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

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Summary

Operation Iraqi Freedom accomplished a long-standing U.S. objective, the overthrow of Saddam Hussein, but replacing his regime with a stable, moderate, democratic political structure has been complicated by a persistent Sunni Arab-led insurgency. The Bush Administration asserts that establishing democracy in Iraq will catalyze the promotion of democracy throughout the Middle East. The desired outcome would likely prevent Iraq from becoming a sanctuary for terrorists, a key recommendation of the July 2004 report of the 9/11 Commission.

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

Others believe the U.S. mission in Iraq could fail unless major new policy initiatives are undertaken. Some believe that U.S. counter-insurgent operations are hampered by an insufficient U.S. troop commitment. Others believe that the U.S. presence is driving much of the insurgent challenge and that a U.S. move toward withdrawal might undercut popular support for the insurgency without undermining U.S. security. A further complication to U.S. policy is the recent or imminent withdrawal of sizeable allied troop commitments, although many nations are compensating for their withdrawals with new pledges of financial aid or trainers of Iraqi security forces and government officials.

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

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

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

Iraq has not had experience with a democratic form of government, although parliamentary elections were held during the period of British rule under a League of Nations mandate (from 1920 until Iraq's independence in 1932), and the monarchy of the (Sunni Muslim) Hashemite dynasty (1921-1958).¹ Previously, Iraq had been a province of the Ottoman empire until British forces defeated the Ottomans and took control of what is now Iraq in 1918. Iraq's first Hashemite king was Faysal bin Hussein, son of Sharif Hussein of Mecca who, advised by British officer T.E. Lawrence ("Lawrence of Arabia"), led the Arab revolt against the Ottoman Empire during World War I. Faysal ruled Iraq as King Faysal I and was succeeded by his son, Ghazi (1933-1939). Ghazi was succeeded by his son, Faysal II, who ruled until the military coup of Abd al-Karim al-Qasim on July 14, 1958. Qasim was ousted in February 1963 by a Baath Party - military alliance. Also in 1963, the Baath Party took power in Syria. It still rules there today, although there was rivalry between the Syrian and Iraqi Baath regimes during Saddam's rule.

One of the Baath Party's allies in the February 1963 coup in Iraq was Abd al-Salam al-Arif. In November 1963, Arif purged the Baath, including Baathist Prime Minister (and military officer) Ahmad Hasan al-Bakr, and instituted direct military rule. Arif was killed in a helicopter crash in 1966 and was replaced by his elder brother, Abd al-Rahim al-Arif, who ruled until the Baath Party coup of July 1968. Following the Baath seizure, Bakr returned to government as President of Iraq and Saddam Hussein, a civilian, became the second most powerful leader as Vice Chairman of the Revolutionary Command Council. In that position, Saddam developed and oversaw a system of overlapping security services to monitor loyalty among the population and within Iraq's institutions, including the military. On July 17, 1979, the aging al-Bakr resigned at Saddam's urging, and Saddam became

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

President of Iraq. Saddam's regime became particularly repressive of Iraq's Shiites after the 1979 Islamic revolution in neighboring Iran, which activated and emboldened Iraqi Shiite Islamist movements that wanted to oust Saddam and establish an Iranian-style Islamic republic of Iraq. Some attribute stepped up repression to a failed assassination attempt against Saddam by the Shiite Islamist Da'wa Party (see below) in 1982.

Anti-Saddam Groups and U.S. Policy

The major factions that now dominate post-Saddam Iraq had been active against Saddam's regime for decades and received U.S. support after the 1991 Gulf war, even though the main thrust of the George H.W. Bush and Clinton Administrations was containment of Iraq, not regime change. Prior to the launching on January 16, 1991, of Operation Desert Storm, which reversed Iraq's August 1990 invasion of Kuwait, President George H.W. Bush called on the Iraqi people to overthrow Saddam. The Administration decided not to militarily overthrow Saddam Hussein in the course of the 1991 war because the United Nations had approved only the liberation of Kuwait, and there was concern that Arab states would leave the coalition if there was an advance to Baghdad. The Administration also feared that the U.S. military could become bogged down in a high-casualty occupation.² Within days of the end of the war (February 28, 1991), opposition Shiite Muslims in southern Iraq and Kurdish factions in northern Iraq, emboldened by the regime's defeat and the hope of U.S. support, launched significant rebellions. The Shiite revolt nearly reached Baghdad, but the Republican Guard forces, composed mainly of Sunni Muslim regime loyalists, had survived the war largely intact, and they suppressed the rebels by mid-March 1991. Many Iraqi Shiites blamed the United States for not preventing subsequent regime retaliation against the rebels. Iraq's Kurds, benefitting from a U.S.-led "no fly zone" set up in April 1991, drove Iraqi troops out of much of northern Iraq and remained autonomous thereafter.

According to press reports, about two months after the failure of 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. The Administration apparently believed that a coup by elements within the regime could produce a favorable new government without fragmenting Iraq, an unwanted outcome that many observers feared would result from a Shiite and Kurdish-led ouster of Saddam. After a reported July 1992 coup failed, there was a U.S. decision to shift to supporting the Kurdish, Shiite, and other oppositionists that were coalescing into a broad and diverse movement.³ The following sections discuss the organizations and personalities that are major factors

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

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

in post-Saddam Iraq; most of these groups were part of the U.S. effort to change Iraq's regime during the 1990s.

Iraqi National Congress (INC)/Ahmad Chalabi. After 1991, the exiled opposition groups coalesced into "the Iraqi National Congress (INC)," which was constituted in 1992 when the two main Kurdish parties and several major Shiite Islamist groups agreed to join it and adopt its platform of human rights, democracy, pluralism, "federalism" (Kurdish autonomy), the preservation of Iraq's territorial integrity, and compliance with U.N. Security Council resolutions on Iraq.⁴ However, many observers doubted its commitment to democracy, because most of its groups have an authoritarian leaderships. The Kurds provided it with a source of armed force and a presence on Iraqi territory.

When the INC was formed, its Executive Committee selected Chalabi, a secular Shiite Muslim from a prominent banking family, to run the INC on a daily basis. Chalabi, who is about 61 years old, was educated in the United States (Massachusetts Institute of Technology) as a mathematician. His father was president of the Senate in the monarchy that was overthrown in the 1958 military coup, and the family fled to Jordan. He taught math at the American University of Beirut in 1977 and, in 1978, he founded the Petra Bank in Jordan. He later ran afoul of Jordanian authorities on charges of embezzlement and he left Jordan, possibly with some help from members of Jordan's royal family, in 1989. In April 1992, he was convicted in absentia of embezzling \$70 million from the bank and sentenced to 22 years in prison.⁵ Chalabi maintains that the Jordanian government was pressured by Iraq to turn against him. In April 2003, Jordan's King Abdullah II publicly called Chalabi "divisive," although in May 2005 the King agreed to consider a pardon in exchange for restitution.

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

After the start of the 2003 war, Chalabi and about 700 INC fighters ("Free Iraqi Forces") were airlifted by the U.S. military from their base in the north to the Nasiriya area, purportedly to help stabilize civil affairs in southern Iraq, later deploying to Baghdad and other parts of Iraq. After establishing his headquarters in Baghdad, Chalabi tried to build support by searching for fugitive members of the former regime and arranging for U.S. military forces in Iraq to provide security to his potential supporters. (The Free Iraqi Forces accompanying Chalabi were disbanded following the U.S. decision in mid-May 2003 to disarm independent militias.)

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

⁵ The Jordanian government subsequently repaid depositors a total of \$400 million.

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

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

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

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

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

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

Like Chalabi, Allawi was named to the IGC and to its rotating presidency (president during October 2003). He was interim prime minister during June 2004 - January 2005, but his INA-led candidate slate (The Iraqis List) in the January 30 elections garnered about 14% of the vote, giving his bloc 40 of the 275 seats, which was not enough to enable him to remain as prime minister or gain a senior position in the new government. He is leading the “opposition” in the Assembly, although some Iraqis believe he is planning a come-back in the late 2005 national elections.

Major Kurdish Organizations/KDP and PUK.⁹ The Kurds, probably the most pro-U.S. of all the major groups have a historic fear of persecution by the Arab majority and want to preserve the autonomy they experienced after the 1991 Gulf war. (The Kurds are mostly Sunni Muslims, but they are not Arabs.) A major question is whether the Kurds might seek outright independence and try to unify with Kurds in neighboring countries into a broader “Kurdistan.” The two main Kurdish factions are the Patriotic Union of Kurdistan (PUK) led by Jalal Talabani and the Kurdistan Democratic Party (KDP), led by Masud Barzani. Together, they have about 75,000-100,000 *peshmergas* (fighters), most of whom are now operating as unofficial security organs in northern Iraqi cities, while some are integrated into the new national security forces and deployed in such cities as Mosul and Baghdad.

The Kurdish parties are maneuvering to maintain substantial Kurdish autonomy in northern Iraq in post-Saddam Iraq. Talabani was IGC president in November 2003, and Barzani led it in April 2004. The two factions offered a joint slate in the January 30 elections, which won about 26% of the vote and gained 75 seats in the new Assembly. A moderate Islamist Kurdish slate (Kurdistan Islamic Group), running separately, won 2 seats. Talabani has now become president, and Hoshiyar Zibari (KDP) and Barham Salih (PUK) are ministers; Rowsch Shaways is a deputy Prime Minister. On the other hand, there are said to be growing strains between the KDP and PUK, which delayed their convening the 111-seat Kurdish regional Assembly (also elected on January 30, 2005) until May 2005. On June 12, 2005, that Assembly named Masud Barzani “president of Kurdistan,” suggesting Barzani is trying to solidify his political base in northern Iraq rather than focus on Iraqi national politics in Baghdad.

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

Grand Ayatollah Ali al-Sistani/United Iraqi Alliance (UIA). Grand Ayatollah Sistani was largely silenced by Saddam Hussein’s regime and was not

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

part of U.S.-backed efforts in the 1990s to change Iraq's regime. He is the most senior of the four Shiite clerics that lead the Najaf-based "*Hawza al-Ilmiyah*," a grouping of seminaries. His status as a "*marja-e-taqlid*" (source of emulation) is recognized by many Shiites worldwide and has made him a major political force in post-Saddam politics.¹⁰ Sistani also has a network of supporters and agents (*wakils*) throughout Iraq and in countries where there are large Shiite communities. Sistani is about 77 years old and suffers from heart problems that required treatment in the United Kingdom in August 2004. Sistani was instrumental in putting together the united slate of Shiite Islamist movements in the January 30 elections ("United Iraqi Alliance," UIA). The slate received about 48% of the vote and has 140 seats in the new Assembly, just enough for a majority of the 275-seat body.

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

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

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

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

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

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

SCIRI's "Badr Brigades". As discussed in the section below on irregular militias, U.S. officials express concern about SCIRI's continued fielding of the Badr Brigades (now renamed the "Badr Organization"), which number about 20,000 and are deployed in unofficial policing roles in Basra and other southern cities. The Badr forces are led by Hadi Amiri. Some Sunnis have accused Badr fighters of conducting retaliatory attacks on Sunnis suspected of links to the insurgency. (A related militia, called the "Wolf Brigade" is a Badr offshoot that is formally under the Ministry of Interior's control. It is led by a SCIRI activist).

Iran's Revolutionary Guard, politically aligned with Iran's hardliners, trained and equipped the Badr forces during the Iran-Iraq war and helped the Badr forces to conduct forays from Iran into southern Iraq to attack Baath Party officials during that conflict. Most Badr fighters were recruited from the ranks of Iraqi prisoners of war held in Iran. However, many Iraqi Shiites viewed SCIRI as an Iranian puppet, and Badr operations in southern Iraq during the 1980s and 1990s did not spark broad popular unrest against the Iraqi regime. The Badr Organization registered as a separate political entity, in addition to its SCIRI parent, for the January 30 election.

Da'wa Party/Prime Minister Ibrahim al-Jafari. The second of the most prominent UIA parties, the Da'wa (Islamic Call) Party is Iraq's oldest Shiite Islamist faction. It was founded in 1957 by a revered Iraqi Shiite cleric, Ayatollah Mohammed Baqr Al Sadr, an uncle of Moqtada al-Sadr and a peer of Ayatollah Khomeini. Da'wa was the most active Shiite opposition movement in the few years following Iran's Islamic revolution in February 1979; its activists conducted guerrilla attacks against the Baathist regime and attempted assassinations of senior Iraqi leaders, including Tariq Aziz. Ayatollah Sadr was hung by the Iraqi regime in 1980 for the unrest, and many other Da'wa activists were killed or imprisoned. After the Iraqi crackdown, many Da'wa leaders moved into Iran; some subsequently joined SCIRI, but others rejected Iranian control of Iraq's Shiite groups and continued to affiliate only with Da'wa. Da'wa has fewer clerics in its ranks than does SCIRI.¹²

Ibrahim al-Jafari, now Prime Minister, is about 55 years old (born in 1950 in Karbala). He has been a Da'wa activist since 1966. He attended medical school in Mosul and fled to Iran in 1980 to escape Saddam's crackdown on the Da'wa. He later went to live in London, possibly because he did not want to be seen as too closely linked to Iran. During the 1990s, Da'wa did not join the U.S. effort to

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

overthrow Saddam Hussein. Jafari previously served on the IGC;¹³ he was the first of the nine rotating IGC presidents (August 2003). He was deputy president in Allawi's interim government. He was number 7 on the UIA slate and, on April 7, he became prime minister. The new minister of state for national security, Abd al-Karim al-Anzi, is a member of a Da'wa faction. Jafari's spokesman is Laith Kubba.

