and because of inherent tensions among its varied ethnic groups and ideologies. The INC's first Executive Committee consisted of KDP leader Masud Barzani, ex-Baath Party and military official Hassan Naqib, and moderate Shiite cleric Mohammad Bahr al-Ulum.

Ahmad Chalabi. Selected to run the INC on a day-to-day basis was Ahmad Chalabi, who is about 58 years old, a secular Shiite Muslim from a prominent banking family. He was educated in the United States as a mathematician. He fled Iraq to Jordan in 1958, when the Hashemite monarchy was overthrown in a military coup. This coup occurred 10 years before the Baath Party took power in Iraq (July 1968). In 1978, he founded the Petra Bank in Jordan but later ran afoul of Jordanian authorities on charges of financial malfeasance and he left Jordan, possibly with

¹ Sciolino, Elaine. "Greater U.S. Effort Backed To Oust Iraqi." *New York Times*, June 2, 1992.

² The Iraqi National Congress and the International Community. Document provided by INC representatives, February 1993.

some help from members of Jordan's royal family, in 1989. The Jordanian government subsequently re-capitalized the bank with national funds. In 1992, he was convicted in absentia of embezzling \$70 million from the bank and sentenced to 22 years in prison. Chalabi maintains that the Jordanian government was pressured by Iraq to turn against him, and he asserts that he has since rebuilt ties to the Jordanian government. In April 2003, senior Jordanian officials, including King Abdullah, called Chalabi "divisive" and stopped just short of saying he would be unacceptable to Jordan as leader of Iraq. Chalabi's critics acknowledge that, despite allegations about his methods, he has been single-minded in his determination to overthrow Saddam Hussein, and he is said to be the favorite of those Administration officials, particularly in the Department of Defense, that were the most supportive of changing Iraq's regime by force.

Since Chalabi returned to Iraq, there have been no large public demonstrations supportive of him or the INC, indicating that he does not have a large following inside Iraq. However, anecdotal press reporting suggest that he has attracted some support from those Iraqis that most welcome the U.S. military offensive against Iraq as liberation from Saddam Hussein's regime and who believe the U.S. presence is needed to ensure security and facilitate reconstruction. On April 6, Chalabi and about 700 INC fighters ("Free Iraqi Forces") were airlifted by the U.S. military from their base in the north to the Nasiriya area, purportedly to help stabilize civil affairs in southern Iraq. Chalabi and some Free Iraqi Forces later deployed to Baghdad and other parts of Iraq. Since establishing his headquarters in Baghdad, Chalabi has tried to build support by searching for members of the former regime and arranging for U.S. military forces in Iraq to provide security or other benefits to his potential supporters. However, the Free Iraqi Forces accompanying Chalabi have largely disbanded following the U.S. decisions in mid-May 2003 to disarm independent militias and to temporarily delay the formation of an Iraqi self-rule authority.

A prominent INC intellectual is Kanaan Makiya, who wrote a 1989 book "Republic of Fear: The Politics of Modern Iraq," detailing alleged Iraqi regime human rights abuses. Makiya supports a Western-style democracy for Iraq, including full rights for women and Iraq's minorities. A self-described atheist, he teaches Middle Eastern politics at Brandeis University. Another INC activist, Mohammed al-Zubaidi, declared himself in charge of Baghdad in mid-April, but U.S. officials did not recognize him as mayor and detained him in April 2003.

Chalabi is part of a grouping of seven major party leaders that have been meeting since the period prior to the war. As discussed below, the seven party leadership council has hoped to become the core of a successor regime, and the seven parties are represented on the 25 seat Governing Council unveiled on July 13, 2003.

The Kurds/KDP and PUK. The Kurds, probably the most pro-U.S. of all the groups in Iraq, do not have ambitions to play a major role in governing Arab Iraq, but Iraq's neighbors have always been fearful that the Kurds might still seek outright independence. In committing to the concept of federalism, the INC platform assured the Kurds substantial autonomy within a post-Saddam Iraq. Turkey, which has a sizable Kurdish population in the areas bordering northern Iraq, particularly fears that independence for Iraq's Kurds would likely touch off an effort to unify into a broader "Kurdistan." Iraq's Kurds have been fighting intermittently for autonomy

since their region was incorporated into the newly formed Iraqi state after World War I. (Iraq became an independent Kingdom in 1932, although it remained under British influence until the 1958 fall of the British-installed monarchy.) In 1961, the KDP, then led by founder Mullah Mustafa Barzani, current KDP leader Masud Barzani's father, began an insurgency that has continued until today, although interrupted by periods of autonomy negotiations with Baghdad. Masud Barzani's brother, Idris, commanded Kurdish forces against Iraq during the Iran-Iraq war but was killed in that war. The PUK, headed by Jalal Talabani, split off from the KDP in 1965; the PUK's members are generally more well-educated, urbane, and left-leaning than those of the KDP. Together, the PUK and KDP have about 40,000-60,000 fighters, some of which are trained in conventional military tactics. Both the KDP and the PUK are part of the seven party grouping that has now been incorporated into the official 25-seat U.S.-backed Governing Council unveiled on July 13, 2003.

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

A radical faction of the IMIK split off in 1998, calling itself the Jund al-Islam (Army of Islam). It later changed its name to Ansar al-Islam (Partisans of Islam). This faction, led by Mullah Krekar (who was detained in Europe in August 2002 and now lives in Norway), reportedly is associated with Al Qaeda and hosted in its northern Iraq enclave Al Qaeda fighters who fled the U.S.-led war in Afghanistan. Mullah Krekar reportedly studied under Shaykh Abdullah al-Azzam, an Islamic theologian of Palestinian origin who was the spiritual mentor of Osama bin Laden. Prior to Operation Iraqi Freedom, during which its base was captured, about 8,000 people were in the Ansar al-Islam enclave, located near the town of Khurmal. This included about 600 fighters.³ Fighters of Ansar al-Islam clashed with the PUK around Halabja in December 2002, and Ansar gunmen were allegedly responsible for an assassination attempt against PUK prime minister Barham Salih in April 2002.

The leader of the Arab contingent within Ansar al-Islam is said by U.S. officials to be Abu Musab Zarqawi, an Arab of Jordanian origin who reputedly fought in Afghanistan. Zarqawi has been linked to Al Qaeda plots in Jordan during the millennium celebration, the assassination in Jordan of U.S. diplomat Lawrence Foley (2002), and to reported attempts in 2002 to spread the biological agent ricin in London and possibly other places in Europe. In a presentation to the U.N. Security Council on February 5, 2003, Secretary of State Powell tied Zarqawi and Ansar al-Islam to the Iraqi regime, which might have viewed Ansar al-Islam as a means of pressuring Baghdad's Kurdish opponents. Many experts believed Baghdad-Ansar links were tenuous or even non-existent; Baghdad did not control northern Iraq even before Operation Iraqi Freedom.⁴ Zarqawi's current whereabouts are unknown,

³ Chivers, C.J. Repulsing Attack By Islamic Militants, "Iraqi Kurds Tell of Atrocities." *New York Times*, December 6, 2002.

⁴ "U.S. Uncertain About Northern Iraq Group's Link to Al Qaida." *Dow Jones Newswire*, (continued...)

although some unconfirmed press reports indicate he might have fled to Iran after the fall of the Ansar camp to U.S.-led forces.

Shiite Islamist Organizations

Some outside experts have had concerns about the potential strength and ideological orientation of Iraq's Shiite Islamic fundamentalist groups in post-Saddam Iraq. Shiite Islamist factions hold at least five seats on the Governing Council unveiled July 13, 2003.

