Steven J. Costel

Editor

SURGING OUT OF

IRAQ

?

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SURGING OUT OF IRAQ?

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STEVEN J. COSTEL
EDITOR

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CONTENTS

PREFACE

Due to political realities, America seems about to take steps to leave Iraq within 1 or 2 years in large numbers - an outward surge. Yet because of the geopolitical significance of the region, vast oil reserves and the rampant terrorist activities - wholesale retreat will not be easy and perhaps not even desirable. This book brings together important analyses dealing with the current status in Iraq as well as projecting a post-war Iraq.

Chapter 1 - On October 16, 2002, President Bush signed the Authorization for Use of Military Force Against Iraq Resolution of 2002. Since the March 2003 invasion of Iraq, Congress has enacted appropriation bills to fund the continuation of the Iraq war, including military training, reconstruction, and other aid for the government of Iraq. In April, 2007, however, Congress passed a supplemental appropriations bill to fund the war that contained conditions and a deadline for ending some military operations. The President vetoed the bill, arguing in part that some of its provisions are unconstitutional. The current dispute is centered on whether Congress has the constitutional authority to legislate limits on the President's authority to conduct military operations in Iraq, even though it did not initially provide express limits. Specific issues include whether Congress may, through limitations on appropriations, set a ceiling on the number of soldiers or regulate which soldiers the President may assign to duty in Iraq, and whether an outright repeal or expiration of the authorization for use of military force (AUMF) against Iraq would have any effect.

It has been suggested that the President's role as Commander in Chief of the Armed Forces provides sufficient authority for his deployment of troops, and any efforts on the part of Congress to intervene could represent an unconstitutional violation of separation-of-powers principles. While even proponents of strong executive prerogative in matters of war appear to concede that it is within Congress's authority to cut off funding entirely for a military operation, it has been suggested that spending measures that restrict but do not end financial support for the war in Iraq would amount to an "unconstitutional condition." The question may turn on whether specific proposals involve purely operational decisions committed to the President in his role as Commander in Chief, or whether they are instead valid exercises of Congress's authority to allocate resources using its war powers and power of the purse.

This article begins by providing background, discussing constitutional provisions allocating war powers between Congress and the President, and presenting a historical overview of relevant court cases. It discusses Congress's power to rescind prior military authorization, concluding, in light of relevant jurisprudence and the War Powers Resolution, that the repeal of the AUMF, absent the further denial of appropriations or the establishment

of a specific deadline for troop withdrawal, would likely have little, if any, legal effect on the continuation of combat operations. The report discusses Congress's ability to limit funding for military operations in Iraq, examining relevant court cases and prior measures taken by Congress to restrict military operations, as well as possible alternative avenues to fund operations if appropriations are cut. There follows a summary of relevant measures included in the vetoed FY2007 supplemental appropriations bill, H.R. 1591, and the enacted act, H.R. 2206. The report provides historical examples of measures that restrict the use of particular personnel, and concludes with a brief analysis of arguments that might be brought to bear on the question of Congress's authority to limit the availability of troops to serve in Iraq. Although not beyond debate, such a restriction appears to be within Congress's authority to allocate resources for military operations.

Chapter 2 - Elections in 2005 produced a permanent constitution and a broad-based but Shiite-led government that has been unwilling or unable to take major steps to reduce Sunni popular resentment. That assessment generally comports with findings of a congressionally mandated (P.L. 110-28, FY2007 supplemental appropriation) progress report released July 12, 2007. The Iraqi government is showing significant signs of fragmentation. See CRS Report RL31339, *Iraq: Post-Saddam Governance and Security*, by Kenneth Katzman.

After deposing Saddam Hussein militarily in April 2003, the Bush Administration linked the end of U.S. military occupation to the adoption of a new constitution and national elections, tasks expected to take two years. Prominent Iraqis persuaded the Administration to accelerate the process, and sovereignty was given to an appointed government on June 28, 2004. A government and a permanent constitution were voted on thereafter, as stipulated in a March 8, 2004, Transitional Administrative Law (TAL).[1]

Chapter 3 - Operation Iraqi Freedom overthrew Saddam Hussein's regime, but much of Iraq remains violent because of Sunni Arab resentment and a related insurgency, compounded by Sunni-Shiite violence that a January 2007 national intelligence estimate (NIE) said has key elements of a "civil war." Mounting U.S. casualties and financial costs — without clear overall improvements in levels of violence or political reconciliation among Iraq's major communities — have intensified a debate within the United States over whether to wind down U.S. involvement without completely accomplishing initial U.S. goals.

President Bush announced a new strategy on January 10, 2007 ("New Way Forward") consisting of deployment of at an additional 28,500 U.S. forces to help stabilize Baghdad and restive Anbar Province. The strategy is intended to provide security conditions conducive to Iraqi government action on a series of key reconciliation initiatives that are viewed as "benchmarks" of political progress. The FY2007 supplemental appropriation, P.L. 110-28, linked some U.S. reconstruction aid to progress on the benchmarks, but allows for a presidential waiver to continue the aid even if little or no progress were observed in Administration reports due July 15, 2007 and September 15, 2007. According to the required July 15, 2007 Administration report, released on July 12, the Baghdad security plan has made progress on several military indicators and some political indicators, but progress is unsatisfactory on the most important political reconciliation indicators. The Administration report asserts that the "overall trajectory... has begun to stabilize."

U.S. officials assert that the security plan builds on important successes: two elections (January and December 2005) that chose an interim and then a full-term parliament and government; a referendum that adopted a permanent constitution (October 15, 2005); progress in building Iraq's security forces; and economic growth.

Some in Congress — as well as the Iraq Study Group — believe that the United States should begin winding down U.S. combat involvement in Iraq. Both chambers adopted a FY2007 supplemental appropriation to fund U.S. operations in Iraq and Afghanistan (H.R. 1591) that would have set an outside deadline of March 31, 2008 for U.S. combat withdrawal if the President did not certify Iraqi progress on the "benchmarks; "President Bush vetoed it on May 1, 2007. Some bills support the Iraq Study Group's various recommendations, while additional legislative efforts seek to reduce or wind down the U.S. combat commitment in Iraq in the short term.

Chapter 4 - Iraq's chemical, biological, and nuclear weapons programs, together with Iraqi long-range missile development and support for Al Qaeda terrorism, were the primary justifications put forward for military action. On March 17, 2003, President Bush issued an ultimatum demanding that Saddam Hussein and his sons depart from Iraq within 48 hours. On March 19, offensive operations began with air strikes against Iraqi leadership positions. By April 15, after 27 days of operations, coalition forces were in relative control of all major Iraqi cities and Iraqi political and military leadership had disintegrated. On May 1, 2003, President Bush declared an end to major combat operations. There was no use of chemical or biological (CB) weapons, and no CB or nuclear weapons stockpiles or production facilities have been found.

The major challenges to coalition forces are now quelling a persistent Iraqi resistance movement and training/retaining sufficient Iraqi security forces to assume responsibility for the nations domestic security. Though initially denying that there was an organized resistance movement, DOD officials have now acknowledged there is regional/local organization, with apparently ample supplies of arms and funding. CENTCOM has characterized the Iraqi resistance as "a classical guerrilla-type campaign." DOD initially believed the resistance to consist primarily of former regime supporters and foreign fighters; however, it has now acknowledged that growing resentment of coalition forces and an increase in sectarian conflicts, independent of connections with the earlier regime, are contributing to the insurgency. Joint counterinsurgency operations involving both U.S. and Iraqi forces are being intensified in Baghdad and al-Anbar province, focusing on a "clear, hold, and build" strategy. By mid-June the last of the units composing the force "surge" announced in January had arrived in Iraq to begin counterinsurgency operations.

According to DOD, as of June 30 2007, 3,572 U.S. troops had died in Iraq operations. There have been more than 26,558 U.S. personnel wounded or injured since military operations began. Non-U.S. Coalition fatalities have totaled 287, while Iraqi security force fatalities from June 2003 through July 11, 2007, are estimated to be 7,202.

The latest unclassified DOD statistics indicate that as of July 1, about 156,250 U.S. troops are in Iraq, with approximately 20,000 additional military support personnel in the region. About 11,450 non-U.S. troops are also in theater, with Britain being the largest contributor. Other nations contributing troops include Albania, Armenia, Australia, Azerbaijan, Bosnia-Herzegovina, Bulgaria, the Czech Republic, Denmark, El Salvador, Estonia, Georgia (Gruzia), Japan, Kazakhstan, Latvia, Lithuania, Macedonia, Moldova, Mongolia, Poland, Romania, Singapore, Slovakia, South Korea, and Ukraine.

Chapter 5 - The following casualty data was compiled by the Department of Defense (DOD), as tallied from the agency's press releases. Table 1 provides statistics on fatalities during Operation Iraqi Freedom, which began on March 19, 2003, and is ongoing, as well as on the number of fatalities since May 1, 2003, plus statistics on those wounded, but not killed,

since March 19, 2003. Statistics may be revised as circumstances are investigated and as all records are processed through the U.S. military's casualty system. More frequent updates are available at DOD's website at [http://www.defenselink.mil/ news/] under "OIF/OEF Casualty Update."

A detailed casualty summary that includes data on deaths by cause, as well as statistics on soldiers wounded in action, is available at the following DOD website: [http://siadapp.dmdc.osd.mil/personnel/CASUALTY/castop.htm].

Chapter 6 - Concerns about the U.S. Embassy in Iraq have surfaced regarding the quality of construction and reported assertions of trafficking-like labor practices by First Kuwaiti General Trade and Contracting Company, the primary builder of the U.S. embassy in Baghdad.

The Bush Administration's FY2008 budget request includes $65 million for base funding for operations in Iraq. In addition, the Administration requested $823.9 million for mission operations in an FY2007 supplemental request and another $1.9 million for mission operations in an FY2008 emergency request. On May 24, 2007, Congress passed a compromise supplemental appropriation (H.R. 2206), which the President signed into law (P.L. 110-28) on May 25. The enacted law included $750 million for State Department operations in Iraq.

A previous emergency supplemental appropriation (H.R. 1268/P.L. 109-13), signed into law on May 11, 2005, included $592 million for embassy construction — all that is needed for construction of the U.S. Embassy in Baghdad, according to the Department of State. Completion of the embassy is expected by the end of the 2007 summer.

Chapter 7 - Iraq's neighbors have influenced events in Iraq since the fall of the Saddam Hussein regime in 2003, and developments in Iraq have had political, economic, and security implications for Iraq's neighbors and the broader Middle East. Ongoing insurgency and sectarian violence in Iraq and discussion of options for modifying

U.S. policy toward Iraq are fueling intense consideration of Iraq's future and the current and potential policies of Iraq's neighbors. Policymakers and observers are considering a number of different "Iraq scenarios," ranging from the resolution of outstanding Iraqi political disputes and the successful consolidation of Iraq's government and security forces, to greater escalation of sectarian violence into nationwide civil war and the potential for greater intervention by Iraq's neighbors.

Understanding regional perspectives on Iraq and the potential nature and likelihood of regional responses to various scenarios will be essential for Members of the 110th Congress as they consider proposed changes to U.S. policy, including the recommendations of the Iraq Study Group (ISG), new Administration initiatives, and annual appropriations and authorization legislation. Proposals for more robust

U.S. diplomatic engagement with Iraq's neighbors, including currently problematic parties such as Iran and Syria, may be of particular interest to Members during the first session of the 110th Congress: the Iraq Study Group report asserted that Iraqis will not be able to achieve security and national reconciliation goals necessary to prevent a wider conflict without regional and international support. Press reports suggest that the Administration plans to strengthen security cooperation with some of Iraq's neighbors and that new arms sales and security assistance authorization and appropriations requests may be submitted to Congress to support these plans during 2007.

This article provides information about the current perspectives and policies of Iraq's neighbors; analyzes potential regional responses to continued insurgency, wider sectarian or ethnic violence, and long-term stabilization; discusses shared concerns and U.S. long-term regional interests; and reviews U.S. policy options for responding to various contingencies.

Chapter 8 - The Kurdish-inhabited regions of northern Iraq are relatively peaceful, development is proceeding there, and long-repressed Kurdish leaders now occupy senior positions, including the presidency. However, there are concerns that the Kurds are using their political strength to serve their own interests at the expense of a unified Iraq, in the process inflaming longstanding Turkish concerns about Iraqi Kurdish autonomy.

Chapter 9 - Iran is actively assisting the major Shiite Muslim political factions in Iraq, most of which have long-standing ideological, political, and religious sectarian ties to Tehran. A key U.S. concern is that Iran is purportedly arming the militias fielded by those factions - militias that are committing sectarian violence and, to some extent, attacking U.S. forces. Since December 2006, the Administration has tried to reverse Iranian influence in Iraq while also engaging Iran diplomatically on Iraq.

Chapter 10 - Securing and maintaining foreign contributions to the reconstruction and stabilization of Iraq has been a major priority for U.S. policymakers since the launch of Operation Iraqi Freedom in March 2003. This article tracks important changes in financial and personnel pledges from foreign governments since the August 19, 2003 bombing of the U.N. Headquarters in Baghdad and major events since the fall of Baghdad on April 9, 2003.

Currently, there are 25 countries with military forces participating in the coalition's stabilization effort. An additional 15 countries have withdrawn their troops from Iraq due to either the successful completion of their missions, domestic political pressure to withdraw their troops, or, in the case of the Philippines, the demands of terrorist kidnappers who threatened to kill foreign hostages unless their respective countries removed their troops from Iraq.

Most foreign pledges for reconstructing Iraq were made at a donors' conference in Madrid, Spain, in October 2003. Foreign donors pledged an estimated $13 billion in grants and loans for Iraq reconstruction but have only disbursed about $3 billion to the United Nations and World Bank trust funds for Iraq. The largest non-American pledges of grants have come from Japan, the United Kingdom, Canada, South Korea, and the United Arab Emirates. The World Bank, International Monetary Fund, Japan, and Saudi Arabia have pledged the most loans and export credits.

This article also discusses international efforts to train and equip the new Iraqi security forces. Since the fall of Saddam Hussein's regime in April 2003, several coalition, non-coalition, and North Atlantic Treaty Organization (NATO) countries have contributed personnel, equipment, and facilities to the training of Iraqi security and police forces. Some have expressed their willingness to contribute to future training operations within or outside of Iraq. Others have declined to participate in ongoing or planned training operations. Bush Administration officials have announced their intent to continue seeking international support for training and stability operations in Iraq in the coming months.

Chapter 1

CONGRESSIONAL AUTHORITY TO LIMIT U.S. MILITARY OPERATIONS IN IRAQ[*]

Jennifer K. Elsea, Michael John Garcia and Thomas J. Nicola

ABSTRACT

On October 16, 2002, President Bush signed the Authorization for Use of Military Force Against Iraq Resolution of 2002. Since the March 2003 invasion of Iraq, Congress has enacted appropriation bills to fund the continuation of the Iraq war, including military training, reconstruction, and other aid for the government of Iraq. In April, 2007, however, Congress passed a supplemental appropriations bill to fund the war that contained conditions and a deadline for ending some military operations. The President vetoed the bill, arguing in part that some of its provisions are unconstitutional. The current dispute is centered on whether Congress has the constitutional authority to legislate limits on the President's authority to conduct military operations in Iraq, even though it did not initially provide express limits. Specific issues include whether Congress may, through limitations on appropriations, set a ceiling on the number of soldiers or regulate which soldiers the President may assign to duty in Iraq, and whether an outright repeal or expiration of the authorization for use of military force (AUMF) against Iraq would have any effect.

It has been suggested that the President's role as Commander in Chief of the Armed Forces provides sufficient authority for his deployment of troops, and any efforts on the part of Congress to intervene could represent an unconstitutional violation of separation-of-powers principles. While even proponents of strong executive prerogative in matters of war appear to concede that it is within Congress's authority to cut off funding entirely for a military operation, it has been suggested that spending measures that restrict but do not end financial support for the war in Iraq would amount to an "unconstitutional condition." The question may turn on whether specific proposals involve purely operational decisions committed to the President in his role as Commander in Chief, or whether they are instead valid exercises of Congress's authority to allocate resources using its war powers and power of the purse.

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[*] Excerpted from CRS Report RL33837, dated July 11, 2007.