Da'wa has a checkered history in the region, although there is no public evidence that Jafari was involved in any Da'wa terrorist activity. The Kuwaiti branch of the Da'wa Party allegedly was responsible for a May 1985 attempted assassination of the Amir of Kuwait and the December 1983 attacks on the U.S. and French embassies in Kuwait. The Hizballah organization in Lebanon was founded by Lebanese clerics loyal to Ayatollah Baqr Al Sadr and Iran's Ayatollah Khomeini, and there continue to be personal and ideological linkages between Lebanese Hizballah and the Da'wa Party (as well as with SCIRI). The Hizballah activists who held U.S. hostages in that country during the 1980s often attempted to link release of the Americans to the release of 17 Da'wa Party prisoners held by Kuwait for those attacks in the 1980s. Some Da'wa members in Iraq look to Lebanon's senior Shiite cleric Mohammed Hossein Fadlallah, who was a student and protege of Ayatollah Mohammed Baqr Al Sadr, for spiritual guidance; Fadlallah also reportedly perceives himself a rival of Sistani as a pre-eminent Shiite figure.

Moqtada al-Sadr/"Mahdi Army". Relatives of the late Ayatollah Mohammed Baqr al-Sadr have become active in post-Saddam Iraq. The Sadr clan stayed in Iraq during Saddam Hussein's rule, and it was repressed politically during that time. Although the Sadr clan was traditionally identified with the Da'wa Party, most members of the clan currently are not members of it. Some relatives of the clan are in Lebanon, and the founder of what became the Shiite Amal (Hope) party in Lebanon was a Sadr clan member, Imam Musa Sadr, who died in murky circumstances in Libya in 1978.

Moqtada Al Sadr, who is about 31 years old (born in 1974), is the lone surviving son of the revered Ayatollah Mohammed Sadiq al-Sadr. He was killed, along with his other two sons, by regime security forces in 1999 after he began agitating against Saddam's government. Using his father's esteemed legacy, Moqtada has retained his father's political base in the Baghdad district now called "Sadr City," which has a population of about 2 million mostly poorer Shiites, making Moqtada a significant Shiite force in post-Saddam Iraq. Moqtada has played to his base by adopting hard-line positions against the U.S. presence.

Sadr is viewed by Sistani and other Shiite elites as a radical who lacks religious and political weight. This view took hold on April 10, 2003, when his supporters allegedly stabbed to death Abd al-Majid Khoi, the son of the late Grand Ayatollah Khoi, shortly after Khoi's U.S.-backed arrival in Iraq.¹⁴ To counter criticism, Moqtada has sought spiritual authority for his actions from his mentor, Ayatollah Kazem Haeri, who lives in Qom, Iran. There is also a personal dimension to the

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

¹⁴ Khoi had headed the Khoi Foundation, based in London.

Sistani-Sadr rift; Sadr's father had been a rival of Sistani for pre-eminent Shiite religious authority in Iraq.

At the same time, Moqtada is emerging as a formidable figure, apparently calculating that U.S. policy will not produce stability and that he could later rally his supporters against the reigning post-Saddam establishment. At first, Sadr used Friday prayer sermons in Kufa (near Najaf), published anti-U.S. newspapers, and instigated demonstrations to paint Iraqi officials as puppets of the U.S. occupation and to call for a U.S. withdrawal. He did not seek to join the IGC or the interim government. In mid-2003, he began recruiting a militia (the "Mahdi Army") to combat the U.S. occupation. U.S. military operations put down Mahdi Army uprisings in April 2004 and August 2004 in Sadr City, Najaf, and other Shiite cities. In each case, fighting was ended with compromises with Sadr under which Mahdi forces stopped fighting (and in some cases traded in some of their weapons for money) in exchange for lenient treatment or releases of prisoners, amnesty for Sadr himself, and reconstruction aid. U.S. operations were assisted by pronouncements and diplomacy by Sistani opposing Sadr's challenges. The Mahdi Army has since ended active anti-U.S. activity and Sadr City has been relatively quiet, but armed Mahdi fighters reportedly continue to patrol that district and other pro-Sadr enclaves in such cities as Nassiriyah, Diwaniyah, and Basra.

Despite U.S. and Sistani overtures for Sadr to participate in the January 30, 2005, elections on the UIA slate, Sadr came out publicly against the elections, claiming they did not address the real needs of the Iraqi people for infrastructure and economic opportunity. In June 2005, Sadr said he would not participate in the political process while U.S. forces remain in Iraq. Suggesting that Sadr wants the option of participating in the political process in the future, about ten of his supporters won National Assembly seats running on the UIA slate, and three others won seats under the separate pro-Sadr "Nationalist Elites and Cadres List." Therefore, Sadr has a total of about thirteen supporters in the new National Assembly. Pro-Sadr candidates also won pluralities in several southern Iraqi provincial council elections. It is reported that three ministers in the new government, including minister of transportation Salam al-Maliki, are Sadr supporters.

Other Shiite Organizations and Militias. A smaller Shiite Islamist organization, the Islamic Amal (Action) Organization, is headed by Ayatollah Mohammed Taqi Modarassi, a relatively moderate Shiite cleric who returned from exile in Iran after Saddam fell. Islamic Amal's power base is in Karbala, and, operating under the SCIRI umbrella, it conducted attacks there against regime organs in the 1980s. Islamic Amal does not appear to have a following nearly as large as do SCIRI or Da'wa. Modarassi's brother, Abd al-Hadi, headed the Islamic Front for the Liberation of Bahrain, which stirred Shiite unrest against Bahrain's regime in the 1980s and 1990s. Islamic Amal won 2 seats in the January 30 election. Another Shiite grouping, called *Fadila*, is part of the UIA coalition. Loyal to Ayatollah Mohammad Yacoubi, it is a splinter group of Moqtada al-Sadr's faction and is perceived as somewhat more hardline (anti-U.S. presence) than SCIRI or Da'wa.

A variety of press reports say that some other Shiite militias are operating in southern Iraq. One such militia is derived from the fighters who challenged Saddam

Hussein's forces in the southern marsh areas, around the town of Amara, north of Basra. It goes by the name Hizbollah-Iraq and it is headed by guerrilla leader Abdul Karim Muhammadawi, who was on the IGC. Hizbollah-Iraq apparently plays a major role in policing Amara and environs.

Clinton Administration Relations With Anti-Saddam Groups

Although they are cooperating with each other in post-Saddam Iraq, the major anti-Saddam factions have a history of friction, which nearly led to the collapse of the opposition effort in 1996. In May 1994, the KDP and the PUK clashed with each other over territory, customs revenues, and control over the Kurdish regional government in Irbil. The infighting contributed to the defeat of an INC offensive against Iraqi troops in March 1995 when the KDP pulled out of the offensive at the last minute. The offensive initially overran some front-line Iraqi units; INC leaders have cited the battle as an indication that armed action could have toppled Saddam had the United States provided direct military assistance.

The opposition's fractiousness caused the Clinton Administration to revisit a "coup strategy." That strategy relied on Allawi's INA,¹⁵ particularly after the August 1995 defection of Saddam's son-in-law Hussein Kamil al-Majid (organizer of Iraq's weapons of mass destruction efforts) to Jordan. His defection set off turmoil within Saddam's regime, and Jordan's King Hussein subsequently allowed the INA to operate from Jordan. However, the INA proved penetrated by Iraq's intelligence services and Baghdad arrested or executed over 100 INA activists in June 1996. In August 1996, Baghdad launched a military incursion into northern Iraq, at the invitation of the KDP, to help it capture Irbil from the PUK. The incursion enabled Baghdad to rout remaining INC and INA operatives throughout the north. During the incursion in the north, Iraq reportedly executed two hundred oppositionists and arrested 2,000 others. The United States evacuated from northern Iraq and eventually resettled in the United States 650 mostly INC activists.

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

A clear indication of congressional support for a more active U.S. overthrow effort was encapsulated in another bill introduced in 1998: the Iraq Liberation Act (ILA, P.L. 105-338, October 31, 1998). The ILA was widely interpreted as an expression of congressional support for the concept, advocated by Chalabi and some

¹⁵ 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.

U.S. experts, of promoting an Iraqi insurgency using U.S. air-power. President Clinton signed the legislation, despite doubts about opposition capabilities. The ILA:

- stated that it should be the policy of the United States to “support efforts” to remove the regime headed by Saddam Hussein. In mid-November 1998, President Clinton publicly articulated that regime change was a component of U.S. policy toward Iraq.
- gave the President authority to provide up to \$97 million worth of defense articles and services, as well as \$2 million in broadcasting funds, to opposition groups designated by the Administration.
- did not specifically provide for its termination after Saddam Hussein is removed from power. Section 7 of the ILA provides for continuing post-Saddam “transition assistance” to Iraqi parties and movements with “democratic goals.”

Immediately after the signing of the ILA came a series of new crises over Iraq’s obstructions of U.N. weapons inspections. On December 15, 1998, U.N. inspectors were withdrawn, and a three-day U.S. and British bombing campaign against suspected Iraqi WMD facilities followed (Operation Desert Fox, December 16-19, 1998). In January 1999, diplomat Frank Ricciardone was named as State Department liaison to the opposition. On February 5, 1999, President Clinton issued a determination (P.D. 99-13) making seven opposition groups eligible to receive U.S. military assistance under the act: INC; INA; SCIRI; KDP; PUK; the Islamic Movement of Iraqi Kurdistan (IMIK);¹⁶ and the Movement for Constitutional Monarchy (MCM),¹⁷ a relatively small party committed to the return of Iraq’s monarchy, although in limited form. However, the Clinton Administration decided that the opposition was not sufficiently capable to merit weapons or combat training.

Bush Administration Policy

Bush Administration Iraq policy initially was similar to that of the Clinton Administration, but it changed dramatically after the September 11, 2001 terrorist attacks. Some accounts say that the Administration was planning, prior to September 11, to confront Iraq militarily, but President Bush has denied this. Even though several senior Bush Administration officials had been strong advocates of a regime change policy, many of the long-standing questions about the difficulty of that

¹⁶ Because of its role in the eventual formation of the radical Ansar al-Islam group, the IMIK did not receive U.S. funds after 2001, although it was not formally taken off the ILA eligibility list.

¹⁷ In concert with a May 1999 INC visit to Washington D.C, the Clinton Administration announced a draw down of \$5 million worth of training and “non-lethal” defense articles under the ILA. During 1999-2000, about 150 oppositionists underwent civil administration training at Hurlburt air base in Florida, including Defense Department-run civil affairs training to administer a post-Saddam government. The Hurlburt trainees were not brought into Operation Iraqi Freedom or into the Free Iraqi Forces that deployed to Iraq toward the end of the major combat phase of the war.

strategy were unresolved,¹⁸ and the Bush Administration declined to alter its predecessor's decision to provide only non-lethal aid under the ILA.

With no immediate consensus on whether or how to pursue Saddam's overthrow, Secretary of State Powell focused during the first year of the Administration on strengthening containment of Iraq, which the Bush Administration said had eroded substantially in the few preceding years. The cornerstone of the policy was to achieve U.N. Security Council adoption of a "smart sanctions" plan — relaxing U.N.-imposed restrictions on exports to Iraq of purely civilian equipment¹⁹ in exchange for improved international enforcement of the U.N. ban on exports to Iraq of militarily-useful goods. After about a year of Security Council negotiations, the major features of the smart sanctions plan — including the virtual elimination of U.N. review of civilian exports to Iraq — were adopted by U.N. Security Council Resolution 1409 (May 14, 2002).

Post-September 11: Implementing Regime Change. The shift to an active post-September 11 regime change effort followed President Bush's State of the Union message on January 29, 2002. In that speech, given as the U.S.-led war on the Taliban and Al Qaeda in Afghanistan was winding down, he characterized Iraq as part of an "axis of evil," along with Iran and North Korea. Some U.S. officials, particularly deputy Defense Secretary Wolfowitz, asserted that the United States needed to respond to the September 11, 2001 attacks by "ending states" that support terrorist groups, including Iraq. Vice President Cheney visited the Middle East in March 2002 reportedly to consult regional countries about the possibility of confronting Iraq militarily, although the leaders visited reportedly urged greater U.S. attention to the Arab-Israeli dispute and opposed confrontation with Iraq. Some accounts, including the book *Plan of Attack*, by Bob Woodward (published in April 2004), say that Secretary of State Powell and others were concerned about the potential consequences of an invasion of Iraq, particularly the difficulties of building a democracy after major hostilities ended. Other accounts, including reported memoranda (the "Downing Street Memo") by British intelligence officials, based on conversations with U.S. officials, say that by mid-2002 the Administration had already decided to go to war against Iraq and that it sought to marshal information and arguments to support that judgment. President Bush and British Prime Minister Tony Blair deny this. (On December 20, 2001, the House passed H.J.Res. 75, by a vote of 392-12, calling Iraq's refusal to readmit U.N. weapons inspectors a "mounting threat" to the United States.)