SCIRI/Badr Corps. The most well known among these is called the Supreme Council for the Islamic Revolution in Iraq (SCIRI), which was a member of the INC in the early and mid-1990s but progressively distanced itself from the INC banner. SCIRI was set up in 1982 to increase Iranian control over Shiite opposition groups in Iraq and the Persian Gulf states. SCIRI's leader, Ayatollah Muhammad Baqr al-Hakim, was the late Ayatollah Khomeini's choice to head an Islamic Republic of Iraq, a vision that, if realized, might conflict with U.S. plans to forge a democratic Iraq. Baqr Al Hakim and his family fled Iraq to Iran in 1980, during a major crackdown on Shiite activist groups by Saddam Hussein. Saddam feared that Iraqi Shiite Islamists, inspired and emboldened by the Islamic revolution in Iran in 1979, posed a major threat to his regime. Prior to the formation of SCIRI, Hakim and his family were leaders of the Da'wa (Islamic Call) Party (see below). Mohammed Baqr is the son of the late Ayatollah Muhsin Al Hakim, who was a prominent Shiite leader in southern Iraq and an associate of Ayatollah Khomeini when Khomeini was in exile in southern Iraq during 1964-1978. In early May 2003, there were press reports that Mohammed Baqr might resign from his formal SCIRI leadership post and try to establish himself in the Shiite holy city of Najaf, Iraq, as an overarching Shiite authority figure in the image of the late Ayatollah Khomeini of Iran. He returned to Iraq on May 10, welcomed by large crowds in Basra and Najaf, where he is now based.

In addition to its agents and activists in the Shiite areas of Iraq, SCIRI has about 10,000-15,000 fighters/activists organized into a "Badr Corps" (named after a major battle in early Islam) that, during the 1980s and 1990s, conducted forays from Iran into southern Iraq to attack Baath Party officials there. The Badr Corps is headed by Mohammed Baqr's younger brother, Abd al-Aziz al-Hakim, who returned to Iraq on April 20, 2003, to pave the way for Mohammed Baqr's return. (Another Hakim brother, Mahdi, was killed in Sudan in May 1990, allegedly by agents of Iraq's security services.) Iran's Revolutionary Guard, which is politically aligned with Iran's hard line civilian officials, has been the key patron of the Badr Corps, providing it with weapons, funds, and other assistance. The Badr Corps fought alongside the Guard against Iraqi forces during the Iran-Iraq war. However, many Iraqi Shiites view SCIRI as an Iranian creation and SCIRI/Badr Corps operations in southern Iraq prior to Operation Iraqi Freedom did not spark broad popular unrest against the Iraqi regime. Some Badr fighters deployed inside northern Iraq on the eve

⁴ (...continued)
March 18, 2002.

of Operation Iraqi Freedom, and the *New York Times* reported on May 7, 2003, that many Badr activists have infiltrated into Iraq to build support for SCIRI.

A variety of press reports say that individual militias now providing security in many towns in southern Iraq are linked to the Badr Corps. One such militia is derived from the fighters who challenged Saddam Hussein's forces in the marsh areas of southern Iraq, around the town of Amara, north of Basra. It goes by the name Hizbollah (Party of God)-Amara, and it is headed by marsh guerrilla leader Abdul Karim Muhammadawi, nicknamed "Prince of the Marshes" who was named to the Governing Council on July 13, 2003. He is widely perceived as an ally of SCIRI.

Until August 2002 when Abd al-Aziz al-Hakim joined other opposition figures for meetings in Washington, D.C., SCIRI had publicly refused to work openly with the United States or accept U.S. assistance. Since the fall of the regime on April 9, SCIRI leaders have criticized what they called an illegitimate U.S. occupation of Iraq and have called for the rapid establishment of an Iraqi self-rule authority, while at the same time opposing the use of violence against the occupation. Even though Mohammed Baqr Al Hakim says he is for a democracy and would not seek to establish an Iranian-style Islamic republic, U.S. officials are said to be mistrustful of SCIRI and have been seeking to disarm its fighters. Suggesting that SCIRI sees its interests in a degree of cooperation with the occupation, Abd al-Aziz al Hakim did meet with other opposition leaders in late April 2003 at a post-war governance planning session sponsored by U.S. officials. He has since helped constitute the seven party grouping that now constitutes a part of the 25-seat Governing Council. Abd al-Aziz is on the Council. Unlike some other Shiite Islamist groups, SCIRI has had good working relations with some Sunni oppositionists and the Kurds.

Da'wa Party. The Da'wa Party, perhaps Iraq's oldest Shiite Islamist grouping, continues to exist as a separate group, but many Da'wa activists appear to be at least loosely allied with SCIRI. The party was founded in 1957 by a revered Iraqi Shiite cleric, Ayatollah Mohammed Baqr Al Sadr, a like-minded associate of Ayatollah Khomeini. Baqr Al Sadr was hung by the Iraqi regime in 1980 for the Da'wa's alleged responsibility in fomenting Shiite anti-regime unrest following Iran's 1979 Islamic revolution. That unrest included an attempted assassination of senior Iraqi leader Tariq Aziz. Da'wa was part of the seven-party council grouping that is now been incorporated into the Governing Council. Da'wa's spokesman, Ibrahim Jafari, and its leader in Basra, Abdal Zahra Othman, are on the Governing Council, as is a former Da'wa activist turned human rights activist, Muwaffaq Al-Ruba'i.

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

Sadr Grouping. Members of the clan of the late Ayatollah Mohammed Baqr Al Sadr have become highly active in post-Saddam Iraq. Although the Al Sadr clan has been closely identified with the Da'wa Party, it appears that members of the clan and their followers currently are operating in post-war Iraq as grouping separate from the Da'wa. Another revered member of the clan, Mohammed Sadiq Al Sadr, and two of his sons, were killed by Saddam's security forces in 1999. A surviving son, Moqtada al-Sadr, who is about 27 years old, has attempted to rally his followers to attain a prominent role in post-Saddam Shiite politics. He and his clan apparently have a large following in the Shiite neighborhoods of Baghdad, which, after the fall of the regime on April 9, renamed their district "Sadr City," from the former name of "Saddam City." However, Moqtada is viewed by Iran and many Iraqi Shiites as a young radical who lacks religious and political weight. To compensate for his lack of religious credentials, he has sought spiritual authority for his actions from exiled Iraqi senior cleric, Ayatollah Kazem Haeri, who is living in Qom, Iran. An alternate interpretation by some experts is that Haeri is acting at the direction of Iran's leadership to keep Moqtada Sadr under a measure of control. Moqtada's reputation may have been tarnished in early April when Moqtada al Sadr reportedly killed Abd al-Majid Khoi, the son of the late Grand Ayatollah Abdol Qasem Musavi-Khoi, shortly after his return to Najaf from exile in London. Abd al-Majid Khoi headed the Khoi Foundation, based in London, and he returned to Iraq after U.S.-led forces took Najaf. Grand Ayatollah Khoi differed with the political doctrines of Ayatollah Khomeini of Iran.

The Sadr grouping was not part of the seven party grouping that has been incorporated into the U.S.-backed Governing Council. Neither Moqtada nor any other known Sadr faction members are on the Governing Council.

Ayatollah Sistani/Hawza al-Ilmiyah. The revered Grand Ayatollah Ali al-Sistani, based in Najaf, is also emerging as a major potential force in post-war Iraq. He is the most senior of the four Shiite clerics that lead the Najaf-based "Hawza al-Ilmiya," a major grouping of seminaries and Shiite clerics. The Hawza, which is well funded through donations, is becoming an important source of political authority in the Shiite regions of Iraq, hiring Iraqis to perform functions performed by the former regime and issuing directives, often obeyed, for some Iraqi civil servants to return to work. Sistani himself, now free of a long house arrest at the hands of Baghdad, has a large following of former students throughout the Shiite portions of Iraq. During the U.S.-led war against Iraq, Moqtada al-Sadr and his followers reportedly tried to intimidate Sistani by surrounding his office in Najaf with armed gunmen, a tactic that many experts say is leading Sistani and the Hawza to ally with the Hakims in the intra-Shiite power struggle. Sistani, who is said to be of Iranian ethnicity, is considered to be in the tradition of Ayatollah Khoi in opposing a direct role for clerics in governmental affairs, and it is therefore likely that Sistani and the Hawza would not seek a direct role in the post-war regime. However, in early July 2003, Sistani began to take a more active role in Iraq's post-war politics by issuing a statement that only elected Iraqis — not a U.S.-appointed governing council — should draft a constitution.