This article begins by providing background, discussing constitutional provisions allocating war powers between Congress and the President, and presenting a historical overview of relevant court cases. It discusses Congress's power to rescind prior military authorization, concluding, in light of relevant jurisprudence and the War Powers Resolution, that the repeal of the AUMF, absent the further denial of appropriations or the establishment of a specific deadline for troop withdrawal, would likely have little, if any, legal effect on the continuation of combat operations. The report discusses Congress's ability to limit funding for military operations in Iraq, examining relevant court cases and prior measures taken by Congress to restrict military operations, as well as possible alternative avenues to fund operations if appropriations are cut. There follows a summary of relevant measures included in the vetoed FY2007 supplemental appropriations bill, H.R. 1591, and the enacted act, H.R. 2206. The report provides historical examples of measures that restrict the use of particular personnel, and concludes with a brief analysis of arguments that might be brought to bear on the question of Congress's authority to limit the availability of troops to serve in Iraq. Although not beyond debate, such a restriction appears to be within Congress's authority to allocate resources for military operations.

INTRODUCTION

On May 1, 2007, President George W. Bush vetoed the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, H.R. 1591, in part because of measures designed to limit the U.S. military role in Iraq. He called the bill "unconstitutional because it purports to direct the conduct of operations of war in a way that infringes upon the powers vested in the presidency by the Constitution, including as commander in chief of the Armed Forces."[1] The next day, the House of Representatives voted to approve the bill by a vote of 222 to 203, failing to muster the two-thirds majority necessary to override the veto.[2] Congress then passed a new version of the supplemental appropriations bill, H.R. 2206 (P.L. 110-128), without providing timetables for withdrawal from Iraq, but conditioning the release of reconstruction assistance to Iraq on achievement of certain benchmarks by the Iraqi government, unless the President waives the requirements.[3] The House of Representatives agreed to vote on a withdrawal deadline when it takes up FY2008 supplemental appropriations, which is expected in September.

As Congress considers defense authorization and appropriations bills for FY2008, there may be a renewed focus on whether or to what extent Congress has the constitutional authority to legislate limits on the President's authority to conduct military operations in Iraq. Congress may consider measures, for example, to repeal the authorization to use force in Iraq, to set deadlines for the withdrawal of most troops from Iraq, to set requirements for unit rotations into Iraq, or to make other requirements that could affect the deployment of armed forces to Iraq.

It has been suggested that the President's role as Commander in Chief of the Armed Forces provides sufficient authority for his deployment of additional troops, and any efforts on the part of Congress to intervene could represent an unconstitutional violation of separation-of-powers principles. While even proponents of strong executive prerogative in matters of war appear to concede that it is within Congress's authority to cut off funding entirely for a military operation, it has been suggested that spending measures that restrict but do not end financial support for the war in Iraq would amount to an "unconstitutional

condition."[4] The question may turn on whether the President's decisions on troop deployment and mission assignment are purely operational decisions committed to the President in his role as Commander in Chief, or whether congressional action to limit the availability of troops and the missions they may perform is a valid exercise of Congress's authority to allocate resources using its war powers and power of the purse.

BACKGROUND

On October 16, 2002, Congress passed and President Bush signed the Authorization for Use of Military Force Against Iraq Resolution of 2002.[5] While the President noted he had sought a "resolution of support" from Congress to use force against Iraq, and appreciated receiving that support, he also stated that:

> ... my request for it did not, and my signing this resolution does not, constitute any change in the long-standing positions of the executive branch on either the President's constitutional authority to use force to deter, prevent, or respond to aggression or other threats to U.S. interests or on the constitutionality of the War Powers Resolution.[6]

The President indicated he would continue to consult with Congress and to submit written reports to Congress every 60 days on matters relevant to the resolution to use force,[7] which authorizes the President to use the armed forces of the United States

> as he determines to be necessary and appropriate in order to (1) defend the national security of the United States against the continuing threat posed by Iraq; and (2) enforce all relevant United Nations Security Council resolutions regarding Iraq.

The statute required certain conditions to be met prior to the initiation of military operations and made periodic reports to Congress mandatory, but did not set a timetable or any criteria for determining when to withdraw troops from Iraq. It appears to incorporate future UN Security Council resolutions concerning Iraq that may be adopted by the Security Council as well as those adopted prior to its enactment, effectively authorizing military force not only to compel disarmament but to carry out other functions necessary for achieving the goals adopted or that may be adopted by the Security Council. Thus, it appears that the resolution authorizes force deemed necessary by the President for so long as Iraq poses a continuing threat to the United States and the U.S. military presence is not inconsistent with relevant U.N. resolutions.

The resolution does not itself stipulate limitations with respect to the amount of force that may be used or the resources that may be expended to accomplish the authorized objectives; however, Congress may set limits by means of legislation or the budgeting process. The Department of Defense has some latitude regarding how it allocates funds for various operations, and may have additional statutory authority to obligate funds without additional prior express authorization from Congress.

I. CONSTITUTIONAL PROVISIONS

At least two arguments support the constitutionality of Congress's authority to limit the President's ability to increase or maintain troop levels in Iraq. First, Congress's constitutional power over the nation's armed forces provides ample authority to legislate with respect to how they may be employed. Under Article I, § 8, Congress has the power "To lay and collect Taxes ... to ... pay the Debts and provide for the common Defence,""To raise and support Armies," "To provide and maintain a Navy," "To make Rules for the Government and Regulation of the land and naval Forces," and "To declare War, grant letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water," as well as "To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions" and "To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States." Further, Congress is empowered "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers ..." as well as "all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

Secondly, Congress has virtually plenary constitutional power over appropriations, one that is not qualified with reference to its powers in section 8. Article I, § 9 provides that "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law." It is well established, as a consequence of these provisions, that "no money can be paid out of the Treasury unless it has been appropriated by an act of Congress"[8] and that Congress can specify the terms and conditions under which an appropriation may be used,[9] so long as it does not impose an unconstitutional condition on the use of the funds.[10]

On the executive side, the Constitution vests the President with the "executive Power," Article II, § 1, cl. 1, and appoints him "Commander in Chief of the Army and Navy of the United States," *id.*, § 2, cl. 1. The President is empowered, "by and with the Advice and Consent of the Senate, to make Treaties," authorized "from time to time [to] give to the Congress Information on the State of the Union, and [to] recommend to their Consideration such Measures as he shall judge necessary and expedient," and bound to "take Care that the Laws be faithfully executed." *Id.*, § 3. He is bound by oath to "faithfully execute the Office of President of the United States," and, to the best of his "Ability, preserve, protect and defend the Constitution of the United States." *Id.*, § 1, cl. 8.

It is clear that the Constitution allocates powers necessary to conduct war between the President and Congress. While the ratification record of the Constitution reveals little about the meaning of the specific war powers clauses, the importance of preventing all of those powers from accumulating in one branch appears to have been well understood,[11] and vesting the powers of the sword and the purse in separate hands appears to have been part of a careful design.[12]

It is generally agreed that some aspects of the exercise of those powers are reserved to the Commander in Chief, and that Congress could conceivably legislate beyond its authority in such a way as to intrude impermissibly into presidential power. The precise boundaries separating legislative from executive functions, however, remain elusive. There can be little doubt that Congress would exceed its bounds if it were to confer exclusive power to direct military operations on an officer not subordinate to the President,[13] or to purport to issue

military orders directly to subordinate officers.[14] At the same time, Congress's power to make rules for the government and regulation of the armed forces provides it wide latitude for restricting the nature of orders the President may give. Congress's power of appropriations gives it ample power to supply or withhold resources, even if the President deems them necessary to carry out planned military operations.[15]

Congress's War Powers

The power "To Declare War" has long been construed to mean not only that Congress can formally take the nation into war but also that it can authorize the use of the armed forces for military expeditions that may not amount to war.[16] While a restrictive interpretation of the power "To declare War" is possible, for example, by viewing the Framers' use of the verb "to declare" rather than "to make"[17] as an indication of an intent to limit Congress's ability to affect the course of a war once it is validly commenced,[18] Congress's other powers over the use of the military would likely fill any resulting void. In practice, courts have not sought to delineate the boundaries of each clause relating to war powers or identify gaps between them to find specific powers that are denied to Congress.[19]

Early exercises of Congress's war powers may shed some light on the original understanding of how the war powers clauses might empower Congress to limit the President's use of the armed forces. In the absence of a standing army, early presidents were constrained to ask Congress for support in advance of undertaking any military operations.[20] Congress generally provided the requested support and granted the authority to raise the necessary troops to defend the frontiers from deprivations by hostile Indians[21] and to build a navy to protect U.S. commerce at sea.[22] Congress, in exercising its authority to raise the army and navy, sometimes raised forces for specific purposes, which may be viewed as both an implicit authorization to use the forces for such purposes and as an implicit limitation on their use.[23] On the other hand, Congress often delegated broad discretion to the President within those limits, and appears to have acquiesced to military actions that were not explicitly authorized.[24]

In several early instances, Congress authorized the President to use military forces for operations that did not amount to a full war. Rather than declaring a formal war with France, Congress authorized the employment of the naval forces for limited hostilities. The Third Congress authorized the President to lay and enforce embargoes of U.S. ports, but only while Congress was not in session (and embargo orders were to expire 15 days after the commencement of the next session of Congress).[25] The Fifth Congress authorized the President to issue instructions to the commanders of public armed ships to capture certain French armed vessels and to recapture ships from them,[26] and to retaliate against captured French citizens who had seized U.S. citizens and subjected them to mistreatment.[27] Congress also authorized

U.S. merchant vessels to defend themselves against French vessels.[28] The Supreme Court treated these statutes as authorizing a state of "partial war" between the United States and France.[29] Such an undeclared war was described as an "imperfect" war, as distinguished from a "Solemn" or "perfect" war, declared as such, in that, in the first case, all members of one nation are at war with all members of the other nation; in the second case, those who are authorized to commit hostilities act "under special authority."[30] This

suggests an early understanding that Congress's war powers extend to establishing the scope of hostilities to be carried out by the armed forces.

In the majority of cases, however, it appears that Congress has given broad deference to the President to decide how much of the armed forces to employ in a given situation. After Tripoli declared war against the United States in 1801 and

U.S. vessels were already engaged in defensive actions against them, Congress did not enact a full declaration of war. Rather, it issued a sweeping authorization for the commissioning of privateers, captures, and other actions to "equip, officer, man, and employ *such of the armed vessels of the United States as may be judged requisite by the President of the United States*, for protecting effectually the commerce and seamen thereof on the Atlantic ocean, the Mediterranean and adjoining seas," as well as to "cause to be done *all such other acts of precaution or hostility as the state of war will justify, and may, in his opinion, require*."[31] In declaring war against Great Britain in 1812, Congress authorized the President to "use the whole land and naval force of the United States to carry the same into effect, and to issue to private armed vessels of the United States commissions or letters of marque and general reprisal, in such form as he shall think proper...."[32]

That Congress has traditionally left it up to the President to decide how much of the armed forces to employ in a given conflict need not imply that such deference is constitutionally mandated. The fact that Congress has seen fit to include such language may just as easily be read as an indication that Congress believes that the decision is its to delegate. Under this view, even in the case of a declaration of war, Congress retains the power to authorize the President to use only a portion of the armed forces to engage in a particular conflict. On the other hand, some have argued that the President is authorized to deploy all of the armed forces as he sees fit, with or without an express authorization to use force or a declaration of war.[33] According to this theory, in essence, Congress can stop the deployment of military forces only by cutting appropriations and discharging the troops.

Congress has also used its authority to provide for the organization and regulation of the armed forces to regulate how military personnel are to be organized and employed. The earliest statutes prescribed in fairly precise terms how military units were to be formed and commanded. For example, the 1798 act establishing the Marine Corps mandated the raising of a corps to consist of "one major, four captains, sixteen first lieutenants, twelve second lieutenants, forty-eight sergeants, forty-eight corporals, thirty-two drums and fifes, and seven hundred and twenty privates...."[34] Congress authorized the President to appoint certain other officers as necessary if he were to assign the Marine Corps or any part of it to shore duty, and to assign the detachment to duty in "forts and garrisons of the United States, on the sea-coast, or any other duty on shore." Officers of the Marine Corps could be detached to serve on board frigates and other armed vessels. The Marine Corps was increased in size and reorganized in 1834 to be commanded by a colonel, with the proviso that no Marine Corps officer could be placed in command of a navy yard or vessel of the United States.[35]

It appears to have been understood that personnel and units authorized to perform certain duties could not be assigned to perform other duties without authorization from Congress. In 1808, when Congress authorized eight new regiments of specific types and composition, it felt compelled to include language making members of the light dragoon regiment liable to "serve on foot as light infantry" until sufficient horses and other accouterments could be provided.[36] The Supreme Court later interpreted an 1802 statute providing for the establishment of the Corps of Engineers, although broadly worded to permit the President to

direct that its members serve such duty in such places as he saw fit, to authorize only engineering duties:

> But, however broad this enactment is in its language, it never has been supposed to authorize the President to employ the corps of engineers upon any other duty, except such as belongs either to military engineering, or to civil engineering.[37]

The Commander-in-Chief Clause

Early in the nation's history, the Commander-in-Chief power was understood to connote "nothing more than the supreme command and direction of the military and naval forces, as first general and admiral of the confederacy."[38] Concurring in that view in 1850, Chief Justice Taney stated:

> [The President's] duty and his power are purely military. As Commander-in-Chief, he is authorized to direct the movements of the naval and military forces placed by law at his command, and to employ them in the manner he may deem most effectual to harass and conquer and subdue the enemy.[39]

This formula, taken alone, provides only an approximate demarcation of the line separating Congress's role from the President's. Advocates of a strong role for Congress might characterize a legislative effort to limit the number of troops available in Iraq as placing troops "by law" under the President's command, while proponents of a strong executive would likely view it as a limitation on the President's ability to "employ them in the manner" he sees fit. With respect to the latter argument, however, it should be noted that the particular question before the *Fleming* Court did not call into question the extent to which Congress could restrict the manner of employing troops once placed at the command of the President.

Other early cases demonstrate Congress's authority to restrict the President's options for the conduct of war. In *Little v. Barreme*,[40] Chief Justice Marshall had occasion to recognize congressional war power and to deny the exclusivity of presidential power. There, after Congress had authorized limited hostilities with France, a U.S. vessel under orders from the President had seized what its commander believed was a U.S. merchant ship bound from a French port, allegedly carrying contraband material. Congress had, however, provided by statute only for seizure of such vessels bound *to* French ports.[41] Upholding an award of damages to the ship's owners for wrongful seizure, the Chief Justice said:

> It is by no means clear that the president of the United States whose high duty it is to 'take care that the laws be faithfully executed,' and who is commander in chief of the armies and navies of the United States, might not, without any special authority for that purpose in the then existing state of things, have empowered the officers commanding the armed vessels of the United States, to seize and send into port for adjudication, American vessels which were forfeited by being engaged in this illicit commerce. But when it is observed that [an act of Congress] gives a special authority to seize on the high seas, and limits that authority to the seizure of vessels bound or sailing to a French port, the legislature seems to have prescribed that the manner in which this law shall be carried into execution, was to exclude a seizure of any vessel not bound to a French port.[42]

Accordingly, the Court held, the President's instructions exceeded the authority granted by Congress and were not to be given force of law, even in the context of the President's military powers and even though the instructions might have been valid in the absence of contradictory legislation.

In *Bas v. Tingy*,[43] the Court looked to congressional enactments rather than plenary presidential power to uphold military conduct related to the limited war with France. The following year, in *Talbot v. Seeman*,[44] the Court upheld as authorized by Congress a U.S. commander's capture of a neutral ship, saying that "[t]he whole powers of war being, by the constitution of the United States, vested in congress, the acts of that body can alone be resorted to as our guides in this inquiry." During the War of 1812, the Court recognized in *Brown v. United States*,[45] that Congress was empowered to authorize the confiscation of enemy property during wartime, but that absent such authorization, a seizure authorized by the President was void.