The primary theme in the Bush Administration's public case for the need to confront Iraq was that Iraq posted a "grave and gathering" threat that should be blunted before the threat became imminent or immediate. The Administration added that regime change would yield the further benefit of liberating the Iraqi people and promoting stability and democracy in the Middle East.

¹⁸ One account of Bush Administration internal debates on the strategy is found in Hersh, Seymour. "The Debate Within." *The New Yorker*, Mar. 11, 2002.

¹⁹ For more information on this program, see CRS Report RL30472, *Iraq: Oil For Food Program, Illicit Trade, and Investigations*.

- *WMD Threat Perception.* Senior U.S. officials asserted the following about Iraq's WMD: (1) that Iraq had worked to rebuild its WMD programs in the nearly four years since U.N. weapons inspectors left Iraq and had failed to comply with 16 U.N. resolutions that demanded complete elimination of all of Iraq's WMD programs; (2) that Iraq had used chemical weapons against its own people (the Kurds) and against Iraq's neighbors (Iran), implying that Iraq would not necessarily be deterred from using WMD against the United States or its allies; and (3) that Iraq could transfer its WMD to terrorists, particularly Al Qaeda, that could use these weapons to cause mass casualties in the United States or elsewhere. Critics noted that, under the U.S. threat of retaliation, Iraq did not use WMD against U.S. troops in the 1991 Gulf war, although it did defy similar U.S. warnings and burned Kuwait's oil fields.
- *Links to Al Qaeda.* Iraq was a designated state sponsor of terrorism during 1979-82, and was again designated after the 1990 invasion of Kuwait. Although they did not assert that Saddam Hussein's regime had a direct connection to the September 11 attacks or the subsequent anthrax mailings, senior U.S. officials said there was evidence of Iraqi linkages to Al Qaeda, in part because of the presence of pro-Al Qaeda militant leader Abu Musab al-Zarqawi in northern Iraq. The final report by the 9/11 Commission found no evidence of a "collaborative operational linkage" between Iraq and Al Qaeda.²⁰

Run-up to Military Action. Although it is not certain when the Administration decided on an invasion, from mid-2002 until the beginning of 2003, the Administration was building a force posture in the region that gave the President the option to order an invasion. In concert with the force buildup, the Administration tried to build up and broaden the Iraqi opposition. On June 16, 2002, the *Washington Post* reported that, in early 2002, President Bush authorized stepped up covert activities by the CIA and special operations forces to destabilize Saddam Hussein. In August 2002, the State and Defense Departments jointly invited six opposition groups (INC, the INA, the KDP, the PUK, SCIRI, and the MCM) to Washington, D.C. At the same time, the Administration expanded its ties to several groups, particularly those composed primarily of ex-military officers,²¹ as well as ethnically

²⁰ Page 66 of the 9/11 Commission report.

²¹ These ex-military-dominated groups included the Iraqi National Movement; the Iraqi National Front; the Iraqi Free Officers and Civilians Movement; and the Higher Council for National Salvation, headed by a former chief of military intelligence. Ex-chief of staff of Iraq's military Nizar al-Khazraji, who was based in Denmark since fleeing Iraq in 1996, may also be a member of this group. He is under investigation there for alleged involvement in Iraq's use of chemical weapons against the Kurds in 1988. His current whereabouts are unknown. On December 9, 2002, the Administration made most of them eligible — in addition to the seven groups originally made eligible — to receive ILA draw-downs, and he authorized the remaining \$92 million worth of goods and services available under the ILA.

based groups such as the Iraqi Turkmen Front,²² and the Assyrian Democratic Movement of Yonadam Kanna.²³ The Administration also began training about 5,000 oppositionists to assist U.S. forces,²⁴ although only about 70 completed training at an air base (Taszar) in Hungary.²⁵ (These recruits served with U.S. forces in the war, mostly as translators.)

In an effort to obtain U.N. backing for confronting Iraq — support that then Secretary of State Powell reportedly stressed was needed — President Bush spoke before the United Nations General Assembly on September 12, 2002, urging the United Nations to enforce its resolutions on Iraq. The Administration subsequently acceded to giving Iraq a “final opportunity” to comply with all applicable U.N. Security Council resolutions by supporting U.N. Security Council Resolution 1441 (November 8, 2002). The resolution gave a U.N. inspection body UNMOVIC (U.N. Monitoring, Verification, and Inspection Commission) new powers of inspection. Iraq reluctantly accepted it. UNMOVIC Director Hans Blix and International Atomic Energy Agency (IAEA) Director Mohammad al-Baradei subsequently briefed the Security Council on WMD inspections that resumed November 27, 2002. They criticized Iraq for failing to pro-actively cooperate to clear up outstanding questions, but also noted progress and said that Iraq might not have retained any WMD. The Bush Administration asserted that Iraq was not cooperating with Resolution 1441 because it was not pro-actively revealing information to UNMOVIC and the IAEA. (The “comprehensive” September 2004 report of the Iraq Survey Group, known as the “Duelfer report,”²⁶ found no WMD stockpiles or production but said that there was evidence that the regime retained the intention to reconstitute WMD programs in the future. The U.S.-led WMD search ended December 2004.²⁷ The WMD search by UNMOVIC technically remains active.²⁸)

During this period, Congress debated the costs and risks of an invasion. It adopted H.J.Res. 114, authorizing the President to use military force against Iraq if he determines that doing so is in the national interest and would enforce U.N. Security Council resolutions. It passed the House October 11, 2002 (296-133), and the Senate the following day (77-23). It was signed October 16, 2002 (P.L. 107-243).

²² Turkomens, who are generally Sunni Muslims, number about 350,000 and live mainly in northern Iraq. They are aligned with Turkey.

²³ Iraq’s Assyrians are based primarily in northern Iraq, but there is a substantial diaspora community living in the United States; the group began integrating into the broader opposition front in September 2002. In post-Saddam Iraq, Kanna served on the IGC.

²⁴ Deyoung, Karen, and Daniel Williams. “Training of Iraqi Exiles Authorized.” *Washington Post*, Oct. 19, 2002.

²⁵ Williams, Daniel. “U.S. Army to Train 1,000 Iraqi Exiles.” *Washington Post*, Dec. 18, 2002.

²⁶ The full text of the Duelfer report is available at [<http://news.findlaw.com/hdocs/docs/iraq/cia93004wmdrpt.html>].

²⁷ For analysis of the former regime’s WMD and other abuses, see CRS Report RL32379, *Iraq: Former Regime Weapons Programs, Human Rights Violations, and U.S. Policy*.

²⁸ For information on UNMOVIC’s ongoing activities, see [<http://www.unmovic.org/>].

The Administration began emphasizing regime change rather than disarmament as it appeared that the Council would not back war. Security Council opponents of war, including France, Russia, China, and Germany, said the pre-war WMD inspections showed that Iraq could be disarmed peacefully or contained indefinitely. On the Security Council, the United States, along with Britain, Spain, and Bulgaria, maintained that Iraq had not fundamentally decided to disarm. At a March 16, 2003, summit meeting with the leaders of Britain, Spain, and Bulgaria at the Azores, President Bush asserted that diplomatic options to disarm Iraq had failed. The following evening, President Bush gave Saddam Hussein and his sons, Uday and Qusay, an ultimatum to leave Iraq within 48 hours to avoid war. They refused the ultimatum, and Operation Iraqi Freedom (OIF) began on March 19, 2003.

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

Post-Saddam Governance and Transition

There is considerable debate over whether U.S. policy will succeed in establishing a stable and democratic Iraq, the goals repeatedly stated by President Bush.²⁹ The political transition in post-Saddam Iraq has continued moving forward, but insurgent violence is still lethal, particularly in areas inhabited by Sunni Arabs.

Occupation Period and the Coalition Provisional Authority (CPA).

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

Garner tried to quickly establish a representative successor Iraqi regime. He and then White House envoy Zalmay Khalilzad (now Ambassador to Iraq) organized a

²⁹ For text of President Bush's June 28, 2005, speech on Iraq, see [<http://www.whitehouse.gov/news/releases/2005/06/print/20050628-7.html>].

meeting in Nassiriyah (April 15, 2003) of about 100 Iraqis of varying ethnicities and ideologies. A subsequent meeting of over 250 notables was held in Baghdad (April 26, 2003), ending in agreement to hold a broader meeting one month later to name an interim Iraqi administration.

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

In another alteration of the U.S. post-war structure, an "Iraq Stabilization Group," under then National Security Adviser (now Secretary of State) Condoleezza Rice, was formed in October 2003 to coordinate interagency support to the CPA. It was headed by a Rice deputy at the NSC, Robert Blackwill, although he resigned from the Administration in November 2004. In March 2005, Secretary Rice named Ambassador Richard Jones, former ambassador to Kuwait, as chief coordinator for Iraq. A number of critics have written that the Administration's post-war policy did not make use of an extensive State Department initiative, called the "Future of Iraq Project," that spent at least a year before the war drawing up plans for administering Iraq after the fall of Saddam. Some Iraqis who participated in that project are now in official positions in Iraq's government. The State Department project, which cost \$5 million, consisted of about 15 working groups on major issues.³⁰

The Iraq Governing Council. On July 13, 2003, Bremer named the 25-member Iraq Governing Council (IGC). Its major figures included the leaders of several of the major anti-Saddam factions mentioned above, although there were some previously obscure figures on it, including Ghazi al-Yawar, a Sunni elder of the Shammar tribe and president of a Saudi-based technology firm; and Iraqi Communist Party head Hamid al-Musa, a Shiite Muslim. That party had been an adversary and competitor of the Baath Party, although the two parties did occasionally cooperate in the late 1960s and early 1970s. The party's "People's Union" slate won two seats in the January 30 elections. During its tenure (July 2003 - June 2004), the IGC was less active than expected; some believe it was too heavily dominated by exiles and lacked legitimacy. In September 2003, the IGC selected a 25-member "cabinet" to run individual ministries, with roughly the same factional and ethnic balance of the IGC itself (a slight majority of Shiite Muslims). The IGC began a process of "de-Baathification" — a purge from government of about 30,000 persons who held any of the four top ranks of the Baath Party — and it authorized a war crimes tribunal for Saddam and his associates. The IGC dissolved on June 1, 2004 when an interim government was named.

³⁰ Information on the project, including summaries of the findings of its 17 working groups, can be found at [<http://usinfo.state.gov/products/pubs/archive/dutyiraq/>].

The Handover of Sovereignty and Run-up to Elections

The Bush Administration initially made the end of the U.S. occupation contingent on the completion of a new constitution and the holding of national elections for a new government, tasks which were expected to be completed by late 2005. However, Ayatollah Sistani and others agitated for an early restoration of Iraqi sovereignty and for direct elections to choose a new government. The agitation resulted in a November 2003 U.S. decision to return sovereignty to Iraq by June 30, 2004, and to hold national elections for a permanent government by the end of 2005. Sistani's opposition torpedoed a major aspect of the plan — the selection of a national assembly through nationwide “caucuses,” not elections.

Interim Constitution/Transition Roadmap. The CPA decisions on transition roadmap were incorporated into an interim constitution, the Transitional Administrative Law (TAL), which was drafted by a committee dominated by the major anti-Saddam factions, and signed on March 8, 2004.³¹ Some of its overarching points are that

- Elections would be held by January 31, 2005 for a 275-seat transitional National Assembly. The election law for the transition government “shall aim to achieve the goal of having women constitute no less than 25% of the members of the National Assembly.”
- A permanent constitution would be drafted by August 15, 2005, and put to a national referendum by October 15, 2005. National elections for a permanent government, under the new constitution (if it passes), would be held by December 15, 2005, and take office by December 31, 2005.
- Any three provinces can veto the constitution by a two-thirds majority. If that happens, a new draft is to be developed and voted on by October 15, 2006. In that case, the December 15, 2005, elections would be for another interim National Assembly.
- The Kurds maintained their autonomous “Kurdistan Regional Government,” but they were not given control of the city of Kirkuk. They did receive some powers to contradict or alter the application of Iraqi law in their provinces, and their *peshmerga* militia could continue to operate.
- In the TAL, Islam is designated “a source,” but not the only source or the primary source, of law. The TAL adds that no law can be passed that contradicts the agreed tenets of Islam, but neither can any law contradict certain rights including peaceful assembly; free

³¹ The text of the TAL can be obtained from the CPA website: [<http://cpa-iraq.org/government/TAL.html>].

expression; equality of men and women before the law; and the right to strike and demonstrate.

Interim (Allawi) Government/Sovereignty Handover/Resolution

1546. The TAL did not directly address the formation of an interim government that ran from sovereignty handover in June 2004 until the January 2005 elections. After considering several options for selecting the interim government, such as the holding of a traditional assembly, the United States decided to tap U.N. envoy Lakhdar Brahimi to take the lead role in selecting the interim government.³² Although he envisioned a government of apolitical technocrats, maneuvering by senior politicians led to their domination of the interim government. This government was named on June 1, 2004, and began work. The IGC dissolved. The formal handover of sovereignty took place at about 10:30 A.M. on June 28, 2004, two days before the advertised June 30 date, partly to confound insurgents.