Islamic Amal. SCIRI has been allied with another Shiite Islamist organization called the Islamic Amal (Action) Organization. It is headed by Mohammed Taqi Modarassi. Islamic Amal conducted attacks against Saddam Hussein's regime in the

1980s, although it does not appear to have a following nearly as large as SCIRI or the other Shiite Islamist groups. Modarassi's brother, Abd al-Hadi, headed the Islamic Front for the Liberation of Bahrain, which tried to stir up Shiite unrest against the Bahrain regime in the 1980s and 1990s (see below).

Schisms Among Anti-Saddam Groups

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

The Iraqi National Accord (INA). The infighting in the opposition in the mid-1990s caused the United States to briefly revisit the "coup strategy" by renewing ties to a non-INC group, Iraq National Accord (INA).⁵ The INA, originally founded in 1990 with Saudi support, consists of military and security defectors who were perceived as having ties to disgruntled officials currently serving within their former organizations. It is headed by Dr. Iyad Alawi, former president of the Iraqi Student Union in Europe and a physician by training. He is a secular Shiite Muslim, but most of the members of the INA are Sunni Muslims. The INA's prospects appeared to brighten in August 1995 when Saddam's son-in-law Hussein Kamil al-Majid — architect of Iraq's weapons of mass destruction programs — defected to Jordan, suggesting that Saddam's grip on the military and security services was weakening. Jordan's King Hussein agreed to allow the INA to operate from there. The INA became penetrated by Iraq's intelligence services and, in June 1996, Baghdad dealt it a serious setback by arresting or executing over 100 INA sympathizers in the military.

Iraq's counteroffensive against the opposition was completed two months after the arrests of the INA sympathizers. In late August 1996, the KDP asked Baghdad to provide armed support for its capture of Irbil from the rival PUK. Iraq took advantage of the request to strike against the INC base in Salahuddin, a city in northern Iraq, as well as against remaining INA operatives throughout northern Iraq. In the course of its incursion in the north, Iraq reportedly executed two hundred oppositionists and arrested as many as 2,000 others. The United States evacuated from northern Iraq and eventually resettled in the United States 650 oppositionists, mostly from the INC.

⁵ An account of this shift in U.S. strategy is essayed in Hoagland, Jim. "How CIA's Secret War On Saddam Collapsed." *Washington Post*, June 26, 1997.

Prior to Operation Iraqi Freedom, Alawi claimed that the INA continued to operate throughout Iraq, and it apparently had rebuilt itself to some extent since the June 1996 arrests. However, it does not appear to have a large following in the Iraqi regime and did not announce any key defections from the regime during Operation Iraqi Freedom, nor has it since found or captured any former regime leaders. Although it has been cooperating with the INC at the start of the U.S.-led 2003 war, there is a history of friction between the two groups; the INA reportedly bombed an INC facility in northern Iraq in October 1995. Iyad Alawi represents the INA in the seven party grouping that has become part of the U.S.-backed Governing Council. Alawi is a member of the Governing Council.

Attempting to Rebound from 1996 Setbacks

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

Iraq's obstructions of U.N. weapons of mass destruction (WMD) inspections during 1997-1998 led to growing congressional calls for overthrowing Saddam Hussein. A formal congressional push for a regime change policy began with an FY1998 supplemental appropriation (P.L. 105-174, signed May 1, 1998) that, among other provisions, earmarked \$5 million in Economic Support Funds (ESF) for the opposition and \$5 million for a Radio Free Iraq, under the direction of Radio Free Europe/Radio Liberty (RFE/RL). The radio service began broadcasting in October 1998, from Prague. Of the ESF, \$3 million was devoted to an overt program to coordinate and promote cohesion among the various opposition factions, and to highlighting Iraqi violations of U.N. resolutions. The remaining \$2 million was used to translate and publicize documented evidence of alleged Iraqi war crimes; the documents were retrieved from the Kurdish north, placed on 176 CD-ROM diskettes, and translated and analyzed by experts under contract to the U.S. government. In subsequent years, Congress has appropriated funding for the Iraqi opposition and for war crimes issues, as shown in the appendix. Some of the war crimes funding has gone to the opposition-led INDICT (International Campaign to Indict Iraqi War Criminals) organization for publicizing Iraqi war crimes issues.

Iraq Liberation Act

The clearest indication of congressional support for a more active U.S. overthrow effort was encapsulated in another bill introduced in 1998: the Iraq Liberation Act (ILA, H.R. 4655, P.L. 105-338, signed into law October 31, 1998). The ILA gave the President authority to provide up to \$97 million in defense articles (and authorized \$2 million in broadcasting funds) to opposition organizations to be designated by the Administration. (An FY2003 supplemental appropriations, P.L. 108-11, added \$86.5 million to the allowed draw-down ceiling to enable additional funds to flow to groups helping the United States in Operation Iraqi Freedom. The

supplemental brought the total authorized under the Act to \$183 million.) The Act's passage was widely interpreted as an expression of congressional support for the concept of promoting an insurgency by using U.S. air-power to expand opposition-controlled territory. This idea was advocated by Chalabi and some U.S. experts, such as General Wayne Downing, who subsequently became a National Security Council official on counter-terrorism in the first two years of the George W. Bush Administration. President Clinton signed the legislation despite reported widespread doubts within the Clinton Administration about the chances of success in promoting an opposition insurgency inside Iraq.

The Iraq Liberation Act made the previously unstated policy of promoting regime change in Iraq official, declared policy. A provision of the ILA states that it should be the policy of the United States to "support efforts" to remove the regime headed by Saddam Hussein. In mid-November 1998, President Clinton publicly articulated that regime change was a component of U.S. policy toward Iraq.

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

The First Eligibility Designations Under the ILA. Further steps to promote regime change followed Operation Desert Fox. In January 1999, a career diplomat, Frank Ricciardone, was named as a State Department's "Coordinator for the Transition in Iraq" — the chief liaison with the opposition. On February 5, 1999, after consultations with Congress, the President issued a determination (P.D. 99-13) that the following organizations would be eligible to receive U.S. military assistance under the Iraq Liberation Act: the INC; the INA; SCIRI; the KDP; the PUK; the Islamic Movement of Iraqi Kurdistan (IMIK); and the Movement for Constitutional Monarchy (MCM), which is led by Sharif Ali bin al-Hussein, a relative of the Hashemite monarchs that ruled Iraq from the end of World War I until 1958. The IMIK and the MCM, in particular, were considered small movements that cannot contribute much to an overthrow effort. Because of its possible role in contributing to the formation of Ansar al-Islam, the IMIK did not receive U.S. support after 2001, although it was not formally taken off the ILA eligibility list.

Sharif Ali returned to Iraq on June 10 to a small but apparently enthusiastic welcome. He did not participate in the seven-party grouping that negotiated with the U.S.-led occupation authority on the formation of the Governing Council, and Sharif Ali was not placed on the Governing Council.

In May 1999, in concert with an INC visit to Washington, the Clinton Administration announced it would draw down \$5 million worth of training and "non-lethal" defense equipment under the ILA. During 1999 - 2000, about 150 opposition members underwent civil administration training at Hurlburt air base in Florida, including attending Defense Department-run courses provided civil affairs

training, including instruction in field medicine, logistics, computers, communications, broadcasting, power generation, and war crimes issues. However, the Clinton Administration asserted that the opposition was not sufficiently organized to merit U.S. provision of lethal military equipment or combat training. This restriction reflected divisions within and outside the Clinton Administration over the effectiveness and viability of the opposition, and over the potential for the United States to become militarily embroiled in civil conflict in Iraq. The trainees during 1999-2000 are not believed to have been brought into the Operation Iraqi Freedom effort against the regime, or into the Free Iraqi Forces that deployed to Iraq toward the end of the active combat phase of the war.