The onset of the Civil War provided some grist for later assertions of unimpeded presidential prerogative in matters of war. In the *Prize Cases*,[46] the Supreme Court sustained the blockade of Southern ports instituted by President Lincoln in April, 1861, at a time when Congress was not in session. Congress had at the first opportunity ratified the President's actions,[47] so that it was not necessary for the Court to consider the constitutional basis of the President's action in the absence of congressional authorization or in the face of any prohibition. Nevertheless, the Court approved the blockade five-to-four as an exercise of presidential power alone, on the basis that a state of war was a fact and that, the nation being under attack, the President was bound to take action without waiting for Congress.[48] The case has frequently been cited to support claims of greater presidential autonomy by reason of his role as Commander in Chief.

However, it should be recalled that where Lincoln's suspension of the Writ of Habeas Corpus varied from legislation enacted later to ratify it, the Court looked to the statute[49] rather than to the executive proclamation[50] to determine the breadth of its application.[51] The Chief Justice described the allocation of war powers as follows:

> The power to make the necessary laws is in Congress; the power to execute in the President. Both powers imply many subordinate and auxiliary powers. Each includes all authorities essential to its due exercise. But neither can the President, in war more than in peace, intrude upon the proper authority of Congress, nor Congress upon the proper authority of the President....[52]

The Chief Justice described the Commander-in-Chief power as entailing "the command of the forces and the conduct of campaigns,"[53] but nevertheless agreed that military trials of civilians accused of violating the law of war in Union states were invalid without congressional approval, despite the government's assertion that the "[Commander in Chief's] power to make an effectual use of his forces [must include the] power to arrest and punish one who arms men to join the enemy in the field against him."[54]

On the other hand, the Supreme Court has also suggested that the President has some independent authority to employ the armed forces, at least in the absence of contrary congressional action. In the 1890 case of *In re Neagle*, the Supreme Court suggested, in dictum, that the President has the power to deploy the military abroad to protect or rescue persons with significant ties to the United States. Discussing examples of the executive

lawfully acting in the absence of express statutory authority, Justice Miller approvingly described the Martin Koszta affair, in which an American naval ship intervened to prevent a lawful immigrant from being captured byan Austrian vessel, despite the absence of clear statutory authorization.[55] Only one federal court, in an 1860 opinion, has clearly held that in the absence of congressional authorization, the President has authority to deploy military forces abroad to protect U.S. persons (and property).[56] Nevertheless, there historically appears to be some support for this view by both the executive and legislative branches.[57] However, the scope of any such authority remains unclear, as does the degree to which it may be limited by an act of Congress.

The expansion of presidential power related to war, asserted as a combination of Commander-in-Chief authority and the President's inherent authority over the nation's foreign affairs, began in earnest in the twentieth century. In *United States v. Curtiss-Wright Export Corp*,[58] the Supreme Court confirmed that the President enjoys greater discretion when acting with respect to matters of foreign affairs than may be the case when only domestic issues are involved. In that case, Congress, concerned with the outside arming of the belligerents in the war between Paraguay and Bolivia, had authorized the President to proclaim an arms embargo if he found that such action might contribute to a peaceful resolution of the dispute. President Franklin Roosevelt issued the requisite finding and proclamation, and Curtiss-Wright and associate companies were indicted for violating the embargo. They challenged the statute, arguing that Congress had failed adequately to elaborate standards to guide the President's exercise of the power thus delegated.[59] Justice Sutherland concluded that the limitations on delegation in the domestic field were irrelevant where foreign affairs are involved, a result he based on the premise that foreign relations is exclusively an executive function combined with his constitutional model positing that internationally, the power of the federal government is not one of enumerated but of inherent powers, emanating from concepts of sovereignty rather than the Constitution. The Court affirmed the convictions, stating that:

> It is important to bear in mind that we are here dealing not alone with an authority vested in the President by an exertion of legislative power, but with such an authority plus the very delicate, plenary and exclusive power of the President as the sole organ of the federal government in the field of international relations — a power which does not require as a basis for its exercise an act of Congress, but which, of course, like every other governmental power, must be exercised in subordination to the applicable provisions of the Constitution. It is quite apparent that if, in the maintenance of our international relations, embarrassment — perhaps serious embarrassment — is to be avoided and success for our aims achieved, congressional legislation which is to be made effective through negotiation and inquiry within the international field must often accord to the President a degree of discretion and freedom from statutory restriction which would not be admissible were domestic affairs alone involved. Moreover, he, not Congress, has the better opportunity of knowing the conditions which prevail in foreign countries, and especially is this true in time of war.[60]

The case is cited frequently to support a theory of presidential power not subject to restriction by Congress, although the case in fact involved an exercise of authority delegated by Congress. *Curtiss-Wright* remains precedent admonishing courts to show deference to the President in matters involving international affairs, including by interpreting ambiguous

statutes in such a manner as to increase the President's discretion.[61] The case has also been cited in favor of broad presidential discretion to implement statutes related to military affairs.[62] To the extent, however, that Justice Sutherland interpreted presidential power as being virtually plenary in the realms of foreign affairs and national defense, the case has not been followed to establish that Congress lacks authority in these areas.

The constitutional allocation of war powers between the President and Congress, where Congress had not delegated the powers exercised by the President, was described by Justice Jackson, concurring in the *Steel Seizure* Case[63]:

> The Constitution expressly places in Congress power "to raise and support Armies" and "to provide and maintain a Navy." This certainly lays upon Congress primary responsibility for supplying the armed forces. Congress alone controls the raising of revenues and their appropriation and may determine in what manner and by what means they shall be spent for military and naval procurement....
>
> There are indications that the Constitution did not contemplate that the title Commander in Chief of the Army and Navy will constitute him also Commander in Chief of the country, its industries and its inhabitants. He has no monopoly of "war powers," whatever they are. While Congress cannot deprive the President of the command of the army and navy, only Congress can provide him any army or navy to command.

The Jackson opinion is commonly understood to establish that whatever powers the President may exercise in the absence of congressional authorization, the President may act contrary to an act of Congress only in matters involving exclusive presidential prerogatives.[64]

Presidents from Truman to George W. Bush have claimed independent authority to commit U.S. armed forces to involvements abroad absent any Congressional participation other than consultation and after-the-fact financing. In 1994, for example, President Clinton based his authority to order the participation of

U.S. forces in NATO actions in Bosnia-Herzegovina on his "constitutional authority to conduct U.S. foreign relations" and as his role as Commander in Chief,[65] and protested efforts to restrict the use of military forces there and elsewhere as an improper and possibly unconstitutional limitation on his "command and control" of

U.S. forces.[66] Ever since Congress passed the War Powers Resolution over President Nixon's veto, all Presidents have regarded it as an unconstitutional infringement on presidential powers.[67]

In the context of what it terms the "Global War on Terror," the Bush Administration has claimed that the President's commander-in-chief authority entails inherent authority with respect to the capture and detention of suspected terrorists, authority he has claimed cannot be infringed by legislation.[68] In 2004, the Supreme Court avoided deciding whether Congress could pass a statute to prohibit or regulate the detention and interrogation of captured suspects, which the Administration had asserted would unconstitutionally interfere with core commander-in-chief powers, by finding that Congress had implicitly authorized the detention of enemy combatants when it authorized the use of force in the aftermath of the September 11, 2001, terrorist attacks.[69] However, the Supreme Court in 2006 invalidated President Bush's military order authorizing trials of aliens accused of terrorist offenses by military commission, finding that the regulations promulgated to implement the order did not comply with relevant statutes.[70] The Court did not expressly pass on the constitutionality of any

statute or discuss possible congressional incursion into areas of exclusive presidential authority, which was seen by many as implicitly confirming Congress's authority to legislate in such a way as to limit the power of the Commander in Chief.[71]

II. REPEAL OF PRIOR AUTHORIZATION TO USE MILITARY FORCE

While it is well-established that Congress and the President each possess authority on ending a military conflict, issues may arise if the political branches are in disagreement as to whether or how to end a military conflict. Inter-branch disagreement regarding the cessation of hostilities has been a rare occurrence, but it is not unprecedented. In the 110th Congress, a number of proposals have been introduced that would repeal or establish an expiration date for the Authorization for Use of Military Force against Iraq Resolution of 2002.[72] The following sections discuss the constitutional authority implicated by a repeal of military authorization, procedural, and other considerations involved in rescinding prior military authorization as compared to limiting appropriations, and the legal effect that a repeal would have on continuing hostilities.

Historical Practice

Although the U.S. Constitution expressly empowers Congress to declare war, it is notably silent regarding which political body is responsible for returning the United States to a state of peace. Some evidence suggests that this omission was not accidental.[73] During the Constitutional Convention, a motion was made by one of the delegates to modify the draft document by adding the words "and peace" after the words "to declare war."[74] This motion, however, was unanimously rejected. Convention records do not clearly evidence the framers' intent in rejecting the motion.

Some early constitutional commentators suggested that the motion failed because the framers believed that the power to make peace more naturally belonged to the treaty-making body, as conflicts between nations were typically resolved through treaties of peace.[75] Although the framers did not specifically empower Congress to make peace, they also did not expressly locate the power with the treaty-making body, perhaps because of a recognition that peace might sometimes be more easily achieved through means other than treaty.[76]

It has been suggested that the framers did not allocate an exclusive body with peace-making authority because they believed "it should be more easy to get out of a war than into it."[77] Given the framers' failure to designate a single political branch responsible for returning the country from a state of war to a state of peace, the power to make peace was likely understood to be a shared power, with each branch having the authority on terminating a military conflict.[78] The executive could return the country to a state of peace through a treaty with the warring party, subject to the Senate's advice and consent. Congress could declare peace or rescind a previous authorization to use military force pursuant to its plenary authority to repeal prior enactments, its power to regulate commerce with foreign nations, or its power to make laws "necessary and proper" to effectuate its constitutional powers.[79]

Regardless of the framers' intent, the legislative and executive branches have historically treated peace-making as a shared power. Peace has been declared in one of three ways: (1) via legislation terminating a conflict, (2) pursuant to a treaty negotiated and signed by the executive and ratified following the advice and consent of the Senate, and (3) through a presidential proclamation.[80] All three methods have been recognized as constitutionally legitimate by the Supreme Court,[81] including most clearly in the 1948 case of *Ludecke v. Watkins*, where the Court plainly stated, "The state of war may be terminated by treaty or legislation or Presidential proclamation."[82] Notably, the Court has recognized that the termination of a military conflict is a "political act,"[83] and it has historically refused to review the political branches' determinations of when a conflict has officially ended.[84]

Rescinding Military Authorization Versus Cutting Appropriations: Procedural and other Considerations

As a procedural matter, it is more difficult for Congress to terminate authorization for a military conflict than to limit appropriations necessary for the continuation of hostilities. As in the case of ordinary legislation, congressional declarations of peace and rescissions of military authorization have historically taken the form of a bill or joint resolution passed by both Houses and presented to the President for signature.[85] Like other legislation, such measures are subject to presidential veto, which Congress may override only with a two-thirds majority of each House.[86]

In contrast, Congress's ability to deny funds for the continuation of military hostilities is not contingent upon the enactment of a positive law, though such a denial may take the form of a positive enactment.[87] Although the President has the power to veto legislative proposals, he cannot compel Congress to pass legislation, including bills to appropriate funds necessary for the continuation of a military conflict. Thus, while a majority of both Houses would be necessary to terminate military authorization, and a super-majority of both Houses would be required to override a presidential veto, a simple majority of a single House could prevent the appropriation of funds necessary for the continuation of a military conflict.[88] It should be noted, however, that legislation probably would be required to prevent the President from exercising statutory authority to transfer certain funds appropriated to other operations for use in support of the military conflict that Congress was attempting to limit. Like other positive legislation, such a measure would be subject to presidential veto.

While it may be procedurally easier for Congress to refuse appropriations for a military conflict than to rescind military authorization, policy considerations may sometimes make the latter option more appealing. For example, some Members of Congress who support the winding down of a military operation might nevertheless be reluctant to reduce the funds for troops on the battlefield. There might also be concerns over potential effects that a denial of appropriations might have on unrelated military operations. Although appropriations legislation can be crafted to effectively terminate hostilities while permitting funding of force protection measures during the orderly redeployment of troops from the battlefield, such legislation, like other positive enactments, would be subject to presidential veto.

In certain circumstances, a President may be more willing to agree to a rescission of military authorization than to an appropriations bill that limits the funding of military operations, particularly if the rescission does not include a deadline for troop withdrawal.

Indeed, during the Vietnam War, Congress was able to rescind military authorization at an earlier date than it was able to cut off appropriations. In 1971, Congress passed and President Nixon signed a measure rescinding the 1964 Gulf of Tonkin resolution, which had provided congressional authorization for U.S. military operations against North Vietnam.[89] The Mansfield Amendment, enacted later that year, called for the "prompt and orderly" withdrawal of U.S. troops from Indochina at the "earliest possible date."[90] However, these measures did not include a deadline for troop withdrawal. Although U.S. troop presence in South Vietnam diminished considerably pursuant to the Nixon Administration's "Vietnamization" strategy even prior to these enactments, the United States continued significant air bombing campaigns in the years following the rescission of military authorization. During this same period, President Nixon vetoed or threatened to veto a number of appropriations bills that would have either prohibited funds from being used for certain military operations in Southeast Asia or required a complete withdrawal of U.S. troops from Vietnam. In 1973, two years after rescinding military authorization, Congress was finally able to enact appropriations limitations, signed by the President, that barred combat operations in Indochina.[91] These appropriations measures were approved only after the signing of a cease-fire agreement with North Vietnam and the withdrawal of U.S. troops from South Vietnam, and served primarily to end the aerial bombing campaign in Cambodia and prevent U.S. forces from being reintroduced into hostilities.

In sum, in situations where Congress seeks to prevent the executive's continuation of military combat operations, it may be procedurally easier for Congress to deny appropriations than it would be to statutorily compel a withdrawal from hostilities. However, past experience suggests that, at least in certain circumstances, policy considerations may cause the two branches to view the rescission of military authorization as a more appealing alternative — postponing an inter-branch conflict on appropriations for a later date, enabling Congress to signal its interest in winding down a conflict, and (at least temporarily) preserving the President's discretion as to how the conflict is waged.

Legal Consequences of Congressional Rescission of Military Authorization, Absent Additional Congressional Action

Although Congress has the power to rescind authorization of a military conflict or enact a declaration of peace, the practical effect that such an action might have on the President's ability to continue a military conflict may nevertheless remain difficult to predict. Historically, courts have been unwilling to interpret a congressional rescission of military authorization as barring the executive from continuing to wage a military campaign, *at least so long as Congress continues to appropriate money in support of such operations*. Although the War Powers Resolution establishes procedures by which Congress may direct the withdrawal of U.S. troops from military conflicts that lack statutory authorization, the constitutionality and practical effects of these requirements have been questioned. Finally, even in the absence of express congressional authorization, the President may possess some inherent or implied power as Commander in Chief to continue to engage in certain military operations. The following sections explain these points in greater detail.

Judicial Interpretation

Jurisprudence suggests that courts would not necessarily view a repeal of prior authorization, by itself, as compelling the immediate withdrawal of U.S. forces. As an overarching matter, courts have been highly reluctant to act in cases involving national security, especially when they require a pronouncement as to the legality of a military conflict or the strategies used therein.[92] Many such cases have been dismissed without reaching the merits of the arguments at issue, including when they involve a political question that the judiciary considers itself ill-suited to answer.[93] Legal actions brought by Members of Congress challenging the lawfulness of military actions have had no greater success than suits brought by private citizens.[94] While the courts have suggested a willingness to intervene in disputes between the two branches that reach a legal (as opposed to political) impasse, they have yet to find an impasse on matters of war that has required judicial settlement. In other words, as long as Congress retains options for bringing about a military disengagement but has not exercised them, courts are unlikely to get involved.[95]

The Vietnam conflict is the lone instance where Congress repealed military authorization while major combat operations were still ongoing. Although the Nixon Administration significantly decreased the number of U.S. troops present in South Vietnam following the repeal of the Gulf of Tonkin Resolution and enactment of the Mansfield Amendment in 1971,[96] major combat operations continued into 1973, when Congress cut off all funding for military operations in Indochina.