The powers of the interim government were addressed in an addendum to the TAL. It had a largely ceremonial president (Ghazi al-Yawar) and two deputy presidents (the Da'wa's Jafari and the KDP's Dr. Rowsch Shaways). Allawi was Prime Minister, with executive power, and there was a deputy prime minister, 26 ministers, two ministers of state with portfolio, and three ministers of state without portfolio. Six ministers were women, and the ethnicity mix was roughly the same as in the IGC. The key defense and interior ministries were headed by Sunni Arabs, and the Oil Minister was a technocrat (Thamir Ghadban).

Resolution 1546/Coalition Military Mandate. U.N. Security Council Resolution 1546 was adopted (June 8, 2004) to endorse the handover of sovereignty, reaffirm the responsibilities of the interim government, and spell out the duration and legal status of U.S.-led forces in Iraq. Primarily because of Sistani's opposition to the TAL's provision that would allow the Kurds a veto over a permanent constitution, the Resolution did not explicitly endorse the TAL. The Resolution also stipulated that

- U.S. officials no longer have final authority on non-security issues. Many international law experts said that the interim government and the current elected government could amend the TAL or revoke CPA decrees, but that has not happened. The Kurds had feared that the TAL's provisions that the Kurds view as protecting them would be repealed or modified;³³ those fears were increased by the omission from Resolution 1546 of any mention of the TAL.
- The coalition's mandate is to be reviewed "at the request of the Government of Iraq or twelve months from the date of this resolution" (or June 8, 2005); that the mandate would expire when a permanent government is sworn in at the end of 2005; and that the

³² Chandrasekaran, Rajiv. "Envoy Urges U.N.-Chosen Iraqi Government." *Washington Post*. Apr. 15, 2004.

³³ Filkins, Dexter. "Kurds Threaten to Walk Away from Iraqi State." *New York Times*, June 9, 2004.

mandate would be terminated “if the Iraqi government so requests.” The Security Council reviewed the mandate in advance of the June 8, 2005 deadline, and no alterations to it were made, meaning the mandate continues at least until the end of 2005.

- The relationship between U.S. and Iraqi forces is to be “coordination and partnership,” as spelled out in an exchange of letters between Secretary of State Powell and Allawi, annexed to Resolution 1546. The Iraqi government does not have a veto over coalition operations, and the coalition retains the ability to take prisoners. The Resolution stated that, at least until the end of 2005 (the end of the transition period), Iraqi forces will be “a principal partner in the multi-national force operating in Iraq under unified [American] command pursuant to the provisions of U.N. Security Council Resolution 1511 (October 16, 2003) and any subsequent resolutions.”
- An agreement on the status of foreign forces (Status of Forces Agreement, SOFA) in Iraq would be deferred to an elected Iraqi government. No such agreement has been signed, to date, and U.S. forces operate in Iraq and use its facilities under temporary memoranda of understanding. However, Secretary of Defense Rumsfeld told journalists on July 27, 2005, that U.S. military lawyers are working with the Iraqis on a SOFA or other arrangements that would cover U.S. operations in Iraq after a permanent government takes over. (On April 22, 2005, it was publicly reported that the chairman and ranking Member of the Senate Armed Services Committee had written to Secretary of State Rice urging that the United States seek a formal invitation from the Iraqi government for U.S. troops to remain until security can be ensured by Iraqi forces.)
- The United Nations would have a major role in assisting and advising the interim government in preparing for the January 30 elections and authorized a force within the coalition to protect U.N. personnel and facilities.
- There would be a conference of over 1,000 Iraqis (chosen from all around Iraq by a 60-member commission of Iraqis) to choose a 100-seat “Interim National Council” as an interim parliament.³⁴ The body, selected under tight security during August 13-18, 2004,³⁵ did not have legislative power, but was able to veto government decisions with a 2/3 majority. Nineteen of the 100 seats went to IGC members who did not obtain positions in the interim government, as provided for in the TAL. The council was sworn in on September

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

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

1, 2004; it held some televised “hearings,” including questioning ministers. Its work has ended now that a National Assembly has been elected.

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

- Bremer departed Iraq for the United States on June 28, 2004, and the CPA and formal state of occupation ceased. Ambassador John Negroponte, the U.S. Ambassador to Iraq, confirmed by the Senate on May 6, 2004, established formal U.S.-Iraq diplomatic relations for the first time since January 1991. A U.S. embassy opened on June 30, 2004; it is staffed with about 1,100 U.S. personnel, including about 160 U.S. officials and representatives that serve as advisers to the Iraqi government.³⁶ Negroponte has been succeeded, as of July 2005, by Ambassador Zalmay Khalilzad, who was previously Ambassador to Afghanistan. (A FY2005 supplemental appropriation, P.L. 109-13, provides \$592 million of \$658 million requested to construct a new embassy in Baghdad, as well as requested funds for Iraq embassy operations .)
- The CPA yielded to Iraq control over its oil revenues and the Development Fund for Iraq (DFI), subject to monitoring for at least one year (until June 2005) by the U.N.-mandated International Advisory and Monitoring Board (IAMB). Iraq also was given responsibility for close-out of the “oil-for-food program.”³⁷ (In accordance with Resolution 1483 of May 22, 2004, that program ended November 21, 2003.)
- Some CPA functions, such as the advising of local Iraqi governments, local Iraqi governing councils, and U.S. military units, were retained in the form of an “Iraq Reconstruction and Management Office (IRMO).” About 150 U.S. personnel are serving in at least four major centers around Iraq to advise local Iraqi governments: Hilla, Basra, Kirkuk, and Mosul. As of November 2004, the IRMO is headed by Ambassador William Taylor, formerly U.S. aid coordinator for Afghanistan. A separate “Program Management Office” (PMO), reporting to the Defense Department, was retained to administer some U.S. reconstruction funds, primarily large infrastructure projects. It is now called the “Project and Contracting Office (PCO),” headed by Charles Hess.
- After the handover, U.S. military headquarters in Baghdad (Combined Joint Task Force-7, CJTF-7) became a multi-national

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

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

headquarters “Multinational Force-Iraq, MNF-I”. Four-star U.S. Gen. George Casey is commander.³⁸ Lt. Gen. John Vines heads the “Multinational Corps-Iraq”; he is day-to-day operational commander of U.S. forces. Before dissolving, the CPA extended its orders giving U.S. military people, and some contractors, immunity from prosecution by Iraqi courts.³⁹

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

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

- The 275-seat Assembly first convened on March 16. It chose Sunni parliamentarian Hajim al-Hassani as speaker on March 29. He was interim Minister of Industry and was a member of the Iraqi Islamic Party, which boycotted the election, but he ran for election on Ghazi al-Yawar’s slate. Sistani aide Hussein Shahrastani and Kurdish official Arif Tayfour were selected deputy speakers.
- On April 6, in keeping with a UIA-Kurdish agreement that partially reassured the Kurds on the status of Kirkuk and related issues, PUK leader Talabani was selected President. His two deputies are SCIRI official Adel Abdul Mahdi (who was finance minister in the interim government) and Ghazi al-Yawar (president of the interim government). They obtained the required two-thirds Assembly vote. The three then nominated Ibrahim al-Jafari as Prime Minister; he was confirmed the next day.
- On April 28, with the one-month deadline for naming a cabinet approaching, Jafari received Assembly approval (180 votes out of 185 members present) for a cabinet consisting of 32 ministers and three deputy prime ministers. However, five cabinet positions and a deputy prime ministership were not filled permanently, pending an agreement to appoint additional Sunnis. Chalabi and KDP activist

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

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

Rosch Shaways were named as deputy prime ministers. Six ministers are women.

- On May 7, Jafari continued filling out the cabinet by appointing the five remaining permanent ministers (2 of which were Sunnis) and one (Sunni) deputy prime minister. (Another Sunni was appointed Minister of Human Rights but refused to take up his post on the grounds that he was appointed only because he is a Sunni.) With all slots filled, of the 32 ministers, 16 are Shiites, 8 are Kurds, 6 are Sunnis, one is Christian (a Christian woman is Minister of Science and Technology), and one is Turkoman (Minister of Housing and Construction Jasim al-Jafar). No members of former Prime Minister Allawi's faction were appointed. Three of the Shiite ministers are reportedly supporters of Moqtada al-Sadr.
- The May 7 appointments included that of a Sunni Defense Minister, Sadoun al-Dulaymi, a former official in Saddam Hussein's security service who broke with the regime in 1984 and lived in exile in Saudi Arabia. The other Sunni ministers hold slots they consider relatively unimportant, such as the ministries of culture and of women's affairs. Some of the difficulties in appointing Sunnis were reportedly caused by UIA and Kurdish resistance to appointing any Sunnis who were in Saddam Hussein's Baath Party.

The new government received some diplomatic support from the June 22, 2005 international conference on Iraq held in Brussels. At that meeting, Jordan and Egypt pledged to appoint ambassadors to Baghdad. Perhaps in an effort to derail that effort, on July 2, insurgents kidnapped and killed Egypt's top diplomat in Baghdad; he was to be appointed the ambassador there. Jordan did go forward with appointing an ambassador. On July 5, insurgents attacked and wounded Bahrain's top diplomat in Iraq. In late July, insurgents captured and killed Algeria's two highest ranking envoys in Iraq, prompting Algeria to pull out.

Drafting the Permanent Constitution and Next Election. On May 10, the National Assembly appointed a 55-member committee, composed of Assembly members, to begin drafting the permanent constitution. It is led by SCIRI cleric Humam al-Hamoudi. The UIA has 28 slots on that committee, and the Kurdish alliance has 15 slots. Allawi's bloc got 8 seats on it. Initially, only two of the appointees were Sunni Arabs, prompting U.S. and Iraqi public criticism of low Sunni Arab representation. Subsequently, an agreement was reached in June 2005 to expand the committee by adding 15 Sunni Arabs and 1 member of the Sabian sect as voting members, and 13 more Sunni Arabs as advisers. On July 19, 2005, two of the Sunnis (one full member and one adviser) were assassinated by unknown insurgents, prompting a several day Sunni boycott of the committee's work.)

The committee says it expects to complete the draft by August 15, 2005, in time for an October 15, 2005, referendum. However, many of the most contentious issues remain unresolved, partly because the the additional Sunnis were not seated until July 1 and complain their recommendations are not being heeded. A national meeting of representatives of all factions are meeting in Baghdad during July 28-31 to try to

resolve the most difficult outstanding issues. (The TAL provides for a six month drafting extension if the Assembly cannot complete a draft by the specified deadline, but exercising this extension would delay all subsequent stages of the transition.) Among the major provisions and unresolved issues, according to accounts of drafts circulating in Iraq (none of which might be final or definitive), are the following.

- The UIA bloc within the committee appears to be succeeding in elevating the role of Islam as a source of law, perhaps to the primary source, as compared to the TAL. The constitution might provide for a special court system to determine whether any law contradicts Islam, a contradiction the document reportedly will prohibit.
- The UIA bloc is also pushing for use of Islamic law (Sharia) in domestic situations, provisions that have alarmed many Iraqi women who fear that Islamic law deprives them of substantial rights on matters such as divorce and inheritances. On the other hand, the 25% electoral goal for women apparently will be retained, and the concept of equal rights for men and women will be stated.
- The UIA bloc reportedly wants to designate a special status to the Shiite clergy (the *marjaiyya*, currently Sistani) and (mostly Shiite) religious sites, a move opposed by the Sunnis and the Kurds.
- The issue of the strength of the central government is shaping up as the most contentious issue. The Kurds and Shiites, whose regions have substantial oil reserves, are pushing for a weak central government and the ability of several provinces together to form autonomous “regions” with their own regional governments. The Sunnis are opposing this concept because their region lacks oil and they depend on the central government for revenues. However, even some Sunnis appear to be grudgingly accepting weak central government because many Iraqis associate strong central government with the human rights abuses of Saddam’s regime.
- It appears that the constitution will, at least formally, prohibit independent militias from operating.

Democracy-Building and Local Governance. The United States and its coalition partners are also trying to build civil society and democracy at the local level. U.S. officials say Iraqis are freer than at any time in the past 30 years, with a free press and the ability to organize politically. On the other hand, the State Department report on human rights in Iraq, released on February 28, 2005, notes numerous human rights abuses of the interim government, mostly by the police, but attributes the abuses to the interim government’s drive to secure the country.⁴⁰

⁴⁰ U.S. State Department, *Country Report on Human Rights Practices, Iraq*. February 28, 2005.