Continued Doubts About the Capabilities of the Anti-Saddam Groups

During 1999-2000, U.S. efforts to rebuild and fund the opposition did not end the debate within the Clinton Administration over the regime change component of Iraq policy. In hearings and statements, several Members of both parties expressed disappointment with the Clinton Administration's decision not to give the opposition lethal military aid or combat training. Many took those decisions as an indication that the Clinton Administration was skeptical that a renewed overthrow effort would fare better than previous attempts. The Clinton Administration maintained that the Iraqi opposition would not succeed unless backed by direct U.S. military involvement, and that direct U.S. military action was risky and not justified by the degree of threat posed by Iraq. Critics of the Clinton Administration policy on Iraq maintained that the potential threat from Saddam Hussein's regime was sufficiently grave that direct U.S. military action should be taken. Others suggested the Clinton Administration should focus instead on rebuilding containment of Iraq by threatening force if Iraq refused to permit re-entry into Iraq of the U.N. weapons inspectors that left Iraq in December 1998.

As a reflection of continued congressional support for the overthrow effort, a provision of the FY2001 foreign aid appropriation (H.R. 4811, P.L. 106-429, signed November 6, 2000) earmarked \$25 million in ESF for "programs benefitting the Iraqi people," of which at least \$12 million was for the INC to distribute humanitarian aid inside Iraq; \$6 million was for INC broadcasting; and \$2 million was for war crimes issues. According to the appropriation, the remaining \$5 million could be used to provide additional ESF to the seven groups then eligible to receive assistance under the ILA. Taking note of congressional sentiment for INC distribution of aid inside Iraq, on September 29, 2000, the Clinton Administration reached agreement with the INC to provide the organization with \$4 million in FY1999 ESF (one half the total earmark available) to develop an aid distribution plan and to gather information in Iraq on Iraqi war crimes. However, three days before it left office, the Clinton Administration issued a required report to Congress that noted that any INC effort to distribute aid in areas of Iraq under Baghdad's control would be fraught with security risks to the INC, to Iraqi recipients of such aid, and to any relief distributors with which the INC contracts.⁶

⁶ U.S. Department of State. *Washington File*. "Clinton Sends Report on Iraq to Congress." (continued...)

Bush Administration Policy

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

Pre-September 11 Policy

Throughout most of its first year, the Bush Administration continued the basic elements of Clinton Administration policy on Iraq. With no immediate consensus within the new Administration on how forcefully to proceed with an overthrow strategy, Secretary of State Powell focused on strengthening containment of Iraq, which the Bush Administration said had eroded substantially in the year prior to its taking office. Secretary Powell visited the Middle East in February 2001 to enlist regional support for a so-called "smart sanctions" plan: a modification of the U.N. sanctions regime to ensure that no weapons-related technology reaches Iraq. His plan offered to alter the U.N.-sponsored "oil-for-food" program by relaxing U.N. restrictions on exports to Iraq of civilian equipment and needed non-military technology.⁷

The Administration believed that the proposal, by easing the suffering of the Iraqi people, would cause Iraq's neighbors and other countries to cease unilateral violations of the sanctions regime. Powell, who had openly expressed skepticism about the opposition's prospects, barely raised the regime change issue during his trip or in his March 7, 2001, testimony before the House International Relations Committee, at which he was questioned about Iraq.⁸ After about a year of negotiations among the Security Council permanent members, the major feature of the smart sanctions plan — new procedures that virtually eliminate U.N. review of civilian exports to Iraq — was adopted on May 14, 2002 (U.N. Security Council Resolution 1409).

Even though several senior officials had been strong advocates of a regime change policy, many of the questions about the wisdom and difficulty of that strategy that had faced previous administrations were debated early in the Bush Administration.⁹ Aside from restating the U.S. policy of regime change, the Bush Administration did little to promote that outcome throughout most of its first year. During his confirmation hearings as Deputy Secretary of Defense, a reported strong

⁶ (...continued)
January 17, 2001.

⁷ For more information on this program, see CRS Report RL30472, *Iraq: Oil For Food Program*.

⁸ Perlez, Jane. "Powell Goes on the Road and Scores Some Points." *New York Times*, March 2, 2001.

⁹ One account of Bush Administration internal debates on the strategy is found in, Hersh, Seymour. "The Debate Within." *The New Yorker*, March 11, 2002.

advocate of overthrow, Paul Wolfowitz, said that he did not yet see a “plausible plan” for changing the regime. Like its predecessor, the Bush Administration initially declined to provide the opposition with lethal aid, combat training, or a commitment of direct U.S. military help. It eliminated the separate State Department position of “Coordinator for the Transition in Iraq,” further casting doubt on its enthusiasm for the overthrow strategy. On February 2, 2001, the Bush Administration confirmed that, shortly after President Bush took office, the Treasury Department’s Office of Foreign Assets Control (OFAC) granted the INC a license to proceed with information gathering inside Iraq only, and not actual distribution of humanitarian aid inside Iraq. This decision by the Administration amounted to a withholding of U.S. backing for the INC plan to rebuild its presence inside Iraq.

Many in Congress, on the other hand, continued to support the INC as the primary vehicle for achieving regime change. Partly in deference to congressional sentiment, the Bush Administration continued to expand its ties to the INC despite doubts about its capabilities. In August 2001, the INC began satellite television broadcasts into Iraq, from London, called Liberty TV. The station was funded by the ESF aid appropriated by Congress, with start-up costs of \$1 million and an estimated additional \$2.7 million per year in operating costs.¹⁰

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

Bush Administration policy toward Iraq became notably more assertive after the September 11, 2001 attacks, stressing regime change far more than containment. Almost immediately after the U.S.-led war on the Taliban and Al Qaeda in Afghanistan began in early October 2001, speculation began building that the Administration might try to change Iraq’s regime through direct use of military force as part of a “phase two” of the war on terrorism. Some U.S. officials reportedly believed that the United States needed to respond to the September 11 attacks by ending any or all regimes that support terrorist groups, including Iraq. As noted above, in his January 29, 2002 State of the Union message, President Bush named Iraq as part of an “axis of evil,” along with North Korea and Iran. Vice President Cheney visited the Middle East in March 2002 reportedly to consult regional countries about the possibility of confronting Iraq militarily, although the countries visited reportedly urged greater U.S. attention to the Arab-Israeli dispute and opposed confrontation with Iraq.

The two primary themes in the Bush Administration’s public case for confronting Iraq were (1) its alleged refusal to end its WMD programs, and (2) its ties to terrorist groups, to which Iraq might transfer WMD for the purpose of conducting a catastrophic attack on the United States. The Administration added that regime change would have the further benefit of liberating the Iraqi people.

Iraq and Al Qaeda. Although they did not assert that Saddam Hussein’s regime had a direct connection to the September 11 attacks or the subsequent anthrax mailings, senior U.S. officials said in September 2002, and again in January and February 2003, that there was evidence of Iraqi linkages to Al Qaeda. The Bush

¹⁰ Sipress, Alan. “U.S. Funds Satellite TV to Iraq.” *Washington Post*, August 16, 2001.

Administration did not extensively cite reports that Czech intelligence believed that Iraqi intelligence had met with lead September 11 hijacker Mohammad Atta in Prague in spring 2001, suggesting some official skepticism. However, some outside commentators believed that those reports indicated a direct Iraqi connection to the September 11 attacks. Some outside observers expressed skepticism about Iraq-Al Qaeda connections because of the ideological differences between Saddam Hussein's secular regime and Al Qaeda's Islamist character. Secretary of State Powell, as noted above, cited intelligence information that Ansar al-Islam and its enclave leader Abu Musab al-Zarqawi (see above) had links to Saddam Hussein's regime.¹¹ Other senior officials cited intelligence information that Iraq provided advice and training to Al Qaeda in the manufacture and use of chemical weapons, although Administration information appears to date to the early 1990s when Iraq, largely isolated after the first Gulf war, was politically close to Sudan. Al Qaeda founder Osama Bin Laden was based in Sudan during that time (1991-1996).