During this period, federal courts heard a number of suits challenging the legality of continued hostilities in the absence of congressional authorization. None of these challenges proved successful, in large part because Congress continued to appropriate money for military operations. It is a well-established principle that Congress's appropriation of funds may serve in some circumstances to confer authority for executive action.[97] Reviewing courts have found this principle no less applicable concerning matters of war. The appropriation of billions of dollars in support of U.S. combat operations in Indochina, even after the repeal of the Gulf of Tonkin resolution, was viewed as congressional authorization for continued U.S. participation in hostilities,[98] regardless of whether some Members of Congress had a motivation for approving continued appropriations other than that reflected in the express language of the enacted legislation.[99]

Courts have also declined on political question grounds to examine the motives of Congress in choosing to appropriate funds after rescinding direct authorization for

U.S. military activities.[100] In the words of one court, any attempt to assess Congress's intentions in appropriating funds, and determining whether such appropriations were truly meant to further continuing hostilities, would necessarily "require the interrogation of members of Congress regarding what they intended by their votes, and then synthesization of the various answers. To do otherwise would call for gross speculation in a delicate matter pertaining to foreign relations."[101] Such an examination of Congress's motivations was deemed beyond the scope of appropriate judicial scrutiny.[102]

Some argued that Congress's termination of statutory authorization for ongoing hostilities and instruction that the conflict end at the soonest practical date barred the President, at the very least, from "escalating" hostilities. Though the Court of Appeals for the Second Circuit suggested in a 1971 case that this argument might be valid,[103] subsequent rulings indicated that the court would only be willing to consider this argument in very limited circumstances. Notably, in the 1973 case of *DaCosta v. Laird*,[104] the Second Circuit Court of Appeals

dismissed a challenge to the President's order to mine the harbors of North Vietnam, where it was argued that this order represented an unlawful escalation of hostilities in light of congressional enactments ordering the withdrawal of U.S. troops at the earliest practicable date. The circuit court dismissed this challenge because it raised a nonjusticiable political question. Deciding such a case would require the court to assess the strategy and tactics used by the executive to wind down a conflict, an assessment it was ill-equipped to make:

> Judges, deficient in military knowledge, lacking vital information upon which to assess the nature of battlefield decisions, and sitting thousands of miles from the field of action, cannot reasonably determine whether a specific military operation constitutes an "escalation" of the war or is merely a new tactical approach within a continuing strategic plan. What if, for example, the war "de-escalates" so that it is waged as it was prior to the mining of North Vietnam's harbors, and then "escalates" again? Are the courts required to oversee the conduct of the war on a daily basis, away from the scene of action? In this instance, it was the President's view that the mining of North Vietnam's harbor was necessary to preserve the lives of American soldiers in South Vietnam and to bring the war to a close. History will tell whether or not that assessment was correct, but without the benefit of such extended hindsight we are powerless to know.[105]

Though the circuit court did not completely rule out the possibility that a further escalation of hostilities could be deemed unlawful, the court suggested it would be willing to consider such arguments only in the most limited of circumstances. For example, the court suggested that a "radical change in the character of war operations — as by an intentional policy of indiscriminate bombing of civilians without any military objective — *might* be sufficiently measurable judicially to warrant a court's consideration."[106]

In *Holtzman v. Schlesinger*, decided later that year, the Second Circuit Court of Appeals reversed a lower court decision that had declared unlawful the continued bombing of Cambodia following the removal of U.S. troops and prisoners of war from Vietnam. The circuit court held that it was a nonjusticiable political question as to whether the bombing violated the Mansfield Amendment's instruction that hostilities be terminated at the "earliest practicable date." Comparing the situation with that at issue in *DaCosta*, the court found that the challenge raised "precisely the questions of fact involving military and diplomatic expertise not vested in the judiciary."[107] Further, even assuming *arguendo* that the military and diplomatic issues raised by the bombing were judicially manageable, the circuit court found that Congress had authorized the bombing through continued appropriations.[108]

Taken together, these cases suggest that a reviewing court would probably not interpret a repeal of prior military authorization as requiring the immediate withdrawal of U.S. forces from ongoing hostilities in Iraq. Further, courts may be reluctant to assess whether specific military tactics or strategies pursued by the executive constitute an impermissible "escalation" of a conflict in the aftermath of such a repeal.[109] Accordingly, it does not appear that the termination of direct authorization to use force, absent additional action such as the denial of appropriations or possibly the inclusion of an unambiguous deadline for troop withdrawal, would be interpreted by a reviewing court as constraining the executive's ability to continue U.S. combat operations.

Implications of the War Powers Resolution

The consequences of a repeal of an authorization to use military force were arguably made more significant with the enactment of the War Powers Resolution (WPR).[110] Enacted in 1973 over President Nixon's veto, the WPR was an effort by Congress to reassert its role in matters of war — a role that many Members believed had been allowed to erode during the Korean and Vietnam conflicts. Among other things, the WPR establishes a procedure by which Congress may(theoretically) compel the President to withdraw

U.S. forces from foreign-based conflicts when a declaration of war or authorization to use military force has been terminated. Specifically, WPR § 5(c) provides that

> at any time that United States Armed Forces are engaged in hostilities outside the territory of the United States, its possessions and territories without a declaration of war or specific statutory authorization, such forces shall be removed by the President if the Congress so directs by concurrent resolution.

While § 5(c) offers a mechanism by which Congress might compel presidential compliance with a law that had rescinded statutory authorization to use military force,[111] its constitutional validity is doubtful given the Supreme Court's ruling in the 1983 case of *INS v. Chadha*.[112] In *Chadha*, the Court held that for a resolution to become a law, it must go through the bicameral and presentment process in its entirety.[113] Accordingly, a concurrent or simple resolution could not be used as a "legislative veto" against executive action. Although the *Chadha* Court did not expressly find WPR § 5(c) to be unconstitutional, it was listed in Justice White's dissent as one of nearly 200 legislative vetoes for which the majority had sounded the "death knell,"[114] and most commentators have agreed with this assessment.[115] Thus, it seems highly unlikely that the WPR could be used to enforce a congressional repeal of an authorization to use military force in Iraq.

Section 5(b) of the WPR establishes a requirement for the withdrawal of U.S. troops 60 days after armed forces are *introduced* without congressional authorization into a situation where hostilities are imminent, unless Congress enacts legislation providing authority for the use of force or extends the deadline.[116] This provision would not appear to supply a means by which Congress could compel the withdrawal of U.S. forces from Iraq, as the introduction of those forces was done pursuant to congressional authorization.[117] Even if Congress were to rescind that authorization, the legality of actions taken pursuant to it would not be nullified.[118] Arguably, however, a substantial increase in troop levels that takes place subsequent to any repeal of the authorization for use of military force against Iraq could trigger the requirements of WPR § 5(b),[119] although it is unclear how large such an increase would need to be before it would be sufficiently "substantial."[120] Congress has in the past enacted or considered legislation declaring the 60-day limit to have taken effect, although apparently with little practical effect.[121] In any case, it appears that WPR section 5(c), which permits Congress to compel the withdrawal of U.S. troops via concurrent resolution, was intended to address situations where Congress desired an end to previously authorized hostilities.

Inherent Presidential Authority to Use Military
Force Absent Congressional Authorization

Even in the absence of express congressional authorization, it is well-recognized that the President may still employ military force in *some* circumstances pursuant to his powers as Commander in Chief and his inherent authority in the area of foreign affairs,[122] at least so long as no statute stands in his way. A President would likely argue that this inherent authority would permit him to instruct U.S. forces to engage in certain military operations related to an ongoing conflict, even if statutory authorization for U.S. participation in that conflict had been rescinded. Further, even if Congress were to enact legislation requiring the cessation of military operations after a specified date, it is highly unlikely that this measure would be interpreted to prohibit any and all military operations, specifically as they relate to rescue and evacuation missions. It appears well-understood, at least as a matter of historical practice, that such missions are not intended to be covered under legislation otherwise barring future participation in hostilities.[123]

III. USE OF THE POWER OF THE PURSE
TO RESTRICT MILITARY OPERATIONS

Congress has used its spending power to restrict the deployment and use of the armed forces in the past.[124] In 1973, for instance, after other legislative efforts failed to draw down U.S. participation in combat operations in Indochina,[125] Congress effectively ended it by means of appropriations riders prohibiting use of funds. Section 307 of the Second Supplemental Appropriations Act for Fiscal Year 1973, P.L. 93-50 (1973), stated that, "None of the funds herein appropriated under this act may be expended to support directly or indirectly combat activities in or over Cambodia, Laos, North Vietnam, and South Vietnam, and after August 15, 1973, no other funds heretofore appropriated under any other act may be expended for such purpose." Section 108 of the Continuing Appropriations Resolution for Fiscal Year 1974, P.L. 93-52 (1973), provided that, "Notwithstanding any other provision of law, on or after August 15, 1973, no funds herein or heretofore appropriated may be obligated or expended to finance directly or indirectly combat activities by United States military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos or Cambodia." A year later, Congress passed an authorizing statute, section 38(f)(1) of the Foreign Assistance Act of 1974, P.L. 93-559 (1974), which set a total ceiling of U.S. civilian and military personnel in Vietnam of 4,000 six months after enactment and a total ceiling of 3,000 within one year of enactment.

A provision of an authorization act, section 404 of the International Security Assistance and Arms Export Control Act of 1976, P.L. 94-329 (1976), comprehensively prohibited using funds for military and paramilitary operations in Angola. It stated that:

Notwithstanding any other provision of law, no assistance of any kind may be provided for the purpose, or which would have the effect, of promoting, augmenting, directly or indirectly, the capacity of any nation, group, organization, movement, or individual to conduct military or paramilitary operations in Angola, unless and until Congress expressly authorizes such assistance by law enacted after the date of enactment of this section.

This section added that if the President determined that the prohibited assistance to Angola should be furnished, he should submit to the Speaker of the House and the Senate Committee on Foreign Relations a report describing recommended amounts and categories of assistance to be provided and identities of proposed aid recipients. This article also was to include a certification of his determination that furnishing such assistance was important to U.S. national security interests and an unclassified detailed statement of reasons supporting it.

Section 109 of the Foreign Assistance and Related Programs Appropriations Act for Fiscal Year 1976, P.L. 94-330 (1976), signed the same day as P.L. 94-329, provided that, "None of the funds appropriated or made available pursuant to this act shall be obligated to finance directly or indirectly any type of military assistance to Angola."

In the 1980s, various versions of the Boland Amendment were enacted to prohibit using funds for various military activities in or around Nicaragua.[126] For example, section 8066 of the Department of Defense Appropriations Act included in the Continuing Appropriations Resolution for Fiscal Year, 1985, P.L. 98-473, 98 Stat. 1935 (1984), for example, stated that "During Fiscal Year 1985, no funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended for the purpose, or which would have the effect of supporting, indirectly or indirectly, military or paramilitaryoperation in Nicaragua by any nation, group, organization, movement or individual." This provision stated that after February 28, 1985, the President could expend $14 million in funds if the President made a report to Congress which specified certain criteria, including the need to provide further assistance for military or paramilitary operations prohibited by the Boland Amendment, and if Congress passed a joint resolution approving such action.

In the 1990s, Congress enacted section 8151 of the DOD Appropriations Act for Fiscal Year 1994, P.L. 103-139 (1993), which approved using armed forces for certain purposes including combat in a security role to protect United Nations units in Somalia, but cut off funding after March 31, 1994, except for a limited number of military troops to protect American diplomatic personnel and American citizens unless further authorized by Congress. Section 8135 of the DOD Appropriations Act for Fiscal Year 1995, P.L. 103-335 (1994), provided that, "None of the funds appropriated in this act may be used for the continuous presence in Somalia of United States military personnel, except for the protection of United States personnel, after September 30, 1994." In title IX of the DOD Appropriations Act for Fiscal Year 1995, P.L. 103-335 (1994), Congress provided that, "No funds provided in this act are available for United States military participation to continue Operation Support Hope in or around Rwanda after October 7, 1994, except for any action that is necessary to protect the lives of United States citizens."

These examples reveal the approaches that Congress has employed to prohibit or restrict using military force. They have ranged from the least comprehensive "none of the funds appropriated in this act may be used" to the most comprehensive "notwithstanding any other provision of law, no funds may be used." The phrase "none of the funds appropriated in this act" limits only funds appropriated and made available in the act that carries the restriction, but not funds, if any, that may be available pursuant to other appropriations acts or authorizing statutes. To restrict funds appropriated and made available not only in the act that carries the restriction, but also pursuant to other appropriations acts, Congress has used the phrase "none of the funds appropriated in this act or any other act may be used." The most comprehensive restriction is "notwithstanding any other provision of law, no funds may be

used." This language precludes using funds that have been appropriated in any appropriations acts as well as any funds that may be made available pursuant to any authorizing statutes including laws that authorize transfers of appropriated or nonappropriated funds.[127]

Procedural Considerations

There is a parliamentary impediment to including the phrases "none of the funds appropriated in this act or any other act may be used" or "notwithstanding any other provision of law, no funds may be used" in a general appropriations bill. House Rule XXI, clause 2, makes subject to a point of order language that changes existing law (i.e., legislation) in a general appropriations bill (i.e., one providing appropriations for several agencies). A bill that appropriates funds for a single purpose or a single agency is not a general appropriations bill to which this restriction applies. The intent of Rule XXI, clause 2 is to separate the authorizing and appropriating functions and place them in separate committees.

Nonetheless, a practice has developed that just as the House may decline to appropriate funds for a purpose that has been authorized by law, it may by limitation prohibit appropriating money in a general appropriations bill for part of a purpose while appropriating funds for the remainder of it. Such a limitation "... may apply solely to the money of the appropriation under consideration" and "... may not apply to money appropriated in other acts."[128] Thus, the phrase "none of the funds appropriated *in this act* may be used" is not subject to a point of order, but the phrase "none of the funds appropriated *in this act or any other act* may be used" and the phrase "notwithstanding any other provision of law, no funds may be used" do not appear to qualify as permissible limitations in a general appropriations bill and would be subject to points of order under Rule XXI, clause 2 because they are considered legislation. To avoid a point of order, a limitation in a general appropriations bill may not impose new or additional duties on an executive official, may not restrict authority to incur obligations, and may not make an appropriation contingent upon (i.e., "unless" or "until") the occurrence of an event not required by law.[129] If a Member raises a point of order that language in a general appropriations bill violates Rule XXI, clause 2, and the point of order is sustained by the chair, the legislative language is stricken.

Although legislation in a general appropriations bill is subject to a point of order under Rule XXI, clause 2, a restriction in a House rule is not self-enforcing. Consequently, legislation may be included in a general appropriations bill and become law if no point of order is raised, if a point of order is overruled, or if the House either suspends the rules or agrees to a special order known as a rule reported from the Committee on Rules that waives the point of order against including such legislation.[130]

Like House Rule XXI, clause 2, Senate Standing Rule XVI also prohibits including legislation in a general appropriations bill, but the Senate rule permits legislation to be included if it is germane to the subject matter of the bill under consideration. If a point of order that language constitutes legislation on an appropriations bill is raised, the proponent of the language may defend it by asserting that it is germane. The question of germaneness is not decided by the presiding officer; it is submitted to the Senate. If a majority of Senators vote that the language in question is germane, it remains in the bill and the point of order that it constitutes legislation is dismissed and is not presented to the presiding officer for a ruling. If a majority of the Senate votes that language is not germane, the presiding officer then rules on

whether it constitutes legislation. If the point of order is sustained, the language is removed; if it is overruled, the language remains in the bill and can be enacted.[131]

As mentioned earlier, the intent of these House and Senate rules is to separate authorizing and appropriating functions by constraining the bodies from enacting legislation in appropriations bills, but prohibiting use of funds for a purpose or purposes does not contravene the House or Senate rule provided that the prohibition applies only to funds appropriated in the bill being considered.

Because an appropriations act generally funds programs for a fiscal year, each provision contained in the act is presumed to be in effect only until the end of the fiscal year. "A provision contained in an annual appropriation act is not to be construed as permanent legislation unless the language used therein or the nature of the provision makes it clear that Congress intended it to be permanent. The presumption can be overcome if the provision uses language indicating futurity or if the provision is of a general character bearing no relation to the object of the appropriation.... The most common word of futurity is 'hereafter' and provisions using this term have often been construed to be permanent."[132] Other words of futurity include "after the date of approval of this act,""henceforth," and specific references to future fiscal years.[133]

While including a word or words of futurity has the effect of making a provision extend beyond the fiscal year covered by an appropriations act, such a provision would constitute legislation that would appear to be subject to a point of order under House Rule XXI, clause 2 and Senate Standing Rule XVI during congressional consideration. If the parliamentary impediments can be overcome, however, such legislation may be enacted and become valid law.