According to a State Department report to Congress in April 2005 detailing how the FY2004 supplemental appropriation (P.L. 108-106) is being spent (“2207 Report”), a total of \$905 million has been allocated for “democracy and governance” activities, and about \$57 million is allocated for related “rule of law” programs. An additional \$133 million is allocated to build and secure courts. An additional \$360 million for these activities was requested in the FY2006 regular foreign aid appropriations request, but those funds are not in the House-passed or Senate-passed version of the FY2006 foreign aid appropriation (H.R. 3057). The Senate version contains an amendment by Senator Kennedy providing \$28 million each to the International Republican Institute and the National Democratic Institute for democracy promotion in Iraq. Both those organizations, as well as the U.S. Institute of Peace and other groups, have been implementing democracy-building programs in Iraq using U.S. funds.

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

- Several projects attempting to increase the transparency of the justice system, computerize Iraqi legal documents, train judges and lawyers, develop various aspects of law, such as commercial laws, promote legal reform, and support the drafting of the permanent constitution.
- The “Community Action Program”: local reconstruction projects such as school refurbishment that are voted on by village and town representatives. About 225 such projects have been completed thus far.
- Assistance to local governments on budgeting, finance, taxation, record computerization, and 30,000 “civic dialogue activities.”
- An orientation manual for members of the new National Assembly.
- Independent media promotion.
- Women’s democracy initiatives, including candidate training, anti-violence programs, and political participation.

The Insurgency and U.S. Counter-Insurgency Operations

The Sunni Arab-led insurgency against U.S. and Iraqi forces has defied most U.S. expectations in intensity and duration.⁴¹ Although they are hesitant to assess the size of the insurgency, U.S. commanders say that insurgents probably number approximately 12,000 - 20,000. Some Iraqi officials, including its highest ranking intelligence official, have said that up to 40,000 active insurgents, helped by another 150,000 persons performing various supporting roles. CENTCOM Commander Gen. John Abizaid, commander of all U.S. forces in the Persian Gulf, East Africa, and Central Asia, said in testimony (Senate Armed Service Committee) on March 1, 2005 that the insurgency fielded about 3,500 fighters on election day. Secretary of Defense Rumsfeld told journalists that about 15,000 suspected insurgents were now in prison in Iraq.

The insurgents, believed to be loosely coordinated at the regional although probably not national level, are having mixed success in their attempt to cause international workers, diplomats, and peacekeeping (particularly U.S.) forces to leave and to paint the Iraqi government as ineffective. To do so, the insurgents are trying to prevent or lower turnout in Iraq's elections, slow reconstruction, dissuade Iraqis from joining security organs and government, and provoke civil conflict among Iraq's various groups. Targets have included not only U.S. forces but, increasingly, Iraqi security forces and Iraqi civilians working for U.S. authorities, foreign contractors, oil export and gasoline distribution facilities, and water and other infrastructure facilities. Some insurgents focus on assassinating Iraqi officials. On the other hand, the insurgents have failed to derail the political transition.

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

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

⁴¹ For further information, see Baram, Amatzia. "Who Are the Insurgents?" U.S. Institute of Peace, Special Report 134, April 2005.

Sunni Clerical and Political Relations with the Insurgency. Many Iraqi insurgents appear to respect a network of Sunni Islamist clerics or politicians, although there is no one recognized Sunni Arab leader in Iraq now that Saddam has been toppled. Many of these Sunni clerics called for a boycott of the January 30 elections, a call that suppressed Sunni participation. The following are leading Sunni organizations or personalities that might have influence over the insurgents:

- The Muslim Clerics Association (MCA), which claims to represent 3,000 Sunni mosques countrywide. The MCA is led by Harith al-Dhari, who heads the large Umm al-Qura mosque in Baghdad, and a leader of the Abu Hanifa mosque in Baghdad, Abd al-Salam al-Qubaysi. Both are considered hardline and reject entering the political process until U.S. forces leave Iraq. The MCA has, on occasion, succeeded in persuading insurgent groups to release Western or other hostages. Since the January 30 elections, at least one MCA cleric has indicated that Sunnis should take part at least in the constitutional drafting process, and join the security forces.
- The Iraqi Islamic Party (IIP) of Muhsin Abd al-Hamid is a Sunni Islamist grouping that is considered moderate. The IIP participated in the IGC and registered for the January 30 election, but pulled out of the vote in December 2004, shortly after the U.S. assault on Fallujah (see below).
- The Sunni Endowment. This organization is a government agency responsible for Sunni religious affairs. It is headed by Adnan al-Dulaymi. In July 2005, Dulaymi called on Sunni clerics to issue a religious ruling (*fatwa*) that Sunni Arabs should vote in the late 2005 elections.
- The National Dialogue Council. Headed by Saleh al-Mutlak, this is considered a loose grouping of ex-Baathists and other Sunnis who want to achieve a larger role for Sunnis through negotiations with Iraq's newly dominant Shiite and Kurdish parties.

Other more moderate, non-Islamist Sunnis are already participating in the new government, as discussed previously. In addition, U.S. officials acknowledge openly that some Sunni representatives, possibly from the organizations mentioned above, have held discussions with U.S. military personnel and diplomats about conditions under which they might pressure insurgents to enter the political process. Press reports in June 2005 said that Iraqi government officials are saying that two insurgent factions, the Islamic Army of Iraq and the Mujahedin Army, are willing to negotiate an end to their fight in exchange for participation in the political process, possibly by forming a political "front."

Foreign Insurgents/Zarqawi

A major component of the insurgency is composed of non-Iraqis.⁴² The U.S. military reportedly is holding several hundred foreign fighters captured in Iraq. U.S. commanders in Iraq reportedly told visiting Members of Congress in June 2005 that an increasing proportion of the insurgency is foreign fighters, particularly from Saudi Arabia.⁴³ U.S. commanders said in June 2005 that hundreds of additional foreign fighters entered Iraq over the past few months.

A major portion of the foreign insurgent contingent is believed led by Abu Musab al-Zarqawi, a 39-year-old Jordanian Arab who reputedly fought in Afghanistan during the 1980s alongside other Arab volunteers for the “jihad” against the Soviet Union. Zarqawi came to Iraq in late 2001 after escaping the U.S. war effort in Afghanistan along with several hundred Arab fighters. They made their way to northern Iraq, after transiting Iran and Saddam-controlled Iraq, eventually taking refuge with a Kurdish Islamist faction called Ansar al-Islam,⁴⁴ near the town of Khurmal.⁴⁵ They occasionally clashed with PUK fighters around Halabja. After the Ansar enclave was destroyed in Operation Iraqi Freedom, Zarqawi fled to the Sunni Arab areas of Iraq and began using other organizational names, including the Association of Unity and Jihad, which was named as an FTO on October 15, 2004. Since then, as he has affiliated with bin Laden, he has changed his organization’s name to “Al Qaeda Jihad in Mesopotamia” (Iraq’s name before its formation in the 1920s). It is named as an FTO, assuming that designation from the earlier Unity and Jihad organizational title.⁴⁶ Press reports said that U.S. forces almost caught him near Ramadi in February 2005, and his aides posted web messages that he was seriously wounded in a subsequent U.S. raid but then regained health.

Zarqawi’s faction has been the subject of substantial U.S. counter-efforts because of its alleged perpetration of “terrorist” attacks — suicide and other attacks against both combatant and civilian targets. Some of the previous major attacks attributed to this faction include the bombings in Baghdad of U.N. headquarters at

⁴² See CRS Report RL32217, *Iraq and Al Qaeda: Allies or Not?*

⁴³ Gearan, Anne. “Biden: More Foreigners Fight U.S. in Iraq.” *Associated Press*, June 9, 2005.

⁴⁴ Ansar al-Islam originated in 1998 as a radical splinter faction of a Kurdish Islamic group called the Islamic Movement of Iraqi Kurdistan (IMIK). Based in Halabja, the IMIK publicized the effects of Baghdad’s March 1988 chemical attack on that city. Ansar is named by the State Department as a Foreign Terrorist Organization (FTO).

⁴⁵ Chivers, C.J. “Repulsing Attack By Islamic Militants, Iraqi Kurds Tell of Atrocities.” *New York Times*, Dec. 6, 2002.

⁴⁶ In early 2004, U.S. forces captured a letter purportedly written by Zarqawi asking bin Laden’s support for Zarqawi’s insurgent activities in Iraq and an Islamist website broadcast a message in October 2004, reportedly deemed authentic by U.S. agencies, that Zarqawi has formally allied with Al Qaeda. There have also been recent press reports that bin Laden has asked Zarqawi to plan operations outside Iraq. For text, see [<http://www.state.gov/p/nea/rls/31694.htm>].

the Canal Hotel (August 19, 2003)⁴⁷ and the August 2003 bombing that killed SCIRI leader Mohammad Baqr Al Hakim. The group, and related factions, have also kidnaped a total of about 200 foreigner workers, many of whom have subsequently been killed. One such killing was the October 20, 2004, capture of British-born director of the CARE organization in Iraq, Margaret Hassan, prompting a pullout by that organization. More recently, the group has been targeting Iraqi Shiite festivals and ceremonies, most likely hoping to provoke civil conflict between Sunnis and Shiites; this tactic reportedly has caused tensions with Iraqi insurgent factions that oppose attacks on purely civilian targets.

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

Outside Support. Some public U.S. assessments say the insurgents, both Iraqi and non-Iraqi, receive funding from wealthy donors in neighboring countries such as Saudi Arabia,⁴⁸ where a number of clerics have publicly called on Saudis to support the Iraqi insurgency. Other accounts say that insurgent leaders are using Syria as a base to funnel money and weapons to their fighters in Iraq,⁴⁹ an assessment that drew additional credence when Syria turned Saddam's half brother Sabawi over to Iraqi authorities in February 2005. These reports have led to U.S. warnings to and imposition of additional U.S. sanctions against Syria and to the U.S. Treasury Department's blocking of assets of some suspected financiers of the insurgency. Others believe that outside support is minimal and that the insurgents have ample supplies of arms and explosives; according to the Defense Department, about 250,000 tons of munitions remain around in Iraq in arms depots not secured after the regime fell. Iraq's neighbors have all publicly denied they are knowingly allowing Iraqi insurgents to operate in their countries or cross their borders into Iraq.

U.S. Counter-Insurgent Operations

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

⁴⁷ Among the dead in the latter bombing was the U.N. representative in Iraq, Sergio Vieira de Mello, and it prompted an evacuation of U.N. personnel from Iraq.

⁴⁸ Krane, Jim. "U.S. Officials: Iraq Insurgency Bigger." Associated Press report published in the Philadelphia Inquirer. July 9, 2004; Schmitt, Eric, and Thom Shanker. "Estimates By U.S. See More Rebels With More Funds." *New York Times*, October 22, 2004.

⁴⁹ Blanford, Nicholas. "Sealing Syria's Desolate Border." *Christian Science Monitor*, December 21, 2004.

U.S. officials expressed more optimism after the January 30, 2005, elections. In his March 2005 congressional testimony referenced above, Gen. Abizaid characterized the elections as a rebuke to the insurgents and a key to what he said was a “waning” of the insurgency. U.S. officials point out that no polling stations were overrun that day. However, after a post-election lull, insurgent attacks have escalated to about 70 attacks per day — including suicide and other attacks that have killed almost 2,000 Iraqis since late April 2005. In concert with Administration events to commemorate the first anniversary (June 28, 2005) of the handover of sovereignty, top U.S. defense officials in Iraq and the region testified before Congress and appeared on U.S. news programs, asserting progress but acknowledging that the insurgency has not diminished over the past year.

U.S. officials say that U.S. forces will remain in Iraq to defend the Iraqi government until it is capable of securing Iraq on its own. About 138,000 U.S. troops are in Iraq, with about another 20,000 troops permanently in Kuwait supporting OIF, and another 23,000 coalition partner forces in Iraq from 27 other countries. U.S. force levels are now back to levels prior to the January 2005 election, during which time about 12,000 extra forces were sent. Despite the assessments of the insurgents’ continued strength, in March 2005, and then again on July 27, 2005, Gen. Casey has said that there could be “fairly substantial reductions” in the number of U.S. troops in Iraq by March 2006,⁵⁰ although he predicated such a reduction on continued political progress and the insurgency not escalating beyond current levels.

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

U.S. forces, joined by Iraqi forces, began operations in September 2004 to expel insurgents from these cities. Most notable was “Operation Phantom Fury” on Fallujah (November 2004), involving 6,500 U.S. Marines and 2,000 Iraqi troops. U.S. forces captured the city within about ten days, killing an estimated 1,200 insurgents and finding numerous large weapons caches and a possible chemical weapons lab, but most of the guerrillas are believed to have left before the U.S. offensive began. Over half of the city’s 250,000 have now returned, and some reconstruction has begun there, using U.S. funds from a \$246 million “post-battle reconstruction initiative,”⁵¹ drawn from funds appropriated in the FY2004 supplemental (P.L. 108-106). However, the pace of rebuilding has been slow and some fighting continues there. Funds from the initiative are also being used for

⁵⁰ Comments on CNN by Gen. Casey, as cited in Hendren, John. “General Predicts Reduction of American Troops in Iraq.” *Los Angeles Times*, March 28, 2005.