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

WMD Threat Perception. In arguing for military action, U.S. officials maintained that Iraq's purported commitment to developing WMD — coupled with its support for terrorist groups to which Iraq might transfer WMD — constituted an unacceptable potential threat to the United States and that major U.S. military action was justified if Iraq refused to disarm voluntarily. U.S. officials said the September 11, 2001 attacks demonstrated that the United States could not wait for threats to gather before acting, but must instead act preemptively or preventively. Senior U.S. officials asserted a WMD threat as follows:

- Iraq had worked to rebuild its WMD programs in the nearly 4 years since U.N. weapons inspectors left Iraq and had failed to comply with 17 U.N. resolutions, including Resolution 1441 (November 8, 2002), calling for its complete elimination of all WMD programs. However, statements by U.N. weapons inspectors after inspections resumed November 27, 2002 indicated they believed Iraq did not have an active nuclear weapons program, and that inspections on other weapons categories were making progress.
- Iraq used chemical weapons against its own people (the Kurds) and against Iraq's neighbors (Iran), implying that Iraq would not necessarily be deterred from using WMD against the United States or its allies. Others noted that Iraq did not use such weapons against adversaries, such as the United States, that have the capability of

¹¹ Goldberg, Jeffrey. "The Great Terror." *The New Yorker*, March 25, 2002.

destroying Iraq's government in retaliation. Under the U.S. threat of massive retaliation, Iraq did not use WMD against U.S. troops in the 1991 Gulf war. On the other hand, Iraq defied U.S. warnings of retaliation and did burn Kuwait's oil fields in that war.

- Iraq could transfer its WMD to terrorists such as Al Qaeda who could use these weapons to cause hundreds of thousands of deaths in the United States or elsewhere. Critics of this view cited presentations by CIA Director Tenet to Congress in October 2002, portions of which were released publicly, stating the CIA view that Iraq was likely to transfer WMD to terrorists if the United States were to attack Iraq. At that point, according to that argument, Saddam Hussein would be left with little incentive not to cooperate with terrorist groups capable of striking at U.S. interests. (No WMD was used against Iraq during Operation Iraqi Freedom, and little evidence of actual WMD weapons have thus far been found, although the Administration asserts that such weapons will eventually be found in Iraq by the U.S.-led coalition.)

Broadening the Internal Opposition to Saddam

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

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

In addition, the Administration expanded its ties to Shiite Islamist groups and to groups composed of ex-military and security officers, as well as to some ethnic-based groups. On December 9, 2002, the Bush Administration added six of the factions discussed below (except the Higher Council for National Salvation) to the list of "democratic opposition organizations" eligible to receive draw downs under the ILA. The groups and individuals with which the Bush Administration had increasing contact include the following:

- Iraqi National Movement. It formed in 2001 as an offshoot of the INC. Its leaders include ex-senior military officer Hassan al-Naqib (who was part of an early leadership body of the INC); Hatim Mukhlis, who claimed support of some in Saddam's Tikriti clan; and ex-senior military officer Khalid al-Ubaydi.
- Iraqi National Front. Another grouping of ex-military officers, founded in March 2000 by Tawfiq al-Yasseri. Yasseri, a Shiite Muslim ex-military officer, headed Iraq's military academy and participated and was wounded in the anti-Saddam uprisings immediately following the 1991 Gulf war.
- Iraqi Free Officers and Civilians Movement. Established in 1996 by ex-military officer Najib al-Salhi. This group worked closely with the INC. Salhi defected in 1995 after serving as commander of several tank units in the Republican Guard and regular military.
- Higher Council for National Salvation. Based in Denmark, it was formally established on August 1, 2002. It is headed by Wafiq al-Samarra'i, a former head of Iraqi military intelligence. Ex-chief of staff of Iraq's military (1980-1991) Nizar al-Khazraji, who was based in Denmark since fleeing Iraq in 1996, may also be a member. Khazraji was placed under travel restrictions by Danish officials in late November 2002 after saying he wanted to leave Denmark. He is under investigation there for alleged involvement in Iraq's use of chemical weapons against the Kurds in 1988. Danish authorities said on March 17, 2003 that Khazraji had unexpectedly left his home there, raising questions about whether he is defying the travel restrictions placed on him. A press report on April 7, 2003, said he went to Kuwait, possibly to play a part in a post-Saddam regime there,¹² although his current whereabouts are unknown.
- Iraqi Turkmen Front. A small, ethnic Turkomen-based grouping, generally considered aligned with Turkish policy on Iraq. Turkomens number about 350,000 and live mainly in northern Iraq.
- The Islamic Accord of Iraq. Based in Damascus, this is another Shiite Islamic Party, but it is considered substantially less pro-Iranian than SCIRI or the Da'wa Party (see above). The Islamic Accord is headed by Jamil Wakil. Many Accord members are followers of Ayatollah Shirazi, an Iranian cleric who was the spiritual leader of a group called the Islamic Front for the Liberation of Bahrain (IFLB), which allegedly attempted to overthrow the government of Bahrain in the early 1980s.
- The Assyrian Democratic Movement, an ethnic-based movement headed by Secretary-General Yonadam Yousif Kanna. Iraq's

¹² 'Missing' Iraqi General Now in Kuwait: Paper. Agence France Press, April 7, 2003.

Assyrian community is based primarily in northern Iraq. There is a strong diaspora presence in the United States as well. After building ties to this group over the past year, the Bush Administration formally began incorporating the Assyrian Democratic Movement into its meetings with the Iraqi opposition in September 2002. (Kanna is on the 25-seat Governing Council inaugurated July 13, 2003.)

Second ILA Designations. The Bush Administration applauded efforts during 2001 and 2002 by these groups to hold meetings to coordinate with each other and with the INC and other groups. One such meeting, in July 2002 in London and jointly run with the INC, attracted over 70 ex-military officers. However, since the regime vacated Baghdad on April 9, 2003, virtually none of the groups listed immediately above has openly sought a major role in post-Saddam Iraq, and the whereabouts of many of their leaders are not known.

As the decision whether to launch military action approached, on December 9, 2002, President Bush issued a determination to draw down the remaining \$92 million in defense articles and services authorized under the Iraq Liberation Act for the INA, the INC, the KDP, the PUK, SCIRI, and the MCM “and to such other Iraqi opposition groups designated by me under the Act before or after this determination.” This latter phrase suggested that some of the draw downs would go to the six groups designated above as eligible to receive ILA draw downs. The announcement appeared to be part of reported plan to train about 5,000 oppositionists in tasks that could assist U.S. forces, possibly including combat units.¹³ An initial group of 3,000 was selected, but only about 70 oppositionists completed training at an air base (Taszar) in Hungary, according to press reports.¹⁴ These oppositionists served with U.S. forces in Operation Iraqi Freedom as translators and mediators between U.S. forces and local leaders, and most did not stay in Iraq, according to observers.

As the prospects for military action against Iraq grew, the opposition began planning its role in the war and the post-war period. During December 14-17, 2002, with U.S. officials attending, major Iraqi opposition groups held a conference in London. In advance of the meeting, the Bush Administration appointed NSC official Zalmay Khalilzad to be a liaison to the Iraqi opposition. The conference was organized by the same six groups whose leaders visited Washington in August 2002, but included other groups as well, and they discussed whether the opposition should declare a provisional government. The Administration opposed that step on the grounds that doing so was premature and would give the impression that outside powers were determining Iraq’s political structure.

The meeting ended with agreement to form a 65-member follow-up committee, which some criticized as weighted heavily toward Shiite Islamist groups such as SCIRI. The opposition met again during February 24-27, 2003 in northern Iraq.

¹³ Deyoung, Karen, and Daniel Williams. “Training of Iraqi Exiles Authorized.” *Washington Post*, October 19, 2002.

¹⁴ Williams, Daniel. U.S. Army to Train 1,000 Iraqi Exiles. *Washington Post*, December 18, 2002.

Against the urging of U.S. representatives at the meeting, the opposition agreed to form a six man committee that would prepare for a transition regime, although it stopped short of declaring a provisional government. The six included PUK leader Jalal Talabani, KDP leader Masud Barzani, SCIRI leader Mohammed Baqr Al Hakim, Chalabi, INA leader Iyad Alawi, and a former Iraqi foreign minister Adnan Pachachi. Iran allowed Iraqi oppositionists to cross from Iran into northern Iraq to hold that session. All six groups of the above groups or personalities are now on the U.S.-backed Governing Council named July 13, 2003.