Availability of Alternative Funds

A fundamental principle in appropriations law is that appropriations may not be augmented with funds from outside sources without statutory authority.

> As a general proposition, an agency may not augment its appropriations from outside sources without specific statutory authority. When Congress makes an appropriation, it also is establishing an authorized program level. In other words, it is telling the agency that it cannot operate beyond the level that it can finance under its appropriation. To permit an agency to operate beyond this level with funds derived from some other source without specific congressional sanction would amount to a usurpation of the congressional prerogative. Restated, the objective of the rule against augmentation of appropriations is to prevent a government agency from undercutting the congressional power of the purse by circuitously exceeding the amount Congress has appropriated for that activity.[134]

While no statute in precise terms expressly prohibits augmenting appropriations, the concept is based on some appropriations laws. The Miscellaneous Receipts Statute, 31 U.S.C. § 3302(b), requires that a government official who receives money for the government from any source must deposit it in the U.S. Treasury as soon as practicable without deduction for any charge or claim. Under the Purpose Statute, 31 U.S.C. § 1301, appropriated funds may be used only for the purposes for which they are appropriated. A criminal provision, 18 U.S.C. §

209, prohibits supplementing the salary of an officer or employee of the government from any source other than the United States government.[135]

An example of a statute permitting gift funds from other countries to finance a war is section 202 of the Continuing Resolution for Fiscal Year 1991, P.L. 101-403 (1990), passed before the first Gulf war. Section 202 added a new section 2608 to title 10 of the United States Code to authorize any person, foreign government, or international organization to contribute money or real or personal property for use by the Department of Defense. However, before the Department of Defense could spend the funds, they had to be first appropriated by Congress.

The Purpose Statute states that funds may be used only for purposes for which they have been appropriated; by implication it precludes using funds for purposes that Congress has prohibited. When Congress states that no funds may be used for a purpose, an agency would violate the Purpose Statute if it should use funds for that purpose; it also in some circumstances could contravene a provision of the Antideficiency Act, 31 U.S.C. § 1341. Section 1341 prohibits entering into obligations or expending funds in advance of or in excess of an amount appropriated unless authorized by law. If Congress has barred using funds for a purpose, entering into an obligation or expending any amount for it would violate the act by exceeding the amount — zero — that Congress has appropriated for the prohibited purpose.[136]

To determine whether an agency has violated the Antideficiency Act, it would be necessary to review the language in an appropriations act or authorizing statute that includes a prohibition on using funds for a specific purpose. If an appropriations act prohibits using funds "in this act" for a purpose, for example, expending any amount from that act for the prohibited purpose would appear to contravene the Antideficiency Act because Congress has appropriated zero funds for it. Entering into obligations or expending funds, if any, that may be available from a different appropriations act or other fund for that purpose, however, would not appear to be prohibited by the Antideficiency Act; an agency would be able to use funds from sources other than the appropriations act that contains the prohibition or limitation.

Violating the Antideficiency Act would be significant because it has notification and penalty provisions not found in the Purpose Statute. The Purpose Statute does not expressly provide for penalties; it generally is enforced by imposing administrative sanctions on the officer or employee who violates the statute.[137] The Antideficiency Act, by contrast, contains a provision that not only provides for administrative discipline, including, when circumstances warrant, suspension from duty without pay or removal from office, 31 U.S.C. § 1349, but also one that requires an immediate report of a violation to the President and Congress, 31 U.S.C. § 1351. Moreover, the Antideficiency Act has a criminal penalty provision: Section 1350 of title 31 provides that an officer or employee who "knowingly and willfully" violates the act "shall be fined not more than $5,000, imprisoned for not more than two years, or both." Although the act has a criminal provision, no one appears to have been prosecuted or convicted for violating it.[138] Another criminal provision, 18 U.S.C. § 435, not part of the Antideficiency Act, makes punishable by a fine of $1,000, imprisonment of not more than one year, or both, knowingly contracting to erect, repair, or furnish any public building or for any public improvement for an amount more than the amount appropriated for that purpose.

The Antideficiency Act prohibits entering into obligations or expending funds in advance of or in excess of an amount appropriated *unless authorized by law*. One law that authorizes entering into obligations in advance of appropriations is the Feed and Forage Act. Also referred to as Revised Statute 3732, the Feed and Forage Act is part of and an express exception to the Adequacy of Appropriations Act, 41 U.S.C. § 11. Section 11 generally states that no government contract or purchase may be made unless it is authorized by law or is under an appropriation adequate to its fulfillment. The Feed and Forage Act exception authorizes the Department of Defense and the Department of Transportation[139] with respect to the Coast Guard when it is not operating as service in the Navy to make contracts in advance of appropriations for clothing, subsistence, forage, fuel, quarters, transportation, or medical and hospital supplies. Obligations entered into pursuant to Feed and Forage Act authority must not exceed the necessities of the current year. The Secretary of Defense and the Secretary of Transportation immediately must advise Congress of the exercise of this authority and report quarterly on the estimated obligations incurred pursuant to it.[140] Although the Feed and Forage Act authorizes *entering into obligations* such as contracts, *actual expenditures* are not permitted pursuant to this authority until Congress appropriates the necessary funds.[141]

Redeployment from Iraq:
Provisions in the Vetoed Supplemental

On May 1, 2007, President George W. Bush vetoed the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, H.R. 1591.[142] In his veto message, the President said that the bill was objectionable because it would set an arbitrary date to begin withdrawing American forces from Iraq and would micromanage commanders in the field by restricting their ability to fight. He also objected to the inclusion of billions of dollars of spending and other provisions not related to the war. Finally, he asserted that the bill was unconstitutional because it "purport[ed] to direct the conduct of operations of war in a way that infringes upon the powers vested in the presidency by the Constitution, including as commander in chief of the Armed Forces."[143] The next day, the House of Representatives, by a vote of 222 to 203 — two-thirds not voting in the affirmative — failed to override the veto.[144]

Criteria Relating to Troops

Section 1901 of H.R. 1591, had it become law, would have provided that none of the funds appropriated or made available in the supplemental appropriations bill or in any other act could be used to deploy any armed forces unit unless the chief of the military department concerned certified in writing to the Committees on Appropriations and the Committees on Armed Services in advance of deployment that the unit was "fully mission capable" (i.e., "capable of performing assigned mission essential tasks to prescribed standards under the conditions expected in the theater of operations, consistent with the guidelines set forth in the Department of Defense readiness reporting system"). The President would have had the authority to waive the capability requirement on a unit-by-unit basis if he certified in writing to the appropriate committees that deploying a unit that is not fully mission-capable were

required for reasons of national security and transmitted a report detailing the reason or reasons.

Under section 1902, no funds appropriated or made available in the supplemental or in any other act would have been permitted to be obligated or expended to initiate developing, to continue developing, or to execute any order that would have the effect of extending the deployment of any Army, Army Reserve, or Army National Guard unit beyond 365 days or of any Marine Corps or Marine Corps Reserve unit beyond 210 days. This limitation was not to be construed to require force levels in Iraq to be decreased below the total U.S. force levels in Iraq prior to January 10, 2007. The President would have had the authority to waive this limitation on a unit-by-unit basis by certifying in writing national security reasons and reporting details to the Committees on Appropriations and the Committees on Armed Services.

Pursuant to section 1903, no funds in the supplemental or in any other act were to be available for deploying Army, Army Reserve, or Army National Guard units for Operation Iraqi Freedom if such unit had been deployed within the previous 365 days, or for deploying any Marine Corps or Marine Corps Reserve unit if such unit had been deployed within the previous 210 days. This limitation was not to be construed to require force levels in Iraq to be decreased below the levels in that country prior to January 10, 2007. Like the limitations in sections 1901 and 1902, this one would have been subject to waiver by the President on a unit-by unit basis under the certification and notification procedures prescribed in the earlier limitations.

Benchmarks for Iraqi Government and Dates for Redeployment

Section 1904 modified House and Senate language relating to Iraqi benchmarks and timetables. It would have required the President by July 1, 2007, to make and report to Congress determinations relating to progress that the government of Iraq is making in meeting benchmarks taken from the House and Senate bills. The President's inability to make any of the determinations relating to the benchmarks was to have resulted in the commencement of troop redeployment from Iraq no later than July 1, 2007, with a goal of completing redeployment within 180 days. If the President were able to make the determinations, the Secretary of Defense would have been required to commence redeploying forces from Iraq not later than October 1, 2007, with a goal of completing redeployment within 180 days. In either case, funds appropriated or otherwise made available in the bill or any other act were to be immediately available to plan and execute a safe and orderly redeployment of the Armed Forces from Iraq.

Section 1904(a) of H.R. 1591 would have directed the President to determine and report findings to Congress on or before July 1, 2007, that relate to several matters including whether the Iraqi government —

- has given U.S. and Iraqi forces authority to pursue all extremists and is making substantial progress in delivering Iraqi forces to Baghdad and protecting them from political interference;
- is making substantial progress in meeting its commitment to pursue reconciliation initiatives, including enacting a hydro-carbon law, adopting legislation for conducting provincial and local elections, reforming current laws governing the de-

Baathification process, amending the Iraqi constitution, and allocating Iraqi revenues for reconstruction projects;

- is making, with U.S. armed forces, substantial progress in reducing the level of sectarian violence in Iraq; and
- is ensuring the rights of minority political parties in the Iraqi Parliament are protected.

Under section 1904(e), after the conclusion of the 180-day redeployment period specified above, the Secretary of Defense would not be permitted to deploy or maintain members of the U.S. armed forces for any purpose other than the following:

- protecting American diplomatic facilities and American citizens, including U.S. armed forces;
- serving in roles consistent with customary diplomatic positions;
- engaging in targeted special actions limited in duration and scope to killing or capturing members of al-Qaeda and other terrorist organizations with global reach; or
- training members of the Iraqi security forces.

Section 1904(f) would have required that 50% of funds for assistance to Iraq under the headings "Economic Support Fund" and "International Narcotics Control and Law Enforcement" was to be withheld from obligation until the President had made a determination that the government of Iraq has met certain benchmarks.

Finally, Section 1904(h) would have required that, beginning on September 1, 2007, and every 60 days thereafter, the Commander of the Multi-National Forces, Iraq, and the U.S. Ambassador to Iraq were jointly to submit to Congress a report describing and assessing in detail the progress that the government of Iraq is making regarding benchmarks listed in section 1904(a).

Other Restrictions

Section 1311 would have prohibited the use of funds in the supplemental or in any other act to establish any military installation or base for the permanent stationing of U.S. military forces in Iraq or to exercise U.S. control over oil revenues in Iraq. Section 1312 would have denied authority to use funds in the supplemental to contravene several conventions and laws, including the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and 18 U.S. Code section 2340A. This limitation also applied to renditions. Section 1313 contained a requirement for the Secretary of Defense, within 30 days of enactment and every 90 days thereafter, to submit to the congressional defense committees a classified report assessing the individual transition readiness of units of Iraqi and Afghan security forces.

Provisions from the Enacted Supplemental, P.L. 110-28

The House and Senate agreed to H.R. 2206, the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Act Appropriations Act, P.L. 110-28, on May 24, 2007,[145] and the President signed it on May 25. This act provides supplemental funding

through September 30, 2007, with no timetable for withdrawing troops. Section 1314 contains the major provisions relating to Iraq; it establishes 18 political and security benchmarks for the Iraqi government to meet. These benchmarks, similar to those that were included in the vetoed H.R. 1591, include enacting and implementing legislation on de-Baathification and on ensuring equitable distribution of hydrocarbon resources, increasing the number of Iraqi security forces units capable of operating independently, and allocating $10 billion in Iraqi revenues for reconstruction projects, including delivering essential services, on an equitable basis.

The President is required to submit reports to Congress by July 15, 2007, and by September 15, 2007, on whether the Iraqi government is making sufficient progress in achieving these benchmarks. Obligation of reconstruction assistance to Iraq in the Economic Support Fund, about $1.6 billion, is prohibited unless the President certifies in both reports that Iraq is making progress on all the benchmarks or waives this requirement with a detailed rationale. The act requires an assessment of progress by the Iraqi government in meeting the benchmarks from the Government Accountability Office and an assessment of combat readiness of Iraqi security forces from an independent private sector entity selected by the Department of Defense.

P.L. 110-28 does not include criteria relating to United States forces including mission readiness, periods between deployments, and duration of deployments, which were a part of the vetoed H.R. 1591 and could have been waived on a unit-by-unit basis by the President for national security reasons.

An earlier version of H.R. 2206, passed by the House, would have split the total amount into two portions. The first portion, about $47.6 billion, would have been available immediately to fund about two additional months of military operations. The second portion, about $53.2 billion, would have been available only if the President on or before July 13, 2007, submitted a report to Congress detailing progress of the Iraqi government in meeting political and security benchmarks, similar to those that were included in the vetoed H.R. 1591, and a joint resolution of approval was enacted into law.[146] The Senate passed on May 17, 2007, a version of H.R. 2206 that expressed the sense of Congress in support of United States forces and requested a conference with the House.[147] The House earlier rejected by a vote of 171 to 255 H.R. 2337, a bill to require the Department of Defense to redeploy servicemembers and contractors from Iraq within 180 days.[148]

The rule reported by the Committee on Rules which provided for consideration of H.R. 2206 in the House of Representatives, H.Res. 486, 110th Cong., 1st Sess., makes in order as an amendment the text of H.R. 2451, which requires withdrawing most United States forces from Iraq by June 28, 2008, when the House considers supplemental appropriations for military operations in Iraq or Afghanistan for FY2008.[149]

IV. LIMITING DEPLOYMENT OF MILITARY PERSONNEL

The Constitution accords Congress with ample authority to regulate the use of military personnel. Among other things, Congress is designated with the power "To raise and support Armies;" "To provide and maintain a Navy;" "To make Rules for the Government and Regulation of the land and naval Forces;" and "To provide for organizing, arming, and

disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States."[150] In the 110th Congress, several legislative proposals have been introduced that would limit the deployment of certain military personnel to Iraq.[151] Some have argued that congressional action limiting the use of particular troops during wartime would, at least in certain circumstances, infringe upon the President's authority as commander in chief to conduct a military campaign in a manner that he deems appropriate.[152]

As a matter of historical practice, Congress has occasionally imposed limitations and other requirements on the deployment of U.S. troops, including during wartime. These limitations have been effectuated either through the statutory prohibition on the use of military personnel for a particular purpose, or via the denial of appropriations in support of a particular operation. The following are examples in which Congress has limited the President's ability to use particular military personnel for certain purposes:

- 1915 — The Army appropriations act restricted Army tours of duty in the Philippines to two years and tours in the Canal Zone to three years, unless the servicemember requested otherwise or in cases of insurrection or actual or threatened hostilities.[153] The restriction was amended in 1934 to provide for two-year tours and in both areas as well as certain other foreign duty stations.[154] The restriction was repealed in 1945,[155] and replaced with a requirement for the Secretary of Defense to report twice annually to the Armed Services committees regarding regulations governing the lengths of tours of duty for the Army and Air Force outside the continental United States.

- 1933 — The Treasury and Post Office Appropriation Act for FY1934,[156] provided that "Assignments of officers of the Army, Navy, or Marine Corps to permanent duty in the Philippines, on the Asiatic Station, or in China, Hawaii, Puerto Rico, or the Panama Canal Zone shall be for not less than three years. No such officer shall be transferred to duty in the continental United States before the expiration of such period unless the health of such officer or the public interest requires such transfer, and the reason for the transfer shall be stated in the order directing such transfer."