⁵¹ These funds are derived from the FY2004 supplemental (P.L. 108-106), which provided about \$18.6 for Iraq reconstruction.

reconstruction in other cities damaged by U.S. operations, such as Samarra and Najaf, a mostly Shiite city that was damaged by the Sadr uprisings in 2004. Despite the U.S. operations, violence is prevalent in virtually all of the major Sunni cities, and election day turnout in them was far lower than in the Shiite and Kurdish areas of Iraq. (Turnout in all of Anbar province was well below 10%, and some cities, such as Ramadi, saw almost no voting at all.)

Since May 2005, U.S. (and Iraqi) forces have conducted several operations (Operations Matador, Dagger, Spear, Lightning, and Sword) to clear a several hundred strong contingent of foreign fighters that had entered Iraq near the towns of Qaim, Husaybah, and Ubaydi, and had dug in there, and other insurgents in Hit, Haditha, and Baghdad itself (near the airport). U.S. forces claim to have cleared these areas of insurgents, although U.S. commanders say some of the fighters might have melted into neighboring areas and would likely re-infiltrate once U.S. and Iraqi forces have left.

To assist the counter-insurgent effort, in 2004 interim Prime Minister Allawi imposed emergency measures, including curfews. A law offering amnesty to insurgents, except for those involved in killing coalition or Iraqi security forces, was issued in early August 2004. The death penalty, suspended after the fall of Saddam, was reinstated in August 2004. Prime Minister Jafari has continued virtually all of these emergency measures.

Casualties. As of July 28, 2005, about 1,790 U.S. forces and about 180 coalition partner soldiers have died in OIF, as well as over 90 U.S. civilians working on contract to U.S. institutions in Iraq. Of U.S. deaths, about 1,650 have occurred since President Bush declared an end to “major combat operations” in Iraq on May 1, 2003, and about 1,380 of the U.S. deaths were by hostile action. About 2,000 members of the Iraqi Security Forces, which are analyzed below, have been killed in action, to date.

U.S. Military and Reconstruction. The U.S. military has attempted to promote reconstruction to deprive the insurgency of popular support. A key tool in this effort is the funding of small projects to promote trust among the population and promote interaction of Iraqis with the U.S. military. Called the Commanders Emergency Response Program (CERP), the DOD funds are controlled and disbursed by U.S. commanders at the tactical level. The total amount of CERP funds for Iraq for FY2004 was \$549 million, of which \$179 was from seized Iraqi assets, \$230 million was from Iraq’s oil revenues; and \$140 million was from DOD operations and maintenance funds appropriated for this program in the FY2004 supplemental appropriation (P.L. 108-106). Additional funds for this program are being provided by the Iraqi government. Over 1,000 small projects were funded under this program in the first quarter of calendar 2005, and the program employs 24,000 Iraqis as of May 2005. According to the “2207” report issued in April 2005, the Administration has made available \$218 million in FY2005 funds for the “Commander’s Emergency Response Program (CERP),” and the FY2005 supplemental appropriation (P.L. 109-13) provides the requested \$320 million in additional FY2005 CERP funds.

A similar program began in October 2004, called the Commander’s Humanitarian Relief and Reconstruction Projects (CHHRP). About \$86 million was

allocated for this program from the FY2004 supplemental appropriation. These funds are for small projects mainly in restive Sunni towns such as Ramadi and Samarra, but also in the Kurdish areas.

Programs and Options to Stabilize Iraq

The Bush Administration cites the relatively successful elections and the formation of a new government to assert that existing transition plans will lead to stability and democracy and that steadfast commitment to the current U.S. policy course will ultimately succeed. However, some opinion polls released in June 2005 showing growing public nervousness over continued U.S. casualties and persistent violence in Iraq. Some Members of Congress say U.S. policy is failing and they are expressing calls for new initiatives in Iraq, as discussed below.

Building Iraqi Security Forces (ISF)⁵²

The thrust of current U.S. policy is to equip and train Iraqi security forces (ISF) that could secure Iraq by themselves and enable U.S. forces to draw down. President Bush stated in his June 28, 2005 speech, "Our strategy can be summed up this way: As the Iraqis stand up, we will stand down."⁵³ The conference report on the latest FY2005 supplemental appropriation (P.L. 109-13) required a Defense Department report to Congress on the status of securing Iraq, particularly the building of the ISF. That report, released July 21, 2005, entitled "Measuring Stability and Security in Iraq," generally reiterates U.S. official statements of progress in Iraq and contains details of the training of the ISF.

The Department of Defense reports that, as of July 20, 2005, there are about 172,300 total members of the ISF: 78,500 "operational" military forces under Iraq's Ministry of Defense and 93,800 police/lighter forces "trained and equipped" under the Ministry of Interior. They are organized into 107 total battalions of approximately 1,500 personnel each. The total force is approaching the 271,000 goal set for July 2006.

However, many of the raw numbers of ISF are subject to interpretation. In hearings and statements, some Members of Congress who have visited Iraq said in June 2005 that they have been told that only about 5,000 - 10,000 ISF (3-6 battalions) are capable of independent counter-insurgency operations.⁵⁴ That number appears to be confirmed by a written answer to the Senate Armed Services Committee by Vice Chairman of the Joint Chiefs of Staff Peter Pace (June 29, 2005), who noted that "Only a small number of [ISF] are taking on the insurgents and terrorists

⁵² For additional information, see CRS Report RS22093. *Iraq's New Security Forces: the Challenge of Sectarian and Ethnic Influences.*

⁵³ Speech by President Bush can be found at [<http://www.whitehouse.gov/news/releases/2005/06/print/20050628-7.html>].

⁵⁴ House Armed Services Committee *Hearing on Iraqi Security Forces*. June 23, 2005. Federal News Service.

themselves.” The remainder, according to Pace, depend on coalition support. Pace’s written comments added that “Approximately one half of [Iraqi] police battalions are forming and not yet capable of conducting operations.”⁵⁵ The police-related component of the ISF totals include possibly tens of thousands (according to the GAO on March 15, 2005) who are absent-without-leave and might have deserted. The police generally live with their families, rather than in barracks, and are therefore hard to account for.

There are also widely varying assessments of ISF effectiveness. U.S. officials and reports praise their performance in the January 30 elections noting that, on election day, some ISF put their lives on the line to protect voters and polling stations. U.S. commanders say that the election spurred recruitment for the ISF, and they cite recent operations by ISF units as evidence of their growing confidence, including a raid on an insurgent encampment north of Baghdad that ISF officials say killed over 80 insurgents. The praise contrasted with statements before the elections, such as Gen. Abizaid’s December 2004 comment that the ISF “just are not there yet” in their ability to secure Iraq. On December 20, 2004, President Bush described their performance as “mixed.” At the same time, some U.S. commanders say that the ISF continue to lack an effective command structure or independent initiative. A report on the Iraqi police by the offices of the Inspector General of the State and Defense Departments, released July 15, 2005, said that many recruits are only marginally literate, and some recruits are actually insurgents trying to infiltrate the ISF (p.3).⁵⁶ In one notable example, about three quarters of the 4,000-person police force in Mosul collapsed in the face of an insurgent uprising there in November 2004. U.S. commanders have reportedly told some visiting Members of Congress in Iraq that Iraqi security organs might not be able to secure Iraq by themselves for at least two more years.

As a result of the deficiencies of the ISF, in 2005 the U.S. military began adopting plans, reportedly based on the January 2005 review conducted by Gen. Edward Luck, to shift up to 10,000 U.S. forces in Iraq from patrolling to training and embedding with Iraqi units. Under the shift, the U.S. military is increasingly turning over patrol operations to Iraqi units that are stiffened and advised by U.S. military personnel. U.S. forces are also in the process of turning areas over to Iraqi security control; one such locality is Baghdad’s Haifa Street area which has been a hotbed of insurgent activity but is now said to be much quieter. On the other hand, U.S. commanders say some areas turned over to Iraqi control have subsequently seen collapses or withdrawals of Iraqi units; some examples include the towns of Tarmiya and Madain, where over 50 Shiites were reportedly massacred during April 2005. In March 2005, 400 Iraqi soldiers deployed to the border town of Husaybah virtually disintegrated, allowing foreign fighters to enter Iraq from over the Syrian border.

The accelerated training and equipping of the Iraqis is a key part of U.S. policy. Maj. Gen. David Petraeus, who had served until late 2003 as commander of the 101st Airborne Division, is overseeing the training of Iraqi security forces as head of the

⁵⁵ General Pace Answer to SASC Member Senator Levin. June 29, 2005.

⁵⁶ Inspectors General. U.S. Department of State and U.S. Department of Defense. *Interagency Assessment of Iraqi Police Training*. July 15, 2005.

Multinational Security Transition Command-Iraq (MNSTC-I).⁵⁷ (He is soon to be replaced by Maj. Gen. Martin Dempsey). The Administration has been shifting much U.S. reconstruction funding into this security force training and equipping mission. According to the April 2005 “2207 report,” a total of \$5.036 billion in FY2004 funds has been allocated to build (train, equip, provide facilities for, and in some cases provide pay for) the ISF. That is about 50% more than was originally allocated for this function when the supplemental funds were first apportioned.

The FY2005 supplemental request sent to Congress on February 14, 2005, asked for \$5.7 billion for this purpose in FY2005, to be controlled by the Department of Defense and provided to MNSTC-I. That amount is appropriated in P.L. 109-13. When spent, that would bring the total invested on ISF to \$11 billion. Of the \$5.7 billion supplemental:⁵⁸ \$87 million is to be for facilities construction for various forces; \$809 million is for “support forces; \$180 million is for “quick response funding” for U.S. commanders in charge of building the Iraqi forces; and \$104 million is for training schools, including Iraqi Army Staff and War Colleges. Other funds are slated for the Army, Iraqi National Guard, and police, as noted below.

ISF Components. The following, based on Administration reports from May 2005, are the status of the major Iraqi security institutions.⁵⁹

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

- *Iraqi Army.* The CPA formally disbanded the former Iraqi army following Bremer’s arrival in Baghdad; the outcome of that move is still being debated. About 70,000 of both Army and National Guard (see below) are reported as “operational.” Of this force, about 14,000 might be strictly Army (not National Guard). New recruits are paid \$60 per month and receive eight weeks of training.
- *Iraqi National Guard (ING).* This force, formerly called the Civil Defense Corps, or ICDC, has now been made part of the “Army,” although it is largely a paramilitary force that mans checkpoints and assists in combating insurgents. This force may consist of about 55,000 of the broader “Army” total force cited above. Recruits are paid \$50 per month and cannot have served in Iraq’s former army at a level of colonel or higher. They receive three weeks of training but most of their training is “on-the-job,” patrolling alongside U.S. forces. Its members tends to be deployed in areas where they are recruited. A related force is the *Iraqi Intervention Force*, which is divided into 4 brigades (perhaps about 3,000 personnel) trained and

⁵⁷ For more information on this mission, see [<http://www.mnstci.iraq.centcom.mil/>].

⁵⁸ Information provided by a DOD fact sheet. Feb. 25, 2005.

⁵⁹ Most of the information in this section comes from State Department weekly summaries on Iraq. Numbers of some ISF categories are openly reported, but some specific categories are classified and can only be estimated from open sources.

equipped. Recruits receive thirteen weeks of basic and urban operations training.

- *Special Operations Forces.* These forces consist of “Iraqi Counter Terrorist Forces” (ICTF) and a “Commando Battalion.” The forces are given 12 weeks of training, mostly by Jordanian officers in Jordan. Several hundred are estimated to have been trained or equipped, and the goal is 2,000.
- *Air Force.* It currently has about 100 personnel of its goal of 500. Pilots undergo up to six months of training. It now has four operations squadrons. It flies 9 helicopters, 3 C-130s, and 8 propeller observation aircraft. About \$28 million in FY2004 funds was allocated for Iraqi Air Force airfields (of those funds for the Iraqi Army, above).
- *Navy.* This service has 700 operational personnel, roughly its target size. It has a “Patrol Boat Squadron” and a “Coastal Defense Regiment.” It is equipped with 5 patrol boats (6 more on the way) and 24 Fast Aluminum Boats to patrol Iraq’s waterways (out to the 12-mile international water boundary in the Persian Gulf) to prevent smuggling and infiltration. In March 2005, it took control of its own naval base at Umm Qasr and, as of July 2005, U.S. Navy personnel are turning over responsibility for Iraq’s Basrah port and Khor Al Amaya oil terminals to ISF naval elements. The Royal Australian Navy is training some of the Iraqi navy personnel.
- *Military Training.*⁶⁰ In addition to the U.S.-led training at Taji, north of Baghdad; Kirkush, near the Iranian border; and Numaniya, southeast of Baghdad, military training is conducted in Jordan (1,500 Iraqi officers will be trained at Zarqa Military College), Italy (bilateral in addition to NATO-related), Egypt (146 officers), Poland (bilateral agreement), and in NATO facilities in and outside Iraq. The latter (NATO facilities in Stavanger, Norway; Oberammergau, Germany; and Madrid, Spain) are under the umbrella of the NATO Training Mission-Iraq (NTM-I).⁶¹ The NTM-I headquarters in Iraq will be at Rustimiya, near Baghdad which is expected to be completed by September 2005. The mission in Iraq is supposed to expand to 300 trainers, graduating 1,000 officers per year, although the current level of trainers in Iraq is only about 120. A number of other countries, such as Spain, Turkey, France (police), Malaysia, and Morocco, have offered military

⁶⁰ For information on foreign contributions to the training of the ISF, see CRS Report RL32105, *Post-War Iraq: Foreign Contributions to Training, Peacekeeping, and Reconstruction*.