Decision to Take Military Action. As inspectors worked in Iraq under the new mandates provided in Resolution 1441, the Administration demanded complete disarmament and full cooperation by Iraq if that country wanted to avert military action. The Administration had been downplaying the goal of regime change after President Bush's September 12, 2002 speech before the United Nations General Assembly, in which he focused on enforcing U.N. resolutions that require Iraqi disarmament. However, the Administration resumed stressing the regime change goal after February 2002 as diplomacy at the United Nations ran its course. In the Administration view, a friendly government in Baghdad was required if the international community is to rid Iraq of WMD and links to terrorist groups.

The possibility of war became clearer following the mid-March breakdown of U.N. diplomacy over whether the U.N. Security Council should authorize war against Iraq for failing to comply with Resolution 1441. The diplomatic breakdown followed several briefings for the U.N. Security Council by the director of the U.N. inspection body UNMOVIC (U.N. Monitoring, Verification, and Inspection Commission) Hans Blix and the director of the International Atomic Energy Agency (IAEA), Mohammad al-Baradei, most recently on March 7, 2003. The briefings were generally critical of Iraq for failing to pro-actively cooperate to clear up outstanding questions about Iraq's WMD program, but the latter two briefings (February 24 and March 7) noted progress in clearing up outstanding WMD questions. The Blix/Baradei briefings said Iraq had not accounted for its past WMD, but the two did not state that they were certain that Iraq had retained WMD, or that they had uncovered any banned WMD. Iraq declared short range ballistic missiles that were determined by Blix to be of prohibited ranges, and Blix ordered Iraq to destroy them. Iraq began the destruction prior to the launching of the U.S.-led war.

Security Council opponents of war, including France, Russia, China, and Germany, said the briefings indicated that Iraq could be disarmed peacefully and that inspections should be given more time. They noted that Iraq was well contained by sanctions and the U.S./British enforced no-fly zones. Those who agreed with this view maintained that, as long as Iraq allowed access to U.N. weapons inspections under Resolution 1441, Iraq could not pose an immediate threat to U.S. national security. Inspections encountered few, if any, Iraqi obstructions in about 700 inspections of about 400 different sites, as of mid-March 2003. Others experts believed that, even if Iraq were to acquire major new WMD capabilities, Iraq could have been deterred by U.S. overall strategic superiority, presumably including the U.S. nuclear arsenal.

The United States, Britain, Spain, and Bulgaria disagreed, maintaining that Iraq had not fundamentally decided to disarm, and was attempting to preserve WMD

capabilities. The Administration asserted on March 17, 2003, that diplomatic options to disarm Iraq peacefully had failed and turned its full attention to military action. That evening, President Bush gave Saddam Hussein and his sons, Uday and Qusay, an ultimatum to leave Iraq within 48 hours to avoid war. They refused the ultimatum, and Operation Iraqi Freedom was launched on March 19, 2003.

In the war, Iraq's conventional military forces were overwhelmed by U.S. and British forces in Operation Iraqi Freedom, although the regime, at times, put up stiff resistance using unconventional tactics. No major Iraqi military commanders or Baathist political figures came forward to try to establish a post-Saddam government, but senior regime leaders fled Baghdad, and the whereabouts of the top leadership, including Saddam Hussein, is unknown. The outcome of a post-war debate on the results of the war might depend on such factors as the pace of reconstruction; the degree of resistance to the U.S.-led occupation; the amount of WMD ultimately found, if any; and whether a new government is stable and democratic.

Post-War Governance Issues

Since the fall of Saddam Hussein's regime on April 9, 2003, there has been increasing debate about governing post-war Iraq. The same U.S. concerns about fragmentation of and instability in Iraq that existed in prior years are present in the current debate over how to establish a post-war interim regime. Although some Iraqi civilians have welcomed U.S. and British troops in areas captured, many Iraqis now want U.S. and British forces to leave Iraq, and U.S. military officials say that they now face a "classic guerrilla war" against U.S. occupation forces. Other experts fear that a post-war Iraq will inevitably fall under control of SCIRI and other Shiite Islamist forces who, as noted above, are well-organized and are asserting growing control over areas inhabited by Iraq's Shiites. Shiites constitute about 60% of Iraq's population but have traditionally been under-represented in Iraq's Sunni Muslim-dominated government.

Establishing Iraqi Self-Rule

The Administration asserts that it will stay in Iraq until there is a stable, democratic successor regime that is at peace with its neighbors. However, there has been some debate between U.S. authorities and key anti-Saddam groups over how and when to establish a successor regime. Senior U.S. officials, including deputy Defense Secretary Paul Wolfowitz, had said in early April 2003 that they hoped to have a successor regime in place within six months of the fall of the regime. However, in mid-May, U.S. officials, apparently fearing that existing major groups could not form a stable regime, or that Shiite Islamists would dominate a successor authority, backed away from any deadlines for establishing an Iraqi self-rule authority. The anti-Saddam groups, led by the seven party grouping discussed below, asserted that Iraqis are sufficiently competent and unified to rebuild Iraq after a war with the United States.

Shortly after the war, the United States began a process of establishing a successor regime. The Administration organized an April 15 meeting, in Nasiriyah,

of about 100 Iraqis of varying ideologies, present by U.S. invitation. Many of the attendees were representatives of Iraqi tribal groupings that had not been politically active before. However, SCIRI, along with several Shiite clerics that have appropriated authority throughout much of southern Iraq since the fall of the regime, boycotted the meeting and called for an Islamic state and the withdrawal of U.S. forces. Another meeting of about 250 delegates was held in Baghdad on April 26, which ended in agreement to hold a broader meeting, within a month, to name an interim Iraqi administration.

In parallel with the late April meeting in Baghdad, the five most prominent exiled opposition groups met, with U.S. envoys present: SCIRI, the INC, the INA, the PUK, and the KDP. At a subsequent meeting on May 9, 2003, the five agreed to expand their grouping to seven, adding to their ranks the little known Nasir al-Chadirchy, head of a party called the National Democratic Party of Iraq, as well as the Da'wa Party. The seven party grouping strongly criticized the U.S. decision in mid-May 2003 to delay the formation of an Iraqi self-rule authority indefinitely and to instead establish a purely advisory body of 25 to 30 Iraqis. The seven party grouping subsequently began meeting among itself and with U.S. occupation authorities to try to obtain at least a partial reversal of that decision.

With U.S. casualties in Iraq mounting and a growing sense of resentment among the Iraqi population, the U.S.-led occupation authority (Coalition Provisional Authority, CPA) incorporated the views of the seven party grouping. U.S. administrator for Iraq Paul Bremer (see below) said on June 23, 2003 that the planned 25-30 member body would have "real authority" from its first days. He said it would nominate ministry heads, recommend policies, and convene a "constitutional conference" to draft a new constitution.¹⁵

The Governing Council. On July 13, 2003, a Governing Council was unveiled to the Iraqi public, appointed by the U.S.-led CPA but reflecting the influence of the seven party grouping, as well as prominent Iraqis who were never in exile and were not affiliated with the exiled opposition. The Council has 25 members, of which 3 are women and 13 are Shiite Muslims.

Of the 13 Shiite Muslims on the Council, one seat is held by SCIRI directly (Abd al-Aziz Al Hakim, younger brother of Mohammad Baqr), one is held by a guerrilla affiliated with SCIRI (Abdul Karim al-Muhammadawi), two are Da'wa Party (Ibrahim al-Jafari and Abdul Zahra Othman) leaders, and considered allies of SCIRI, and one is a former Da'wa activist (Muwaffaq al-Ruba'i). Also on the Council is a moderate Shiite cleric, Mohammad Bahr al-Ulum, but he is considered pro-U.S. and not affiliated with SCIRI or the Da'wa. He headed the Ahl al-Bayt charity center in London since the 1980s. The remaining Shiite Muslims, such as Chalabi and Iyad al-Alawi, are mostly considered secular. Appointed to the Council was one Sunni Muslim Islamist, Muhsin Abdul Hamid, who heads the Iraqi Islamic Party, but he does not have a clear affiliation or relationship with the Shiite Islamists on the Council.