- 1940 — The Selective Training and Service Act of 1940 provided that "Persons inducted into the land forces of the United States under this Act shall not be employed beyond the limits of the Western Hemisphere except in the Territories and possessions of the United States, including the Philippine Islands."[157]

- 1945 — In an act extending the Selective Training and Service Act until the end of World War II, as determined by the earlier of dates proclaimed by the President or by concurrent resolution by both Houses of Congress, provided that no inductee under the age of nineteen "shall be ordered into actual combat service until after he has been given at least six months of [appropriate] military training...."[158]

- 1948 — The Selective Service Act of 1948 provided that eighteen-and nineteen-year old enlistees for one-year tours could not be assigned to land bases outside the continental United States.[159]

- 1951 — The Universal Military Training and Service Act of 1951 required inductees, enlistees, and other persons called to active duty to receive at least four months' "full and adequate" training prior to deployment overseas, and prohibited the expenditure

of funds to transport or maintain a servicemember overseas in violation of the provision.[160]

- 1956 — 10 U.S.C. § 6015 prohibited assignment of female servicemembers to duty on combat aircraft and all vessels of the Navy.[161] 10 U.S.C. § 6018 prohibited the assignment of Navy officers to shore duty not explicitly authorized by law.[162]
- 1985 — The National Defense Authorization Act, 1985 prohibited the expenditure of funds to support an end strength of U.S. Armed Forces personnel stationed in NATO countries above a level of 326,414.[163] The measure was later modified to reduce the level further but to provide waiver authority to the President to increase the force level to up to 311,855, upon notification to Congress, if he determined the national security interests required exceeding the ceiling.[164]
- 1992 — The National Defense Authorization Act for FY1992 prohibited the use of appropriated funds to support an end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in nations outside the United States at any level in excess of 60 percent of the end strength level of such members on September 30, 1992, with exceptions in the event of declarations of war or emergency.[165]

The precise scope of Congress's ability to limit the deployment of U.S. military forces has not been ruled upon by the courts, and it is therefore unclear whether legislative measures limiting the use of particular military personnel during wartime would ever be deemed to be an unconstitutional infringement upon the President's authority as Commander in Chief.[166] Nonetheless, historical practice suggests that, at least in some circumstances, Congress may oblige the President to comply with certain requirements on the deployment of particular military personnel, including during periods of armed conflict.

ANALYSIS AND CONCLUSION

Much of the historical debate over war powers has taken place in the context where a President has initiated the use of military force with ambiguous or no congressional authorization, which is not the case here. There is no obvious reason, however, to suppose that Congress's constitutional power to limit hostilities depends on whether the hostilities were initiated with Congress's express approval at the outset.[167] Likewise, it does not seem consistent to suggest that Congress's authority to limit the scope of hostilities may be exercised validly only at the initiation of hostilities, without opportunity for changing course once troops are engaged.

In modern times, federal courts have been reticent to decide cases involving war powers on the merits,[168] including those involving appropriations measures.[169] However, in discussing whether a particular challenge raises non-justiciable political questions involving matters textually committed to the political branches by the Constitution,[170] courts have generally reiterated the understanding of a shared allocation of war powers.[171] That is, it is generally agreed that Congress cannot "direct campaigns," but that Congress can regulate the conduct of hostilities, at least to some degree, and that Congress can limit military operations without the risk of a presidential veto by refusing to appropriate funds.

In 1970, in response to a challenge related to the Vietnam conflict, a federal district court[172] expanded on the theme of congressional authority, with particular reference to Congress's appropriations power:

> The power to commit American military forces under various sets of circumstances is shared by Congress and the Executive.... The Constitutional expression of this arrangement was not agreed upon by the Framers without considerable debate and compromise. A desire to facilitate the independent functioning of the Executive in foreign affairs and as commander-in-chief was tempered by a widely shared sentiment opposing the concentration of unchecked military power in the hands of the president. Thus, while the president was designated commander-in-chief of the armed forces, Congress was given the power to declare war. However, it would be shortsighted to view Art. I, § 8, cl. 11 as the only limitation upon the Executive's military powers.... [I]t is evident that the Founding Fathers envisioned congressional power to raise and support military forces as providing that body with an effective means of controlling presidential use thereof. Specifically, the House of Representatives ... was viewed by the Framers as the bulwark against encroachment by the other branches. In *The Federalist* No. 58 (Hamilton or Madison), we find:
>
> The House of Representatives cannot only refuse, but they alone can propose, the supplies requisite for the support of government. They, in a word, hold the purse — that powerful instrument by which we behold in the history of the British Constitution, an infant and humble representation of the people gradually enlarging the sphere of its activity and importance, and finally reducing, as far as it seems to have wished, all the overgrown prerogatives of the other branches of the government. This power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people, for obtaining a redress of every grievance, and for carrying into effect every just and salutary measure.

Despite Congress's well-established authority over appropriations, it has been argued that the power of the purse cannot be wielded in such a way as to fetter the discretion of the Commander in Chief.[173] Congress's power of the purse is subject to the same constitutional restrictions as any other legislative enactment, including those that affect allocation of powers among the three branches.[174] That is, Congress cannot use appropriations measures to achieve unconstitutional results, although it might, in some circumstances, achieve a similar result simply by failing to appropriate money.[175] The doctrine of "unconstitutional conditions," most frequently applicable to laws conditioning benefits for states or private citizens on their relinquishment of constitutional rights, is said to apply as well to legislation authorizing presidential action.[176] This notion, however, adds little to the analysis. Congress has ample constitutional authority to enact legislation that restricts the scope of military operations. If Congress can enact a limitation on the conduct of military operations directly, it can do so through appropriations. The larger question remains whether the limitation enacted amounts to an unconstitutional usurpation of the actual conduct of war.

Some commentators agree that Congress has the authority to cut off funds for military operations entirely, but assert that a partial cut-off or limitation on the use of funds would amount to an unconstitutional condition by interfering with the President's authority to conduct battlefield operations.[177] There has been some suggestion in the past that the President's responsibility to provide for troops in the field justifies further deployments without prior authorization from Congress,[178] with some arguing that the President has an

independent implied spending power to carry out these responsibilities.[179] These arguments do not easily square with Congress's established prerogative to limit the scope of wars through its war powers, and do not conform with Congress's absolute authority to appropriate funds.

Congress has frequently, although not invariably, acceded to presidential initiatives involving the use of military force. While a history of congressional acquiescence may create a gloss on the Constitutional allocation of powers,[180] such a gloss will not necessarily withstand an express statutory mandate to the contrary. It does not appear that Congress has developed a sufficiently consistent or lengthy historical practice to have abandoned either its war power or its authority over appropriations. The executive branch has objected to legislative proposals it views as intrusive into presidential power, including conditions found in appropriations measures.[181] And it remains possible to construe the function of "conducting military operations" broadly to find impermissible congressional interference in even the most mundane statutes regulating the armed forces. To date, however, no court has invalidated a statute passed by Congress on the basis that it impinges the constitutional authority of the Commander in Chief,[182] whether directly or indirectly through appropriations. In contrast, presidential assertions of authority based on the Commander-in-Chief Clause, in excess of or contrary to congressional authority, have been struck down by the courts.[183]

On the other hand, Presidents have sometimes deemed such limitations to be unconstitutional or merely precatory, and have at times not given them the force of law.[184] In other words, Administrations have relied on an argument based on the doctrine of "unconstitutional conditions" to justify the President's authority to reject a limitation on national security spending while continuing to spend the funds.[185] Whether or not the President is constitutionally entitled to spend funds without adhering to relevant legislative conditions appears to be an issue unlikely to be resolved by the courts.

In sum, it seems that under the constitutional allocation of powers Congress has the prerogative of placing a legally binding condition on the use of appropriations to regulate or end the deployment of U.S. armed forces to Iraq. Such a prohibition seems directly related to the allocation of resources at the President's disposal, and would therefore not appear to interfere impermissibly with the President's ability to exercise command and control over the U.S. armed forces. Although not beyond question, such a prohibition would arguably survive challenge as an incident both of Congress's war power and of its power over appropriations.

REFERENCES

[1]   153 CONG. REC. H4315 (daily ed. May 2, 2007) (President's veto message), *also available at* [http://www.whitehouse.gov/news/releases/2007/05/20070502-1.html].

[2]   *Id.* at H4326.

[3]   For a detailed analysis of the FY2007 supplemental appropriations bills, see CRS Report RL33900, *FY2007 Supplemental Appropriations for Defense, Foreign Affairs, and Other Purposes*, by Stephen Daggett *et al*.

[4]   *See, e.g.,* David B. Rivkin Jr. and Lee A. Casey, *What Congress Can (And Can't) Do on Iraq*, WASH. POST (January 16, 2007) at A19; *see also* Charles Tiefer, *Can*

Appropriation Riders Speed Our Exit from Iraq?, 42 STAN.J.INT'L L. 291(2006)(predicting arguments that would be made to oppose congressional funding restrictions).

[5]   P.L. 107-243; 116 Stat. 1498. For more background, see CRS Report RL31133, *Declarations of War and Authorizations for the Use of Military Force: Historical Background and Legal Implications*, by Richard F. Grimmett and Jennifer K. Elsea.

[6]   *See* President's Statement on Signing H.J.Res. 114, October 16, 2002, *available at* [http://usinfo.state.gov/dhr/Archive/2003/Oct/09-906028.html].

[7]   *Id.*

[8]   Cincinnati Soap Co. v. United States, 301 U.S. 308, 321 (1937).

[9]   Fullilove v. Klutznick, 448 U.S. 448, 474 (1980); South Dakota v. Dole, 483 U.S. 203, 206-07 (1987). For a scholarly treatment of the Appropriations Clause, see Kate Stith, *Congress' Power of the Purse*, 97 YALE L. J. 1343 (1988).

[10]   United States v. Klein, 80 U.S. (8 Wall.) 128 (1872) (holding invalid an appropriations proviso that effectively nullified some effects of a presidential pardon and that appeared to prescribe a rule of decision in court cases); United States v. Lovett, 328 U.S. 303 (1946)(invalidating as a bill of attainder an appropriations provision denying money to pay salaries of named officials).

[11]   *See* LOUIS FISHER, PRESIDENTIAL WAR POWER 7 (2d ed. 2004)(noting that allocation of war powers to Congress was a break with monarchial theories, under which all such powers belonged to the executive); *id.* at 8-12.

[12]   *See* WILLIAM C. BANKS AND PETER RAVEN-HANSEN, NATIONAL SECURITY LAW AND THE POWER OF THE PURSE 27-32(1994).

[13]   Congress has by statute provided that the President must issue orders to subordinate military commands through the appropriate chain of command rather than directly. *See* FRANCIS D. WORMUTH AND EDWIN B. FIRMAGE, TO CHAIN THE DOG OF WAR: THE WAR POWER OF CONGRESS IN HISTORY AND LAW 93(2nd ed. 1989)(citing the Command of the Army Act of 1867, 14 Stat. 485, 486-87, which required that "all orders and instructions relating to military operations" be "issued through the General of the Army," and made orders issued contrary to the provision punishable by prison sentence from two to twenty years). Congress has also authorized judges to issue orders directed to military commanders requiring them to provide military aid to marshals for the arrest of persons accused of crimes against the United States who were on board foreign ships in U.S. harbors. 2 Stat. 339 (1805).

[14]   *But see id.* at 93-94 (asserting that during the Reconstruction period following the Civil War, the "army was given its orders directly by Congress," and that President Andrew Johnson's efforts to circumvent the statute were cited in the ninth article of impeachment against him, although no proof was offered at trial).

[15]   For a discussion of theories asserting the presidential prerogative to spend without appropriations when necessary for military operations, see generally Colonel Richard D. Rosen, *Funding "Non-traditional" Military Operations: The Alluring Myth of a Presidential Power of the Purse*, 155 MIL. L. REV. 1 (1998); *see also* Major Brian A. Hughes, *Uses and Abuses of O and M Funded Construction: Never Build on a Foundation of Sand*, 2005-AUG ARMY LAW. 1 (describing how fiscal law constrains military spending, sometimes impeding military operations).

[16] Bas v. Tingy, 4 U.S. 37 (1800).

[17] The Framers' decision to substitute "declare" for "make" has generally been interpreted to allow the President the authority to repel sudden attacks. 2 MAX FARRAND, THE RECORDS OF THE FEDERAL CONVENTION OF 1787, 318-19 (rev. ed. 1937)(explanation of James Madison and Elbridge Gerry on their motion to amend text).

[18] *Cf.* John C. Yoo, *War and the Constitutional Text*, 69 U. CHI. L. REV. 1639, 1669-71 (2002)(arguing that "to declare" means to formally recognize rather than to authorize or commence).

[19] *See* 3 JOSEPH STORY, COMMENTARIES ON THE CONSTITUTION §§ 1170 - 71 (1833) (stating that the powers to issue letters of marque and reprisal and to authorize captures are incidental to the power to declare war, implying their express mention was unnecessary, but noting that these "incidental" powers may also be employed during peace). *But see, e.g.*, J. Terry Emerson, *War Powers Legislation*, 74 W. Va. L. Rev. 53, 62 (1972)(arguing that early opinions related to the Quasi-War with France, often advanced for the proposition that Congress is empowered to regulate military operations that do not amount to war, should be read as strict interpretations of Congress's power to make rules for captures).

[20] *See* ABRAHAM SOFAER, WAR, FOREIGN AFFAIRS AND CONSTITUTIONAL POWER 116-17 (1976) (describing President Washington's efforts to obtain support for military efforts, including a build-up of military strength to preserve peace and maintain U.S. stature among nations).

[21] *See*, *e.g.*, Act of March 3d, 1791, for raising and adding another Regiment to the Military Establishment of the United States, and for making further provision for the protection of the frontier, 1 Stat. 222; Act of March 5, 1792, 1 Stat. 241 (adding three regiments for three years or until peace with Indian tribes was established); Act of July 16, 1798, 1 Stat. 604 (authorizing the President to raise twelve additional regiments of infantry and six troops of light dragoons during the continuance of differences with the French Republic).

[22] *See*, *e.g.,* Act of March 27, 1794, To provide a naval armament, 1 Stat. 351 ("Whereas the depredations committed by Algerine corsairs render it necessary..." authorizing the building and manning of six ships of specific types, until the establishment of peace with the Regency of Algiers)(amended in 1796 to remove restrictions so that vessels could be used for other purposes, 1 Stat. 453); Act of April 27, 1798, To provide an additional Armament for the protection of the Trade of the United States..., 1 Stat. 552; Act of June 22, 1798, 1 Stat. 569 (authorizing the President "to increase the strength of any revenue cutter, for the purposes of defence, against hostilities near the sea coast" by manning the vessels with up to 70 seamen and marines).

[23] Some proposals explicitly to limit how the vessels could be employed were stricken prior to enactment, but the congressional debates left unclear whether the majority of members thought the restrictions unconstitutional or merely unwise, or whether the absence of specific authority was meant to be a limitation. *See* SOFAER, *supra* note 20, at 147-54. The John Adams Administration interpreted the legislation restrictively, and instructed naval commanders accordingly that their authority was to be "partial and limited." *See id.* at 156.

[24] *See id.* at 129 (noting that offensive actions against Wabash Indians and against a British fort may have exceeded express statutory authorization but were authorized by implication through appropriations).

[25] Act of June 4, 1794, 1 Stat. 372. *See also* Act of June 5, 1794 §§ 7- 8, 1 Stat. 381, 384 (authorizing the President to use armed forces to detain violators and compel foreign ships to depart).

[26] Act of May 28, 1798, 1 Stat. 561. *See also* Act of July 9, 1798, 1 Stat. 578.

[27] Act of March 3, 1799, 1 Stat. 743 (empowering and requiring the President to "cause the most rigorous retaliation to be executed on [French suspects who] have been or hereafter may be captured in pursuance of any of the laws of the United States").

[28] 1 Stat. 572.

[29] Bas v. Tingy, 4 U.S.(Dall.) 37 (1800).

[30] *Id.* at 40. *See also* Talbot v. Seeman, 5 U.S.(Cranch) 1, 28 (1801)("Congress may authorize general hostilities ... or partial hostilities'").

[31] Act of February 6, 1802, 2 Stat.129 (emphasis added). For more examples of authorizations to use force and declarations of war, see CRS Report RL31133, *Declarations of War and Authorizations for the Use of Military Force: Historical Background and Legal Implications*, by Richard F. Grimmett and Jennifer K. Elsea.

[32] Act of June 18, 1812, ch. 102, 2 Stat 755.