⁶¹ France, Belgium, Greece, Spain, Luxembourg, and Germany have thus far declined to send troops to Iraq to participate in the NTM-I, although some of these countries are providing bilateral training outside Iraq.

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

- Of FY2004 (supplemental P.L. 108-106) funds, \$731 million is allocated for Iraqi Army facilities; \$632 million is for equipment; and \$433 million for training and operations. Another \$225 was allocated for ING operations; \$92 million for ING equipment; and \$359 million for ING facilities construction. Of the FY2005 supplemental funds (P.L. 109-13), \$3.1 billion is slated for the Iraqi Army; and \$268 million is slated for the ING.

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

- *Iraqi Police Service (IPS).* There are currently about 62,000 IPS personnel, divided primarily into provincial police departments, trained and equipped thus far. The goal of 135,000. New police receive eight weeks of training, are paid \$60 per month, and must pass a background check ensuring they do not have a record of human rights violations or criminal activity. They are recruited locally, making them susceptible to intimidation by insurgents in restive areas.
- The *Highway Patrol* has about 1,400 personnel. Its target size is 6,300. Officers attend a 21-day training course.
- *Other Police Forces.* There are a number of other “police” forces, totaling about 30,000. They are (1) the *Bureau of Dignitary Protection*, designed to protect Iraqi leaders, with about 500 personnel; (2) the *Special Police Commando* unit, a counter-insurgency unit with 8,000 personnel. It receives four weeks of training; and (3) the *Civil Intervention Force*, which is also designed to counter unrest and insurgents. The force consists of an Emergency Response Unit (ERU), the 8th Mechanized Police Brigade and Public Order Battalions, with a total of about 20,000 personnel. Civil Intervention Force Units get four-six weeks of training.
- *Border Enforcement.* This force is also included in the 31,000 MOI forces. Intended to prevent cross-border infiltration, it has about 15,500 personnel to date. It also has a Riverine Police component to secure water crossings (Shatt al-Arab, dividing Iran and Iraq). Members of these forces receive four weeks of training.
- *Police Training and Funding.* Police training is taking place mostly in Jordan (Jordan International Police Training Center, JIPTC); Iraq (Adnan Training Facility and elsewhere); and the United Arab

Emirates (UAE). The countries contributing police instructors in these locations include United States, Canada, Britain, Australia, Sweden, Poland, UAE, Denmark, Austria, Finland, the Czech Republic, Germany, Hungary, Slovenia, Slovakia, Singapore, and Belgium. Also, Egypt trained 258 officers in Egypt in August 2004. Several countries, such as France and Belgium, as well as most of the countries discussed above under “military training,” have offered to train Iraqi police forces.⁶²

- Of FY2004 U.S. funds, \$1.824 billion has been allocated for police training, and \$441 million has been allocated for the Border Enforcement forces. Of the FY2005 supplemental funds appropriated, \$1.497 billion is slated for police and related Interior Ministry forces.
- *Facilities Protection Service.* This is a force that consists of the approximately 75,000 security guards that protect installations such as oil pumping stations, electricity substations, and government buildings. This force is not counted in U.S. totals for Iraq’s forces because it is not controlled by either the Ministry of Interior or Ministry of Defense. Of FY2004 funds, \$53 million has been allocated for this service.

As noted above, the military forces are being supplied with donated equipment and equipment fielded by the former regime that has been repaired. In February 2005, Hungary pledged to give the Iraqi Army 72 tanks. The UAE has said it would supply the Iraqi Air Force with some unspecified combat aircraft. On November 21, 2003, the Bush Administration issued a determination repealing a U.S. ban on arms exports to Iraq so that the United States can supply weapons to the new Iraqi security institutions. Authority to repeal this ban was requested and granted in an FY2003 emergency supplemental appropriations (P.L. 108-11) for the costs of the war and was made subject to a determination that sales to Iraq are “in the national interest.” On July 21, 2004, the Administration determined that Iraq would be treated as a friendly nation in evaluating U.S. arms sales to Iraqi security forces and that such sales would be made in accordance with the Foreign Assistance Act and the Arms Export Control Act. However, questions have been raised about the slow pace of equipping the new Iraqi security institutions.

Irregular and Militia Forces. Broader political disputes have also affected the ISF. Some unofficial militia forces, particularly SCIRI’s Badr Brigades and the Kurds’ *peshmerga*, continue to operate against insurgents, sometimes accused of retaliating against Sunnis suspected of supporting the insurgents. The *New York Times* reported on June 16, 2005, that Kurdish security elements have been imprisoning Arab suspected insurgents in the Kurdish area, in contravention of Iraqi law.

⁶² France has offered to train Iraqi police forces in Qatar.

There are also official militia, reporting to the Defense or Interior ministries, but retain loyalties to the parties or figures that sponsored them. An example is the “Wolf Brigade,” discussed above in the section on SCIRI, a member of which commands the militia. During 2004, the United States and Iraq conducted some “emergency recruitment” of former Saddam military units, mostly Sunni ex-Baathists. These units, one of which is led by Saddam-era Air Force intelligence officer Adnan Thavit, have stiffened some security operations but have also provoked threats by UIA and Kurdish leaders, who fear a future Ba’th coup, that there will likely be a “purge” of former regime elements from the ISF. Other groups are led by former regime military figures who have recruited their own militias to try to calm Iraq but are reporting to the Defense Ministry in name only.

Coalition-Building and Maintenance⁶³

The Bush Administration asserts that the United States has built a substantial coalition on Iraq, pointing to the fact that 27 other countries are providing about 23,000 peacekeeping forces. Poland and Britain lead multinational divisions in central and southern Iraq, respectively. The UK-led force (UK forces alone number about 8,000) is based in Basra; the Poland-led force (Polish forces number 1,700) is based in Hilla. Japan has deployed about 600 troops to Samawah, in southern Iraq, and South Korea has 3,500 troops in Kurdish-controlled Irbil.⁶⁴

The Administration adds that it has consistently sought U.N. backing for its post-war efforts, and it has supported an increase in the U.N. role since late 2003. Resolution 1483 (May 6, 2003) provided for a U.N. special representative to coordinate the U.N. activities in Iraq and it “call[ed] on” governments to contribute forces for stabilization. Resolution 1500 (August 14, 2003) “welcomed” the formation of the IGC and established a “U.N. Assistance Mission for Iraq (UNAMI).” In a further attempt to satisfy the requirements of several major nations for a greater U.N. role in Iraq, the United States obtained agreement on Resolution 1511 (October 16, 2003, referenced above), authorizing a “multinational force under unified [meaning U.S.] command.” Resolution 1546 restated many of these provisions. In July 2004, Secretary of State Powell said the United States would consider a Saudi proposal for a contingent of troops from Muslim countries to perform peacekeeping in Iraq, reportedly under separate command. However, the idea floundered because of opposition from potential contributing countries.

Some Members believe that the Bush Administration did not exert sufficient efforts to enlist greater international participation in peacekeeping — for example by offering to cede some political authority — and that the United States is virtually alone in Iraq. These critics believed that coalition building and maintenance is

⁶³ For additional information on international contributions to Iraq peacekeeping and reconstruction, see CRS Report RL32105, *Post-War Iraq: A Table and Chronology of Foreign Contributions*.

⁶⁴ A list of countries performing peacekeeping can be found in the Department of State’s “Iraq Weekly Status Report,” and in CRS Report RL32105, *Post-War Iraq: A Table and Chronology of Foreign Contributions*.

essential to reduce the financial and military burden of the war. (About 90% of coalition casualties in Iraq have been Americans.). Coalition countries are donating only about 15% of the total U.S.-led coalition contingent in Iraq, and major potential force donors such as France and Germany refused to contribute peacekeeping forces. Some point to the several withdrawal announcements since Spain's May 2004 withdrawal of its 1,300 troops as an indication that the U.S. coalition-maintenance effort is faltering. Spain made that decision following the March 11, 2004 Madrid bombings and subsequent defeat of the former Spanish government that had supported the war effort. However, since the Iraqi election, Spain has said it might train Iraqi security forces at a center outside Madrid. Honduras, the Dominican Republic, and Nicaragua followed Spain's withdrawal, pulling out their 900 personnel, and the Philippines withdrew in July 2004 after one of its citizens was taken hostage and threatened with beheading. Among other recent changes:

- Hungary completed a pullout of its 300 forces in December 2004.
- Italy announced on March 15, 2005, that it would begin withdrawing its force of 3,200 in September 2005, although it later said that timetable would depend on progress toward Iraqi stability. The announcement came after the U.S. wounding of an Italian journalist who was leaving Iraq after being released by insurgents.
- Thailand, New Zealand, and Norway withdrew in early 2005, although Norway still has 10 personnel in Iraq.
- In March 2005, Poland drew down to 1,700 from its prior force level of 2,400. Its president said in July 2005 that the remainder would be withdrawn by early 2006 and replaced with a smaller contingent to help train ISF. Poland's withdrawal plans come despite an Administration decision in February 2005 to request \$400 million (FY2005 supplemental) to help coalition partners such as Poland.
- In March 2005, the Netherlands withdrew its 1,350 troops from Iraq. Some U.K. forces have taken over the Netherlands force's duty to help protect Japan's forces in Samawa. After the January Iraqi elections, the Netherlands said it might send 100 trainers for the ISF.
- Ukraine, which lost eight of its soldiers in a January 2005 insurgent attack, withdrew 150 personnel from their base 25 miles south of Baghdad in March 2005. Ukraine says it will complete its withdrawal probably by October 2005, but it adds that it might give equipment to the Iraqi military.
- In February 2004, Portugal withdrew its 127 paramilitary officers.
- Following a "friendly fire" incident in which a Bulgarian soldier died, in March 2005 Bulgaria announced it would pull out its 460 member unit by the end of 2005, although it will continue to contribute to NTM-I and would increase its civilian reconstruction contingent in Iraq.

- South Korea withdrew 270 of its almost 3,600 troops in June 2005.
- British Foreign Secretary Jack Straw said on April 18, 2005, that Britain might start withdrawing forces by 2006, and British press reports in July 2005 say that British officials are developing plans to redeploy about 3,000 forces from Iraq to the international peacekeeping mission in Afghanistan.
- Japan, according to press reports in May 2005, is considering withdrawing its 600 person military reconstruction contingent in Samawah, by the end of 2005, and then focus instead on expanding financial aid to Iraq. Its forces are protected by Australian coalition forces.
- On the other hand, some countries have increased forces to compensate for withdrawals. Singapore deployed 180 troops in November 2004 after a hiatus of several months, and Japan approved extending its deployments at least through 2005. Azerbaijan also has said it would increase forces.
- In February 2005, El Salvador agreed to send a replacement contingent of 380 soldiers to replace those who are rotating out.
- In February 2005, Australia said it would send an additional 450 troops to Iraq, bringing that contribution to over 900.
- In March 2005, Georgia sent an additional 550 troops to Iraq to help guard the United Nations facilities, bringing its total Iraq deployment to 850. In March 2005, Albania said it would increase its force by 50, giving it a total of 120 troops in Iraq.

NATO/EU/Other Offers of Civilian Training. One major issue in the debate over securing Iraq is the possibility of greater NATO involvement, and there has been some movement since the January 30 Iraqi election. At the June 2004 NATO summit in Istanbul, NATO agreed to train the ISF through the NTM-I, discussed above. In conjunction with President Bush's visit to Europe in late February 2005, NATO announced that all 26 of its members would contribute to training Iraqi security forces, either in Iraq, outside Iraq, through financial contributions, or donations of equipment.

Several NATO countries and others are offering to train not only Iraqi security but also civilian personnel. In addition to the security training offers discussed above, European Union (EU) leaders have offered to help train Iraqi police, administrators, and judges outside Iraq. At the June 22, 2005 Brussels conference discussed above, the EU pledged a \$130 million package to help Iraq write its permanent constitution and reform government ministries; Norway offered energy sector cooperation, and Turkey offered to conduct seminars on democracy for Iraqis. Japan has made a similar offer on constitutional drafting, and Malaysia has offered to train Iraqi civil servants. In early June 2005, the Iraqi government asked for U.N. assistance in drafting its new constitution. The FY2005 supplemental appropriations

(P.L. 109-13) provides \$99 million to set up a regional counter-terrorism center in Jordan to train not only Iraqi security personnel but civil servants as well.

On July 10, 2003, the Senate adopted an amendment, by a vote of 97-0, 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, 2003.⁶⁵

New Options

Some Members, such as ranking Member of the Senate Foreign Relations Committee have said that major new initiatives need to be considered to ensure success of the U.S. mission in Iraq. Others believe that the Iraqi security forces are unlikely to be able to secure Iraq alone and that new major international commitments of peacekeeping forces are unlikely, necessitating a major change in the U.S. approach to Iraq.