¹⁵ Transcript: Bremer Reviews Progress, Plans for Iraq Reconstruction. *Washington File*, June 23, 2003.

The Council includes five Kurds, including the two main Kurdish leaders Jalal Talabani and Masud Barzani. The Kurds are generally considered pro-U.S. and might be expected to vote the way the U.S.-led coalition wants.

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

A member of the Assyrian Christian community is on the Council. Yonadam Kanna, the secretary-general of the Democratic Assyrian Movement, is on the body. It is not known what other members of the Council, if any, he might be aligned with. Also unclear is whether or not Hamid al-Musa, the Shiite head of the Iraqi Communist Party, is allied with anyone else on the Council.

The Council has not yet selected a chairperson, but it has taken a few decisions. It has authorized the establishment of an Iraqi war crimes tribunal for Saddam and associates accused of major human rights abuses. It also has empowered a three member delegation to seek formal U.N. recognition.

The Governing Council is expected to work with the Coalition Provisional Authority to appoint a constitutional drafting commission. On July 17, CPA head Bremer said that a constitution could conceivably be drafted in time to have national elections by summer of 2004. He has linked the potential length of the U.S. occupation to the completion of successful national elections and the restoration of security in Iraq.

As part of the planning process that took place before the war, the U.S. State Department supported a group of Iraqi exiles to address issues that would confront a successor government.¹⁶ However, the State Department working group (the "Future of Iraq Project") does not appear to have significant influence on any post-war regime decision-making in Iraq. Some experts believe the Defense Department was promoting a competing or separate group of exiles.¹⁷ The State Department project, which cost \$5 million, consisted of working groups that discussed (1) transitional justice; (2) public finance; (3) public and media outreach; (4) democratic principles; (5) water, agriculture, and the environment; (6) health and human

¹⁶ "State Department Hosts Working Group Meeting for Future of Iraq Project," *Washington File*, December 11, 2002.

¹⁷ Fineman, Mark, Robin Wright, and Doyle McManus. *Preparing for War, Stumbling to Peace*. *Los Angeles Times*, July 18, 2003.

services; (7) economy and infrastructure; (8) education; (9) refugees, internally-displaced persons, and migration policy; (10) foreign and national security policy; (11) defense institutions and policy; (12) free media; (13) civil society capacity-building; (14) anti-corruption measures; and (15) oil and energy.

Post-War U.S. Operations and the Coalition Provisional Authority (CPA)

Experts note that projections about U.S. operations in post-war Iraq, including the duration of the U.S. military occupation and the numbers of occupation troops, are largely dependent on the amount of continuing Iraqi resistance, the number of U.S. casualties taken, and the rate at which such U.S. objectives as the establishment of a stable and democratic successor regime are accomplished. At present, about 160,000 U.S. and British troops remain in Iraq, according to a June 2003 report to Congress mandated by P.L. 108-11. Of those, 148,000 are U.S. personnel and 12,000 are British. There were 2,000 Australian troops as part of the war fighting coalition, but many of those are now on their way home. Earlier press reports said the Administration wanted to draw the U.S. force level down to about 35,000 by the end of 2003, but continued unrest and insecurity in Iraq appears to have made that goal untenable, and some U.S. commanders do not rule out an increase in U.S. force levels if necessary.

There are indications that resistance to the U.S. governance of Iraq is growing, judging by the frequency of attacks on U.S. forces over the past few weeks. The new Centcom commander John Abizaid said on July 17, 2003, that the United States faces a “classic guerrilla war” led by “mid-level Baath Party activists organized regionally.” Such attacks have killed 33 U.S. military personnel since President Bush declared an end to “major combat operations” in Iraq on May 1, 2003. The Bush Administration says resistance comes not only from remnants of the Baath Party but also from Arab volunteers — possibly linked to or supportive of Al Qaeda — who have come to Iraq from other countries to fight the U.S. occupation. Attacks have been more frequent in the Sunni areas of central Iraq than elsewhere, where support for Saddam Hussein’s regime was traditionally the strongest. Some elements of the resistance appear to want to restore the old regime, while others appear to be motivated by opposition to foreign rule. Others appear to be motivated by the difficulty the U.S. and British authorities have had in restoring civilian services. In late June, some opponents of the occupation have identified themselves as distinct groups, scribbling graffiti warnings and faxing statements to the Arab satellite television network Al Jazeera and elsewhere. They have used such names as:

- Al Awda (the Return);
- The Snakes;
- The Movement of the Victorious Sect;
- Iraq’s Revolutionaries - Al Anbar’s Armed Brigades;
- The Popular Resistance for the Liberation of Iraq; and

— Armed Islamic Movement for Al Qaeda - Falluja Branch. Actual linkages to Al Qaeda, if any, are not known.

The continuing resistance has complicated the U.S. mission. In addition to targeting U.S. forces, resistance fighters are assassinating Iraqis who are cooperating with the United States. In addition, U.S. officials say that the costs of the ongoing U.S. operations are about \$3.9 billion per month, about double what was anticipated for the occupation period. On the other hand, CPA said on July 18 that acts of sabotage against pipelines and other infrastructure appears to have declined over the past six weeks.

The Bush Administration initially tasked Lt. Gen. Jay Garner (ret.) to direct civilian reconstruction, working through a staff of U.S. diplomats and other U.S. government personnel who are serving as advisers and administrators in Iraq's various ministries. He headed the Office of Reconstruction and Humanitarian Assistance (ORHA), within the Department of Defense, created by a January 20, 2003 executive order. After spending the combat phase of the war in neighboring Kuwait, Garner and some of his staff of about 200 deployed to Baghdad on April 21, 2003, to begin work. Former Ambassador to Yemen Barbara Bodine was responsible for a "central" region; and retired generals Buck Walters and Bruce Moore were responsible for "southern" and "northern" regions, respectively.

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

Building Security Institutions. While attempting to restore security to Iraq, the CPA is beginning to build new Iraqi institutions that can eventually take over the security function from the United States. The United States is planning to train a 40,000 person Iraqi army, about 10% the size of the pre-war Iraqi force. About 12,000 are expected to be in the force by mid-2004. Former Defense Department official Walter Slocombe is in charge of forming the new Iraqi army. The CPA is also trying to turn basic policing functions over to Iraqis. Overall, about 32,000 Iraqi policemen have returned to their jobs, about half the total goal. The CPA official responsible for the new police force, former New York City police commissioner Bernard Kerik, says it will take about 18 months (end of 2004) to reach the goal of 65,000 policemen nationwide.¹⁸

¹⁸ Schmitt, Eric. Wolfowitz on Visit to Iraq to Assess Rebuilding Effort. *New York Times*, July 18, 2003.

Searching for Regime Violations. Organs of the CPA and the U.S. government are attempting to uncover abuses and violations of the regime of Saddam Hussein. A 1,500 person “Iraq Survey Group,” headed by a U.S. military commander but composed of many civilian technical experts, including former U.N. weapons inspector David Kay, is attempting to uncover alleged weapons of mass destruction. The Survey Group is also searching for mass graves of victims of the former regime. Thus far, U.S. military personnel have found at least 60 mass graves, some with hundreds of corpses. Most appear to contain bodies of Kurdish and Shiite opponents of the former regime, but some might contain the bodies of about 600 Kuwaitis missing from the first Gulf war.

Recruiting Other Peacekeepers. The relatively slow pace of establishing Iraqi security institutions, coupled with ongoing security difficulties and continued U.S. casualties, has led to calls from Members of Congress and others to try to enlist other countries to help with the stabilization of Iraq. Negotiations with other countries is proceeding for a multinational peacekeeping force in Iraq that would presumably spread some of the peace-keeping and stabilization burden now borne mostly by U.S. forces. According to the Administration, more than 30 countries are discussing offers of forces for a multilateral stabilization force, and several countries have made pledges of troops and or police or support personnel. The commitments of several nations, including Germany, France, and India, appear to be dependent on whether the U.N. Security Council authorizes such a force, and several nations appear to require U.S. or other funding in order to participate. Secretary of State Powell said on July 16 that the United States is discussing with other countries the possibility of seeking formal U.N. backing for a multilateral peacekeeping force.