[33] *See*, *e.g.*, Bradley Larschan, *The War Powers Resolution: Conflicting Constitutional Powers, The War Powers, and U.S. Foreign Policy,* 16 DENVER J. INT'L L. and POL'Y 33, 45 (1987) (arguing that once Congress has raised an army and appropriated funds for it, "it falls to the President to use the armed forces in his capacity to conduct foreign policy in situations short of war"). The author states that it is "clear that the Congress may prohibit the use of U.S. forces in certain areas by statute," but that "it is the President who orders deployment of the troops." *Id.* at 49.

[34] 1 Stat. 594, 595 (1798).

[35] 4 Stat. 712, 713 (1834).

[36] 2 Stat. 481, 483 (1808).

[37] Gratiot v. United States, 40 U.S. (15 Pet.) 336, 371 (1841)(finding that the President could contract for other services but must pay an additional stipend for them from other funds)

[38] *The Federalist*, No. 69 (Alexander Hamilton).

[39] Fleming v. Page, 50 U.S. (9 How.) 603, 615 (1850).

[40] 6 U.S. (2 Cr.) 170 (1804).

[41] 1 Stat. 613 (1799).

[42] 6 U.S. (2 Cr.) at 177-178.

[43] 4 U.S. (4 Dall.) 37 (1800).

[44] 5 U.S. (1 Cr.) 1, 28 (1801).

[45] 12 U.S. (8 Cr.) 110 (1814).

[46] 67 U.S. (2 Bl.) 635 (1863).

[47] 12 Stat. 326 (1861)(ratifying all "acts, proclamations, and orders" done by the President "respecting the army and navy ... and calling out or relating to the militia").

[48] 67 U.S. (2 Bl.) at 668 ("[The President] does not initiate war, but is bound to accept the challenge without waiting for any special legislative authority."). The minority argued that only congressional authorization could stamp an insurrection with the character of

war. Later, a unanimous Court adopted the majority view. The Protector, 79 U.S. (12 Wall.) 700 (1872).

[49] Act of March 3d, 1863, 12 Stat. 755 (authorizing the suspension of habeas corpus, but with limitations in Union states to those held as prisoners of war; all others were to be indicted or freed.)

[50] Proclamation of September 15, 1863, 13 Stat. 734 (suspending habeas corpus with respect to those in federal custody as military offenders or "as prisoners of war, spies, or aiders and abettors of the enemy").

[51] *Ex parte* Milligan, 71 U.S. (4 Wall.) 2 (1866).

[52] *Id*. at 139 (Chase, C.J., concurring).

[53] *Id*. at 139 ("Congress cannot direct the conduct of campaigns, nor can the President, or any commander under him, without the sanction of Congress, institute tribunals for the trial and punishment of offences, either of soldiers or civilians, unless in cases of a controlling necessity...").

[54] *Id.* at 17 (government argument).

[55] *In re* Neagle, 135 U.S. 1, 64 (1890) (describing the incident and rhetorically asking, "Upon what act of congress then existing can any one lay his finger in support of the action of our government in this matter?"). For further discussion, see LOUIS HENKIN, FOREIGN AFFAIRS AND THE U.S. CONSTITUTION 347-348 (2nd ed. 2002); WORMUTH and FIRMAGE, *supra* note 13, at 154 (stating that the U.S. captain had acted against the President's orders, but that President Pierce justified the action to Congress, which later awarded the captain a medal). In an earlier opinion, the Court had also stated in dictum that one of the privileges of a U.S. citizen is "to demand the care and protection of the Federal government over his life, liberty, and property when on the high seas or within the jurisdiction of a foreign government." *Slaughter-House Cases*, 83 U.S. 36, 79 (1872). It should be noted that Koszta was not a U.S. citizen, but a legal immigrant who had declared an intention to apply for citizenship. Accordingly, an 1868 statute authorizing the use of any means "not amounting to acts of war" to obtain the release of U.S. *citizens* was likely inapplicable. Expatriation Act of July 27, 1868, 15 Stat. 223.

[56] Durand v. Hollins, 8 Fed. Cas. 111 (C.C.S.D.N.Y. 1860) (Nelson, Circuit Justice) (holding that a Navy commander was not civilly liable for damages caused by his forces during an 1854 action to protect U.S. citizens and property in Greytown, Nicaragua). In an opinion by Circuit Justice Nelson, the Court held that the Commander was not liable because the military action was pursuant to a valid exercise of federal authority to be exercised by the President: ...as it respects the interposition of the executive abroad, for the protection of the lives or property of the citizen, the duty must, of necessity, rest in the discretion of the president. Acts of lawless violence, or of threatened violence to the citizen or his property, cannot be anticipated and provided for; and the protection, to be effectual or of any avail, may, not unfrequently, require the most prompt and decided action. Under our system of government, the citizen abroad is as much entitled to protection as the citizen at home. *Id.* at 112.

[57] *See* GAO, Office of Compt. Gen., *President - Authority - Protection of American Lives and Property Abroad*, 55 Comp. Gen. 1081 (1975) (describing historical practice and the weight of scholarly authority as supporting the power of the President to order

military rescue operations in the absence of congressional authorization); Dept. of Justice, Office of Legal Counsel, 4A U.S. OP. OFF. LEGAL COUNSEL 185, *Presidential Power to Use the Armed Forces Abroad Without Statutory Authorization* (1980) (alleging presidential authority to deploy forces to protect, and retaliate for injuries suffered by, U.S. persons and property). For discussion of the deployment of military forces to protect U.S. persons or property, see FISHER,*supra* note 11, at 57-58 (describing historical practice, and noting mid20th century study listing 148 examples of this occurrence); ARTHUR M. SCHLESINGER, JR., THE IMPERIAL PRESIDENCY 54-57 (rev. ed. 2004)(discussing mid-nineteenth century instances where presidents unilaterally committed forces to protect U.S. persons or property). The number and degree to which these actions occurred without congressional authorization is the subject to some debate. *See* WORMUTH and FIRMAGE, *supra* note 13, at 135-51(discussing and disputing validity of various lists of military actions compiled to demonstrate historical prevalence of presidential war-making). For example, some argue that President Jefferson's ordering of the Navy to protect American shipping from Barbary pirates was done without congressional approval, while others view these orders as having been issued pursuant to legislation providing for a "naval peace establishment." *Compare* Dept. of Justice, Off. of Legal Counsel, *supra*, at 187 (describing Jefferson's use of the Navy as a "famous early example" of President's acting without congressional authorization to protect U.S. interests) *with* FISHER, *supra* note 11, at 35-36 (characterizing the orders as being issued pursuant to congressional authorization, and noting that Jefferson denied having inherent authority to commit such acts). Whether such usage would legitimate the authority is also subject to debate. *See* WORMUTH and FIRMAGE, *supra* note 13, at 135.

[58] 299 U.S. 304 (1936).

[59] The Supreme Court had recently held that the Constitution required Congress to elaborate standards when delegating authority to the President. Schechter Poultry Corp. v. United States, 295 U.S. 495 (1935).

[60] 299 U.S. at 319-20.

[61] *See* Haig v. Agee, 453 U.S. 280, 291, 293-294 and n. 24, 307-308 (1981); Sale v. Haitian Centers Council, Inc., 509 U.S. 155 (1993)(construing treaty and statutory provisions as not limiting presidential discretion in interdicting refugees on high seas in the light of the President's "unique responsibility" in foreign and military affairs, citing *Curtiss-Wright*).

[62] *See* Loving v. United States, 517 U.S. 748 (1996).

[63] Youngstown Sheet and Tube Co. v. Sawyer, 343 U.S. 579, 641 (1952).

[64] Justice Jackson's concurrence took note of the fact that *Curtiss-Wright* did not involve a case in which the President took action contrary to an act of Congress. *Id.* at 635-36 and n.2. *Curtiss-Wright*, he said involved, not the question of the President's power to act without congressional authority, but the question of his right to act under and in accord with an Act of Congress. The constitutionality of the Act under which the President had proceeded was assailed on the ground that it delegated legislative powers to the President. Much of the Court's opinion is *dictum*, but the *ratio decidendi* is contained in the following language: When the President is to be authorized by legislation to act in respect of a matter intended to affect a situation in foreign territory, the legislator

properly bears in mind the important consideration that the form of the President's action -or, indeed, whether he shall act at all

[65]   30 WEEKLY COMP. PRES. DOC. 406 (March 2, 1994).

[66]   *See* Interview with Radio Reporters, 1993 PUB. PAPERS 1763-64; *see also* FISHER, *supra* note 11, at 184.

[67]   P.L. 93-148, 87 Stat. 555, codified at 50 U.S.C. § 1541 *et seq. See* CRS Report RL33532, *The War Powers Resolution: Presidential Compliance*, by Richard F. Grimmett.

[68]   *See, e.g. Oversight of the Department of Justice: Hearing Before the Senate Judiciary Committee*, 107th Cong. (2002) (testimony of Attorney General John Ashcroft)(arguing that Congress has no constitutional authority to interfere with the President's decision to detain enemy combatants); *see also* Reid Skibell*, Separation-of-Powers and the Commander in Chief — Congress's Authority to Override Presidential Decisions in Crisis Situations*, 13 GEO. MASON L. REV. 183 (2004)(documenting Bush Administration claims with respect to Congress's lack of power to legislate in matters related to the conduct of the war and arguing that these represent an expansion over prior administrations' claims).

[69]   *See* Hamdi v. Rumsfeld, 542 U.S. 507, 517 (2004).

[70]   Hamdan v. Rumsfeld, 126 S.Ct. 2749 (2006).

[71]   The Court adopted Chief Justice Chase's formulation for allocating war powers, *see id.* at 2773, and Justice Jackson's framework for determining separation-of-powers disputes between the President and Congress, *see id.* at 2774 n.24 ("Whether or not the President has independent power, absent congressional authorization, to convene military commissions, he may not disregard limitations that Congress has, in proper exercise of its own war powers, placed on his powers. The Government does not argue otherwise.")(citation omitted).

[72]   *See* H.R. 1460 (repealing 2002 resolution); H.R. 1262 (same); S. 679 (declaring that objectives of 2002 resolution have been achieved, and requiring redeployment of forces from Iraq); S.J. Res. 3 (establishing expiration date for 2002 resolution); S. 670 (requiring new military authorization unless certain objectives are met); H.R. 930 (repealing 2002 resolution); H.R. 508 (same); H.R. 413 (same).

[73]   Up to that point, the shared American and English tradition suggested that the institution with the power to instigate war was also the body with the power to end it. Blackstone believed that under the English system, "wherever the right resides of beginning a national war, there also must reside the right of ending it, or the power of making peace." 1 WILLIAM BLACKSTONE, COMMENTARIES ON THE LAWS OF ENGLAND 250 (1756). When America declared its independence, it also rejected the monarchial form of government. Nevertheless, the legal document that the Constitution was intended to replace, the Articles of Confederation, expressly accorded the national legislative body with "the sole and exclusive right and power of determining on peace and war." ARTICLES OF CONFEDERATION, art. IX, § 1. Under the Articles, there was neither a national executive nor judicial body.

[74]   FARRAND, *supra* note 17, at 319; *see also* 3 JAMES MADISON, THE PAPERS OF JAMES MADISON 1352 (Henry Gilpin, ed. 1840).

[75] 3 JOSEPH STORY, COMMENTARIES ON THE CONSTITUTION § 1173 (1833); WILLIAM RAWLE, A VIEW OF THE CONSTITUTION OF THE UNITED STATES, 110-111 (2nd ed. 1929). It should be noted that at the time the proposal was rejected, the framers had designated the Senate as the treaty-making body. The President was made part of the treaty-making body several weeks later. FARRAND, *supra* note 17, at 538.

[76] As a practical matter, a requirement that peace be achieved through a treaty between the warring parties would, in certain circumstances, lead to odd results: The President, who is the Commander-in-Chief...and a majority of both branches of Congress, which declares war and maintains the forces necessary for its prosecution, might desire peace yet be unable to obtain it because a third of the Senate plus one Senator were contrary minded. Or our erstwhile antagonist might be the contrary minded one. Or the war might have resulted in the extinction of said antagonist. Such, in fact, was the situation at the close of the Civil War, which accordingly could not be brought to an end in the legal sense by a treaty of peace.... Edward S. Corwin, *Power of Congress to Declare Peace*, 18 MICH. L. REV. 669, 672-673 (1920).

[77] *Id.* at 669. *See also* MADISON, *supra* note 74, at 1352 (quoting delegate Oliver Ellsworth in debate to give Congress the power to "make war").

[78] *See* Corwin, *supra* note 76, at 673.

[79] *Id.* at 674.

[80] A listing of all instances where the U.S. has formally declared war or authorized the use of military force, along with the date and means by which peace was declared or military authorization was terminated, can be found in CRS Report RL31133, *Declarations of War and Authorizations for the Use of Military Force: Historical Background and Legal Implications*, by Richard F. Grimmett and Jennifer K. Elsea.

[81] *E.g.*, Hijo v. United States, 194 U.S. 315 (1904) (recognizing state of war with Spain as ending with ratification of peace treaty); The Protector, 79 U.S. 700 (1871) (relying on presidential proclamations to determine the beginning and ending date of the Civil War); Commercial Trust v. Miller, 262 U.S. 51, 57 (1923) (recognizing congressional act as ending war with Germany). It should be noted that the Civil War is the only "war" which was ended by presidential proclamation. It could be argued that the methods by which the political branches may signal the termination of a domestic insurrection are different than those by which they may end a conflict with a foreign nation.

[82] 335 U.S. 160, 168 (1948) (internal quotations omitted). There are potentially other ways in which peace could be made that were not contemplated by the *Ludecke* Court. *See* CLINTON ROSSITER, THE SUPREME COURT AND THE COMMANDER IN CHIEF 79-80 (1970) (suggesting that a war could also be ended by, among other things, an executive agreement with or without specific congressional authorization).

[83] *Ludecke*, 335 U.S. at 168-169.

[84] Baker v. Carr, 369 U.S 186, 213-214 (1962) (describing the Court's refusal to review the political branches' determination of when or whether a war has ended). *See generally* ROSSITER, *supra* note 82, at 83-89 (discussing Supreme Court jurisprudence upholding political branches' determinations as to the official end of a war, including in cases where actual hostilities ceased several years beforehand).

[85] See CRS Report RL31133, Declarations of War and Authorizations for the Use of Military Force: Historical Background and Legal Implications, by Richard F. Grimmett and Jennifer K. Elsea; see also J. Gregory Sidak, To Declare War, 41 DUKE L.J. 27, 81-86 (discussing historical operation of bicameralism and presentment in the war-making context, along with scholarly views concerning whether presentment is necessary).

[86] U.S. CONST., art. I, § 7, cl. (2)-(3).

[87] *See, e.g.,* P.L. 91-652, § 7(a) (1971) (prohibiting funds appropriated from being used to introduce U.S. ground troops into Cambodia); P.L. 93-50, § 307 (1973) (prohibiting appropriated funds from being used in U.S. combat activities in Indochina after August15, 1973) ; P.L. 103-139, § 8135 (1993) (barring appropriations from being used for combat forces in Somalia after March 31, 1994). For additional examples, see CRS Report RS20775, *Congressional Use of Funding Cutoffs Since 1970 Involving U.S. Military Forces and Overseas Deployments*, by Richard F. Grimmett, and CRS Report RL33803, *Congressional Restrictions on U.S. Military Operations in Vietnam, Cambodia, Laos, Somalia, and Kosovo: Funding and Non-Funding Approaches*, by Amy Belasco, Lynn J. Cunningham, Hannah Fischer, and Larry A. Niksch.

[88] *See* Sidak, *supra* note 85, at 104-105.

[89] P.L. 91-672, § 12 (1971).

[90] P.L. 92-156, § 601(a) (1971).

[91] *E.g.,* P.L. 93-50, §§ 304-307 (1973) (preventing funding expenditures from being used "in or over . . . or off the shores of" Cambodia, Laos, North Vietnam and South Vietnam after August 15, 1973). For further background and examples of funding restrictions proposed and enacted, see CRS Report RS20775, *Congressional Use of Funding Cutoffs Since 1970 Involving U.S. Military Forces and Overseas Deployments*, by Richard F. Grimmett, and CRS Report RL33803, *Congressional Restrictions on U.S. Military Operations in Vietnam, Cambodia, Laos, Somalia, and Kosovo: Funding and Non-Funding Approaches*, by Amy Belasco, Lynn J. Cunningham, Hannah Fischer, and Larry A. Niksch.