Troop Increase. Some believe that the United States should increase its troops in Iraq in an all-out effort to defeat the insurgents. They maintain that there are not enough U.S. troops to prevent insurgents from reinfiltrating areas cleared by U.S. operations. The Administration asserts that U.S. commanders feel they have enough force in Iraq to complete the mission, and that they are able to request additional forces, if needed, and have not done so. Some experts believe that troop level increases would aggravate Sunni Arabs already resentful of the U.S. intervention in Iraq and that even many more U.S. troops would not necessarily produce stability. Others believe that increasing U.S. force levels would further the impression in Iraq that the Iraqi government is beholden to the United States for its survival, and that the United States is continuing to deepen its commitment to Iraq without a clear exit strategy or victory plan.

Troop Drawdown or Withdrawal. Some Members argue that the United States should begin to withdraw immediately and unconditionally, although gradually. Those who take this position include Representatives Lynne Woolsey, Maxine Waters, and Barbara Lee who, together with about 47 other Members, have initiated an "Out of Iraq Caucus." Supporters of this position tend to argue that the decision to invade Iraq and change its regime was a mistake in light of the failure thus far to locate WMD and that a continued large U.S. presence in Iraq will inflame the insurgency and result in additional U.S. casualties without securing U.S. national interests. Critics of this view say the Iraqi government might collapse, harming U.S. credibility and permitting Iraq to become a haven for terrorists.

Another version of this recommendation is the setting of a timetable to begin a U.S. withdrawal. This is exemplified by H.J.Res. 55, introduced by five House Members from both parties, including Representative Walter Jones. That bill has 36 co-sponsors as of July 27, 2005. The Administration and other Members disagree on setting a timetable for withdrawal, claiming that doing so would benefit the insurgency. Some Members instead advocate the stipulation of conditions that, if

⁶⁵ See CRS Report RL32068, *An Enhanced European Role in Iraq?*

met, would permit a U.S. withdrawal. An amendment to the State Department authorization bill for FY2006 and FY2007 (H.R. 2601), adopted by a vote of 291-137, states the sense of Congress that the United States should withdraw only when U.S. national security and foreign policy goals have been or are about to be achieved.

Power-Sharing Formulas. The Administration and its critics appear to agree that the dominant factions in Iraq's new government need to cede more power to Sunni Arabs in an effort to defuse the insurgency. The Administration points to some progress in this direction, particularly the addition of Sunni Arabs on the constitutional drafting commission. The Administration appears to have adopted one recommendation of its critics — that there should be negotiations with Sunni figures representing the insurgency. Secretary of Defense Rumsfeld told journalists in late June 2005 that such discussions have been taking place, although press reports say those talks have not resulted in any insurgents laying down their arms, to date.

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

Rejuvenating Iraq's Economy

The Administration asserts that, despite the ongoing insurgency, economic reconstruction is progressing, and that economic reconstruction will contribute to stability. Administration officials say that life is returned to normal in much of Iraq, that Iraq's economy is recovering, and that many Iraqis are demonstrating their confidence by buying goods. However, U.S. officials acknowledge that the difficult security environment has slowed reconstruction. Electricity was above pre-war levels in mid-2004, and is now about at pre-war levels (110,000 MWh), giving Baghdad about 14 hours of power per day, although some provinces only have 6-8 hours per day. Sanitation, health care, and education have improved statistically, although some recent studies say that Iraq's health care system and some health indicators are in a state of crisis.⁶⁶ Lines for gasoline often last many hours. In September 2004, the State Department decided to shift focus to smaller scale projects that could quickly employ Iraqis and yield concrete benefits.

The Oil Industry. As the driver of Iraq's economy, the rebuilding of the oil industry has received substantial U.S. attention. Before the war, it was widely asserted by Administration officials that Iraq's vast oil reserves, believed second only to those of Saudi Arabia, would fund much, if not all, reconstruction costs. The oil industry infrastructure suffered little damage during the U.S.-led invasion (only about 9 oil wells were set on fire), but it has become a target of insurgents. Insurgents have

⁶⁶ Vick, Karl. "Children Pay Cost of Iraq's Chaos." *Washington Post*, November 21, 2004.

particularly focused their attacks on pipelines in northern Iraq; those lines feed the Iraq-Turkey oil pipeline that is loaded at the Mediterranean port of Ceyhan, Turkey.

Table 1. Iraq's Oil Sector

Oil Production (July 2005)	Oil Production (pre-war)	Oil Exports (July 2005)	Oil Exports (pre-war)	Oil Revenue (2004)	Oil Revenue (2005 to date)
2.21 million barrels per day (mbd)	2.5 mbd	1.69 mbd	2.2 mbd	\$17 billion	\$11.6 billion

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

A related issue is long-term development of Iraq's oil industry and which foreign energy firms, if any, might receive preference for contracts to explore Iraq's vast reserves. Russia, China, and others are said to fear that the United States will seek to develop Iraq's oil industry with minimal participation of firms from other countries. Iraq's interim government has contracted for a study of the extent of Iraq's oil reserves, and it has contracted with Royal Dutch/Shell to formulate a blueprint to develop the gas sector.

CPA Budget/DFI.⁶⁷ The Development Fund for Iraq (DFI), was set up by Resolution 1483 (May 22, 2003) as the repository for Iraq's revenue. The DFI is now held in Iraq's Central Bank. It contained about \$7 billion when it was established in June 2003, comprised of captured Iraqi assets, Iraqi assets held abroad, the monies (about \$8 billion) transferred from the close-out of the "oil-for-food program," revenues from oil and other exports, and revenues from other sources such as taxes, user fees, and returns from profits on state-owned enterprises.

In late October 2003, a multilateral board to monitor the Development Fund for Iraq (DFI), mandated by Resolution 1483, was established (the International Advisory and Monitoring Board, IAMB). It hired KPMG as external auditor. The IAMB met in late June 2004 and identified some possible problems in how the DFI was administered, and it produced the first formal audit on July 15, 2004. A KPMG report produced in October 2004 identified several examples of CPA

⁶⁷ For information on the status of legislative consideration of the request for supplemental funding, see CRS Report RL32090, *FY2004 Supplemental Appropriations for Iraq, Afghanistan, and the Global War on Terrorism: Military Operations & Reconstruction Assistance*.

mismanagement of the DFI and possible corruption in some cases.⁶⁸ One example has been the finding that there might not have been proper accounting of about \$9 billion used by the CPA for rebuilding and trying to stabilize Iraq in the immediate post-Saddam period. The IAMB mandate ran until June 2005, under the Resolution.

International Donations. A World Bank estimate, released in October 2003, said Iraq reconstruction would require about \$56 billion during 2004-2007, including the \$21 billion in U.S. funding. At an October 2003 donors' conference in Madrid, donors pledged about \$13.6 billion, including \$8 billion from foreign governments and \$5.5 billion in loans from the World Bank and IMF. Another donors' meeting was held in Tokyo during October 13-14, 2004, with commitments by donors to accelerated payments on existing pledges. Iran joined as a donor country, pledging \$10 million. Of the funds pledged by other foreign governments, about \$3 billion has been disbursed, as of June 2005.⁶⁹ Included in that figure is about \$400 million in International Monetary Fund (IMF) loans, which were disbursed in 2004 after Iraq cleared up \$81 million in arrears to the Fund dating from Saddam Hussein's regime.

Supplemental U.S. Funding. Three supplemental appropriations include funds for reconstruction. A FY2003 supplemental, P.L. 108-11, appropriated about \$2.5 billion for Iraq reconstruction. A FY2004 supplemental appropriation (P.L. 108-106) provided about \$18.7 billion for Iraq reconstruction (not including about \$50 billion appropriated for U.S. military costs). The FY2005 supplemental (P.L. 109-13) appropriated the \$5.7 billion requested for Iraqi security forces, U.S. Embassy operations, and other functions discussed above.

FY2004 Supplemental Sector Allocations. A State Department report ("2207 Report") required by P.L. 108-106 discusses how reconstruction funds from that supplemental (\$18.6 billion) are allocated. According to the latest 2007 report (April 2005), the allocations are as follows:

- \$5.036 billion: Security and Law Enforcement
- \$2.9 billion: Justice, Public Safety, Infrastructure, and Civil Society
Includes the \$905 million for democracy and governance
- \$4.3 billion: Electric Sector
- \$1.7 billion: Oil Infrastructure
- \$2.16 billion: Water Resources and Sanitation
- \$510 million: Transportation and Telecommunications Projects
- \$355 million: Roads, Bridges, and Construction
- \$786 million: Health Care
- \$860 million: Private Sector Employment Development. Includes \$352 million for debt relief for Iraq
- \$363 million: Education, Refugees, Human Rights, Democracy, and Governance. Includes \$99 million for education, and \$25 million for "human rights" programs and "civic programs."

⁶⁸ Walker, Tony. "KPMG's Iraq Audit Turns Up the Heat." *Australian Financial Review*. October 16, 2004.

⁶⁹ For information on international pledges, see CRS Report RL32105, *Post-War Iraq: Foreign Contributions to Training, Peacekeeping, and Reconstruction*.

The continuing violence has slowed spending on reconstruction. As of July 20, 2005, of the \$21 billion appropriated in the FY2003 and FY2004 reconstruction supplementals, about \$16.5 billion has been obligated. Of that, about \$9.46 billion has been disbursed.

FY2005 and 2006. No new funds for Iraq reconstruction were requested in the Administration's regular budget request for FY2005. One FY2005 supplemental appropriation of \$25 billion will be used mostly for military costs in Iraq and Afghanistan. The second FY2005 supplemental request, submitted on February 14, 2005, is discussed in the sections above. Virtually all the funds requested — \$68 billion to cover U.S. military costs for the wars in Iraq and Afghanistan, and \$5.7 billion to train and equip Iraqi forces — are appropriated in P.L. 109-13.

As noted above, the Administration regular FY2006 foreign aid budget request asked for \$360 million in funds for democracy and governance activities in Iraq. An additional \$26 million was requested to improve the capacity of Iraq's police and justice sector. Neither the House-passed nor Senate-passed versions of the FY2006 foreign aid appropriations, H.R. 3057, provide funds for Iraq reconstruction, on the grounds that sufficient funds remain from previous appropriations. The Senate version did contain some democracy promotion funding discussed above.

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

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

procedures.⁷⁰ The July 30, 2004 order did not unfreeze any assets in the United States of the former regime.

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

Debt Relief/WTO Membership. The Administration is attempting to persuade other countries to forgive Iraq's debt built up during the regime of Saddam Hussein. The debt is estimated to total about \$116 billion, not including reparations dating to the first Persian Gulf war. On November 21, 2004, the "Paris Club" of 19 industrialized nations agreed to cancel about 80% of the \$39 billion Iraq owes them. On December 17, 2004, the United States signed an agreement with Iraq writing off 100% of Iraq's \$4.1 billion debt to the United States; that debt consisted of principle and interest from about \$2 billion in defaults on Iraqi agricultural credits from the 1980s.⁷¹ On December 13, 2004, the World Trade Organization (WTO) agreed to begin accession talks with Iraq.

⁷⁰ A May 7, 2003 executive order left in place the provisions of the Iran-Iraq Arms Non-Proliferation Act (P.L. 102-484); that act imposes sanctions on persons or governments that export technology that would contribute to any Iraqi advanced conventional arms capability or weapons of mass destruction programs.

⁷¹ For more information, see CRS Report RS21765, *Iraq: Debt Relief*.

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

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

Notes: According to the U.S. Government Accountability Office (April 2004), the INC's Iraqi National Congress Support Foundation (INCSF) received \$32.65 million in U.S. Economic Support Funds (ESF) in five agreements with the State Department during 2000-2003. Most of the funds — separate from drawdowns of U.S. military equipment and training under the "Iraq Liberation Act" — were for the INC to run its offices in Washington, London, Tehran, Damascus, Prague, and Cairo, and to operate its *Al Mutamar* (the "Conference") newspaper and its "Liberty TV," which began in August 2001, from London. The station was funded by FY2001 ESF, with start-up costs of \$1 million and an estimated additional \$2.7 million per year in operating costs. Liberty TV was sporadic due to funding disruptions resulting from the INC's refusal to accept some State Department decisions on how U.S. funds were to be used. In August 2002, the State Department and Defense Department agreed that the Defense Department would take over funding (\$335,000 per month) for the INC's "Information Collection Program" to collect intelligence on Iraq; the State Department wanted to end its funding of that program because of questions about the INC's credibility and the propriety of its use of U.S. funds. The INC continued to receive these funds even after Saddam Hussein was overthrown, but was halted after the June 2004 return of sovereignty to Iraq. The figures above do not include covert aid provided — the amounts are not known from open sources. Much of the "war crimes" funding was used to translate and publicize documents retrieved from northern Iraq on Iraqi human rights; the translations were placed on 176 CD-Rom disks. During FY2001 and FY2002, the Administration donated \$4 million to a "U.N. War Crimes Commission" fund, to be used if a war crimes tribunal is formed. Those funds were drawn from U.S. contributions to U.N. programs. See General Accounting Office Report GAO-04-559, *State Department: Issues Affecting Funding of Iraqi National Congress Support Foundation*. April 2004.

Figure 1. Map of Iraq

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