The United Kingdom and Poland have offered to lead multinational divisions in that mission in southern Iraq and central Iraq, respectively. The UK-led force is to number about 14,000, of which all but 2,000 are British forces. The Polish-led force is to number about 9,000, of which 2,300 will be Polish. Polish forces have begun deploying to Iraq. Other major pledges include the following:

— Spain	1,300
— Italy	3,000 military police and civilian relief workers
— the Netherlands	1,100
— Japan	1,000, mostly combat support/logistics
— Czech Republic	400
— Ukraine	1,800
— Denmark	380
— Hungary	300
— Bulgaria	about 500
— El Salvador	300 (as part of 1,200 person force with Honduras, Nicaragua, and Dominican Republic, each contributing about 300)
— Portugal	120 paramilitary police
— Azerbaijan	150

The United States has discussed with NATO whether or not it would take on Iraq as a fifth peacekeeping mission. However, on July 17, NATO secretary general George Robertson said the body had no plans for a greater role beyond providing logistical help to the Polish-led force in Iraq. On July 10, 2003, the Senate adopted an amendment to a State Department authorization bill (S. 925) calling on the Administration to formally ask NATO to lead a peacekeeping force for Iraq. A related bill (H.R. 2112) was introduced in the House on May 15, 2003.

U.N. Role. Just after the fall of Saddam Hussein's regime, the United States and its European allies and other countries reached a measure of agreement on a U.N. role in post-war Iraq. Resolution 1483, which was adopted unanimously, provides for a U.N. special representative to coordinate the activities of U.N. personnel in Iraq and to help establish a successor government. The Secretary General subsequently (May 27) appointed Brazilian diplomat Sergio Vieira de Mello for that post. The resolution also gave the United Nations a monitoring role over the Development Fund for Iraq, a fund that will handle Iraq's oil revenues until there is a successor government. The resolution did not authorize a return to Iraq of U.N. weapons inspectors, although the resolution provides for deliberations on that issue. Some International Atomic Energy Agency inspectors returned to Iraq in June 2003 on a limited nuclear mission in Baghdad. As noted above, some countries are conditioning any contribution of peacekeeping troops to Iraq on a formal U.N. authorization, a step the Administration now appears to be weighing.

Reviving the Oil Industry.¹⁹ As the driver of Iraq's economy, the rebuilding of the oil industry is receiving substantial U.S. attention. It has been widely assumed that Iraq's vast oil reserves, believed second only to those of Saudi Arabia, would be used to fund much of the costs of reconstruction. Presidential spokesman Ari Fleischer said on February 18, 2003, referring to Iraq's oil reserves, that Iraq has "a variety of means ... to shoulder much of the burden for [its] own reconstruction." Many observers had been concerned that an Iraqi regime on the verge of defeat could destroy its own oil fields, but coalition forces quickly secured Iraq's southern oil fields after combat began. Only about 9 oil wells were set on fire, of a total of over 500 oil fields in that region, and all were put out quickly. The northern oil fields in Kirkuk and Mosul were not set afire.

In early May 2003, the U.S.-led coalition set up an advisory board, headed by former Shell executive Phillip Carroll, to oversee the rebuilding of Iraq's oil sector. An Iraqi oil industry professional, Thamer Ghadhban, was named to serve as head of the interim management team that will run Iraq's oil ministry and report to the advisory board. The first exports began in late June 2003, and Ghadhban said that Iraq would be up to about 1 million barrels per day of exports by mid-July. Its pre-war export rate was about 2.2 million barrels per day, a level that U.S. officials and Iraqi oil appointees hope to reach by late 2003. However, press reports in mid-July say that Iraq is only exporting about 250,000 barrels per day because attacks on oil infrastructure has slowed its recovery. The CPA-produced budget for Iraq assumes that oil exports will yield about \$3.6 billion through the end of 2003, and provide

¹⁹ For information on the prospects for Iraq's post-war economy, see CRS Report RL31944. *Iraq's Economy: Past, Present, Future.*

about half of the approximately \$6.6 billion budget for Iraq for the period. The deficit will be covered from funds in the Development Fund for Iraq, set up by the post-war Resolution 1483 (see below).

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.

Continuation of the Oil-for-Food Program. About 60% of Iraqis have been receiving all their foodstuffs from the U.N.-supervised Oil-for-Food Program. The program, which is an exception to the comprehensive U.N. embargo on Iraq put in place after the 1991 Persian Gulf war, began operations in December 1996. It was suspended just before hostilities began, when U.N. staff in Iraq that run the various aspects of the program departed Iraq. As of the start of the war, about \$9 billion worth of humanitarian goods were in the process of being delivered or in production. (See CRS Report RL30472, *Iraq: Oil-for-Food Program, Sanctions, and Illicit Trade.*)

On March 28, 2003, the U.N. Security Council unanimously adopted Resolution 1472 that restarted the program's operations and empowered the United Nations, for a 45-day period (until May 12), to take direct control of all aspects of the program. Under the new resolution, the United Nations is setting priorities for and directing the delivery of already contracted supplies. The enhanced U.N. authority was extended on April 25, 2003, to last at least until the six-month phase of the program expired on June 3, 2003.

On April 17, 2003, the Administration called for a lifting of U.N. sanctions against Iraq, signaling that the Administration wanted to focus on restoring normal international commerce with Iraq rather than extending the oil-for-food program. Resolution 1483 lifted sanctions and provided for the phasing out of the oil for food program within six months after adoption of that resolution on May 22. The resolution also provided for the United Nations to transfer to the new Development Fund for Iraq \$1 billion in funds held by the oil-for-food program escrow fund. That Development Fund contained about \$7 billion in June 2003, consisting of captured Iraqi assets, Iraqi assets abroad, the monies transferred from the oil-for-food account, and U.S. funds available for reconstruction. (For more information, see CRS Report RL30472, *Iraq: Oil-for-Food Program, International Sanctions, and Illicit Trade.*)

War Crimes. An issue related to regime change but somewhat separate is whether Saddam Hussein and his associates should be prosecuted for war crimes and crimes against humanity, if and when they are caught. The Administration said in early April 2003 that Saddam and his inner circle should be tried by Iraqis if they are captured, although others might be tried by a U.S.-led process for any crimes committed in the course of the 2003 war. In the year prior to the war, the Administration was gathering data for a potential trial of Saddam and 12 of his associates. Those it had sought for trial include Saddam; his two sons Uday and Qusay; Ali Hassan al-Majid, for alleged use of chemicals against the Kurds (he was reported by British officers to have died in an early April air strike on his home in

Basra, although that is now in question); Muhammad Hamza al-Zubaydi (surrendered in mid-April 2003); Taha Yasin Ramadan; first Vice President and number three in the regime; Izzat Ibrahim, Vice Chairman of the Revolutionary Command Council and formally number two in the regime; Barzan al-Tikriti, Saddam's half brother (captured in mid-April 2003); Watban al-Tikriti (captured in April 2003) and Sabawi al-Tikriti, both other half brothers of Saddam and former leaders of regime intelligence bureaus; Tariq Aziz, deputy Prime Minister and foremost regime spokesman (surrendered in May 2003); and Aziz Salih Noman, governor of Kuwait during Iraq's occupation of that country (apprehended in May 2003).

Others not on the list of twelve, but part of a list of 55 former regime officials sought by the United States for questioning and possible arrest, have been captured or surrendered. As of mid-July 2003, according to Coalition Provisional Authority officials, more than half of the Iraqis on the list of 55 are now in custody or are confirmed killed. Among the others apprehended are Amir al-Saadi, chief science adviser to Saddam; Jamal Mustafa al-Tikriti, a son-in-law of Saddam; Vice President Taha Muhi ad-Din Ma'ruf; and suspected WMD manager Hoda Mahdi Salih al-Ammash.

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

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

Congressional Reactions

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

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

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

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

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

Appendix. U.S. Assistance to the Opposition

Appropriated Economic Support Funds (E.S.F.) to the Opposition

(Figures in millions of dollars)

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

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