[92] This is not to say that every legal challenge to a wartime activity is doomed to failure. In some circumstances, the courts have found unlawful certain military activities involving the seizure of property or the detention of enemy combatants, at least in instances such action was deemed to lack sufficient congressional authorization. *See, e.g.,* Little v. Barreme, 6 U.S. (2 Cr.) 170 (1804) (upholding damage award to owners of U.S. merchant ship seized during quasi-war with France, when Congress had not authorized such seizures); Youngstown Sheet and Tube Co. v. Sawyer, 343 U.S. 579, 641 (1952) (finding unlawful the government seizure of property to settle labor dispute during Korean War); Rasul v. Bush, 542 U.S. 466 (2004) (finding that federal habeas statute applied to persons detained in Guantanamo Bay pursuant to the "war on terror"); Hamdi v. Rumsfeld, 542 U.S. 507 (2004) (persons deemed "enemy combatants" in the "war on terror" have right to challenge detention before a neutral decision-maker); Hamdan v. Rumsfeld, 126 S.Ct. 2749 (2006) (finding that military tribunals convened by presidential order did not comply with the Uniform Code of Military Justice).

[93] In *Baker v. Carr*, 369 U.S. 186 (1962), the Supreme Court described situations where the political question doctrine was implicated: It is apparent that several formulations which vary slightly according to the settings in which the questions arise may describe

a political question, although each has one or more elements which identify it as essentially a function of the separation of powers. Prominent on the surface of any case held to involve a political question is found a textually demonstrable constitutional commitment of the issue to a coordinate political department; or a lack of judicially discoverable and manageable standards for resolving it; or the impossibility of deciding without an initial policy determination of a kind clearly for nonjudicial discretion; or the impossibility of a court's undertaking independent resolution without expressing lack of respect due coordinate branches of government; or an unusual need for unquestioning adherence to a political decision already made; or the potentiality of embarrassment from multifarious pronouncements by various departments on one question. *Id.* at 217.

[94] For background and examples, see CRS Report RL30352, War Powers Litigation Initiated by Members of Congress Since the Enactment of the War Powers Resolution, by David. M. Ackerman.

[95] *See, e.g,* Campbell v. Clinton, 52 F. Supp.2d 34 (D. D.C. 1999) (dismissing action seeking declaration that the President acted unlawfully in ordering air strikes in Kosovo and Yugoslavia without congressional authorization, because impasse had not been reached, as Congress had not barred introduction of U.S. forces or barred appropriations from being used for such purpose).

[96] In a statement upon signing into law legislation containing the Mansfield Amendment, President Nixon claimed that its instructions were non-binding and pledged to continue his own policies for ending the war. Courts reached different conclusions as to the binding nature of the Mansfield Amendment's instructions for withdrawal. In 1972, a district court in the Second Circuit concluded, in an opinion affirmed without opinion by the court of appeals, that the Amendment "had binding force and effect on every officer of the Government...[and] illegalized the pursuit of an inconsistent executive or administration policy." DaCosta v. Nixon, 55 F.R.D. 145 (E.D.N.Y., 1972), *aff'd without opinion*, 456 F.2d 1335 (2nd Cir. 1972). A year later, however, the Second Circuit Court of Appeals, while not deciding the issue, suggested that the binding nature of the Amendment was unsettled, and noted that "weighty constitutional considerations which support the President in his duties as Commander-in-Chief preclude too hasty an adoption of the view" that the Amendment was binding. DaCosta v. Laird, 471 F.2d 1146, 1156-1157 (2nd Cir. 1973).

[97] Fleming v. Mohawk Wrecking and Lumber Co., 331 U.S. 111, 116 (1947). *See also* Berk v. Laird 317 F. Supp. 715, 727-728 (D.C.N.Y. 1970) (discussing Supreme Court jurisprudence recognizing congressional appropriations as authorizing executive activity, and concluding that Congress's appropriations for ongoing military operations in Indochina constituted authorization of those activities). Dept. of Justice, Office of Legal Counsel, 2000 OLC LEXIS 16, *Authorization for Continuing Hostilities in Kosovo* (2000), at * 14-33 (discussing judicial and scholarly recognition of appropriations statutes serving to authorize combat operations) [*hereinafter* "OLC Opinion on Hostilities in Kosovo"].

[98] *See* DaCosta v. Laird, 448 F.2d 1368, 1369 (2nd Cir. 1971), *cert. denied*, 405 U.S. 979 ("In other words, there was sufficient legislative action in extending the Selective Service Act and in appropriating billions of dollars to carry on military and naval

operations in Vietnam to ratify and approve the measures taken by the Executive, even in the absence of the Gulf of Tonkin Resolution."); Orlando v. Laird, 443 F.2d 1039, 1043 (2nd Cir. 1971), *cert. denied*, 404 U.S. 869 ("The framers' intent to vest the war power in Congress is in no way defeated by permitting an inference of authorization from legislative action furnishing the manpower and materials of war for the protracted military operation in Southeast Asia."); Massachusetts v. Laird, 451 F.2d 26, 34 (1st Cir. 1971) (finding that Constitution had not been breached when President acted with support of Congress, including through the appropriation of billions of dollars to support ongoing combat operations); *see also* Berk v. Laird, 317 F. Supp. 715 (E.D.N.Y.1970) (decided prior to repeal of Gulf of Tonkin resolution, but recognizing that continued appropriation of funds as authorization of conflict's continuation).

[99] *See* Holtzman v. Schlesinger, 484 F.2d 1307, 1313-1314 (2nd Cir. 1973), *cert. denied*, 416 U.S. 936 (1974) (finding appropriations legislation gave President sufficient authority to order the bombing of Cambodia, despite claim by some Members of Congress that legislation was "coerced" by presidential veto of appropriations bills that would have immediately cut off funding of such acts); Drinan v. Nixon, 364 F. Supp. 854 (D.C.Mass. 1973) (same).

[100] *Orlando*, 443 F.2d at 1043 (the decision to endorse military action through appropriations rather than direct authorization was "committed to the discretion of the Congress and outside the power and competency of the judiciary, because there are no intelligible and objectively manageable standards by which to judge such actions"); Sarnoff v. Connally, 457 F.2d 809, 810 (9th Cir. 1972), *cert. denied*, 409 U.S. 929 ("Whether a plaintiff challenges the selective service system or the foreign aid and appropriations aspects of congressional cooperation in the present conflict, he presents a political question which we decline to adjudicate."); *Berk*, 317 F. Supp. at 728-729 (recognizing that method that Congress chooses to endorse or authorize action is a political question).

[101] Atlee v. Laird, 347 F.Supp. 689, 706 (D.C.Pa. 1972), *aff'd without opinion*, 411 U.S. 911 (1973).

[102] *Id.*; *Holtzman*, 484 F.2d at 1314 and n.4.

[103] *DaCosta*, 448 F.2d at 1370.

[104] DaCosta v. Laird, 471 F.2d 1146 (2nd Cir. 1973).

[105] *Id.* at 1155.

[106] *Id.* at 1156 (italics added).

[107] *Holtzman*, 484 F.2d at 1309-1310 (2nd Cir. 1973), *cert. denied*, 416 U.S. 936 (1974).

[108] *Id.* at 1313. Specifically, the court noted the language of § 108 of the Joint Resolution Continuing Appropriations for Fiscal 1974, P.L. 93-52, which barred funding for military operations in and around Indochina after August 15, 1973. The Court inferred from this language that military activities at issue in the case before it, occurring before this deadline, were authorized.

[109] *See, e.g.*, Mottola v. Nixon, 318 F. Supp. 538, 540 (1970) (characterizing the extension of the conflict in Vietnam into Cambodia as a "necessary incidental, tactical incursion ordered by the Commander in Chief" that would be authorized so long as the military

operations in Vietnam were found to be authorized), *rev'd on other grounds*, 464 F.2d 178 (9th Cir. 1972)(ordering district court to dismiss for lack of standing).

[110] P.L. 93-148 (1973) [*hereinafter* "War Powers Resolution" or "WPR"]. For further background and explanation of the War Powers Resolution, see CRS Report RL32267, *The War Powers Resolution: After Thirty Years*, by Richard F. Grimmett.

[111] The wording of the War Powers Resolution makes clear that appropriations in support of military operations does not in itself constitute "specific statutory authorization" of those operations for purposes of WPR requirements. *See* WPR § 8(a) (noting that authorization is not to be inferred from provisions "contained in any appropriation Act, unless such provision specifically authorizes the introduction of United States Armed Forces into hostilities ... [and states] that it is intended to constitute specific statutory authorization...").

[112] 462 U.S. 919 (1983).

[113] *Id.* at 951.

[114] *Id.* at 967, 1003 (White, J., dissenting).

[115] *See, e.g.,* Senate Foreign Relations Comm. Rep., Persian Gulf and the War Powers Resolution, S.Rept. No. 106, 100th Cong., 1st Sess., at 6 (1987) (describing § 5(c) as being "effectively nullified" by the *Chadha* decision); HENKIN, *supra* note 55, at 126-127 (recognizing invalidation of § 5(c) by *Chadha* and describing arguments to the contrary as "plausible but not compelling"); WORMUTH AND FIRMAGE, *supra* note 13, at 222 (noting that the reasoning of *Chadha* "apparently invalidates secion 5(c) of the War Powers Resolution"); Ronald D. Rotunda, *the War Powers Act in Perspective,* 2 MICH. L. and POL'Y REV. 1, 8 (1997) (claiming that most "scholars have concluded that...[§ 5(c)] is unconstitutional ever since *INS v. Chadha*). In contrast, some have argued that neither a declaration of war nor a subsequent rescission of authorization to use force constitutes an "ordinary" act of legislation falling under the requirements of the Presentment Clause. *See* Stephen L. Carter, *The Constitutionality of the War Powers Resolution*, 70 VA. L. REV. 101, 130-132 (1984). The legitimacy of this argument is untested and highly controversial, as Congress has always presented a declaration of war or authorization to use military force to the president. Further, even assuming *arguendo* that a declaration of war does not need to be presented to the President, it is not necessarily clear that legislation ending hostilities would also not require presentment. *See* HENKIN, *supra* note 55, at 127, 379; Carter, *supra*, at 130-132 (describing weaknesses of argument against presentment requirement); *see also* Sidak, *supra* note 85, at 84-85 (discussing historical and scholarly view that presentment is necessary).

[116] The requirement in § 5(b) does not apply in cases in which Congress "is physically unable to meet as a result of an armed attack upon the United States." 50 U.S.C. § 1554. The 60-day deadline is automatically extended for thirty days "if the President determines and certifies to the Congress in writing that unavoidable military necessity respecting the safety of United States Armed Forces requires the continued use of such armed forces in the course of bringing about a prompt removal of such forces."

[117] P.L. 107-243, § 5 (c) ("Congress declares that this section is intended to constitute specific authorization within the meaning of section 5(b) of the War Powers Resolution.").

[118] *See DaCosta*, 448 F.2d at 1369 (the repeal of Gulf of Tonkin resolution " did not wipe out its history nor could it have the effect of a *nunc pro tunc* action").

[119] P.L. 93-148, §§ 4(a), 5(b). The reporting requirement in § 4(a), which begins the sixty-day withdrawal deadline, also comes into effect in the event troops are introduced in "numbers which substantially enlarge United States Armed Forces equipped for combat already located in a foreign nation." However, it appears that the deadline only applies if the report was made necessary due to circumstances described in § 4(a)(1), where troops are initially introduced into hostilities. *See* MICHAEL J. GLENNON, CONSTITUTIONAL DIPLOMACY 103 (1990)(explaining that the omission of a requirement for the President to specify whether a report is submitted pursuant to § 4(a)(1) or § 4(a)(2) or (3) makes it impossible to know whether the sixty-day time period has been triggered).

[120] In addition, it could be argued that even if Congress repealed the AUMF, the subsequent appropriation of funds in support of military operations would constitute legal authorization for such activity — at least in circumstances where Congress intended appropriations to support further hostilities, rather than simply to protect troops already in the field. *See* OLC Opinion on Hostilities in Kosovo, *supra* note 97, at * 33-52 (discussing instances in which appropriations suggest a clear intent by Congress to authorize further hostilities, and arguing that the WPR " cannot be read to deny legal effect to...[the] clear intent" of Congress to use appropriations measures to authorize further hostilities).

[121] *See* GLENNON, *supra* note 119, at 104 (noting efforts with respect to Lebanon in 1983, P.L. 98-119, and Grenada, in which case no such final triggering legislation emerged, despite both Houses having passed measures to that effect). The necessity for separate legislation to trigger the triggering provision, subject as it is to presidential veto, seems to defeat the purpose for § 5(b). *See id.* at 105 (opining that the provision's "central objective was to create a self-activating mechanism to control abuse of presidential discretion in the event Congress lacked the backbone to do so").

[122] *See supra* at 9-15.

[123] For example, even after Congress enacted legislation cutting off funding for all combat operations in Indochina, President Ford's subsequent use of military forces to evacuate U.S. citizens and third country nationals was not seriously questioned, nor was a subsequent authorization of an operation to rescue the crew of the *Mayaguez* from Cambodian territory (a mission which was reported to Congress following the procedures of the War Powers Resolution, but only after the operation was completed). For background on congressional attitudes towards these rescue missions, see FISHER, *supra* note 11, at 157-158. *See also* Rappenecker v. United States, 509 F.Supp. 1024, 1030 (D.C. Cal. 1980). The *Rappenecker* case involved a civil suit by former crewmen of the *Mayaguez* for injuries they received during their rescue. Although the President ordered their rescue in the absence of prior congressional authorization, the Court assumed that the order was constitutionally valid. *Id.*

[124] For examples of such measures and a discussion of the context in which they were enacted, see CRS Report RS20775, *Congressional Use of Funding Cutoffs Since 1970 Involving U.S. Military Forces and Overseas Deployments*, by Richard F. Grimmett, and CRS Report RL33803, *Congressional Restrictions on U.S. Military Operations in Vietnam, Cambodia, Laos, Somalia, and Kosovo: Funding and Non-Funding*

Approaches, by Amy Belasco, Lynn J. Cunningham, Hannah G. Fischer, and Larry A. Niksch. *See also, e.g.*, Louis Fisher, *How Tightly Can Congress Draw the Purse Strings?*, 83 AM.J.INT'L. L. 758 (1989), and Tiefer, *supra* note 4.

[125] *See* P.L. 91-672, § 12, 84 Stat. 2053 (repealing Gulf of Tonkin Resolution); P.L. 92-156, § 601(a), 85 Stat. 423, 430 (Mansfield Amendment); *see also* P.L. 92-156, § 501(a), 85 Stat. 423, 427 (1971) (Fullbright proviso).

[126] *E.g.,* P.L. 98-473, § 8066, 98 Stat. 1904, 1935 (1984); *see* 133 Cong Rec. 15664-15701 (June 15, 1987) (detailing various forms of the Boland Amendment that were enacted).

[127] *See, e.g.*, 31 U.S.C. chap. 15, subchap. III "Transfers and Reimbursements" for provisions that authorize transfers of funds, including the Economy Act, 31 U.S.C. §§ 1535 and 1536, which allows an agency to transfer funds to another agency if the receiving agency can provide or get by contract goods or services less expensively or more conveniently than the ordering agency can get goods or services by a contract with a commercial enterprise. Transfer authority also is included in some other provisions of the United States Code that apply to individual departments and agencies and sometimes in appropriations acts.

[128] See John V. Sullivan, House Parliamentarian, Constitution, Jefferson's Manual, and Rules of the House of Representatives One Hundred Ninth Congress, H. DOC. 108-241, at § 1053 (2005).

[129] *See id.* at §§ 1053-57 for an explanation of limitations.

[130] *Id.* at § 1058.

[131] Floyd M. Riddick, Senate Parliamentarian Emeritus, and Alan S. Frumin, Senate Parliamentarian, *Riddick's Senate Procedure: Precedents and Practices*, S. DOC. 101-28, at 101 et seq. (1992).

[132] GOVERNMENT ACCOUNTABILITY OFFICE, OFFICE OF GENERAL COUNSEL, I PRINCIPLES OF APPROPRIATIONS LAW 2-34 (3d ed. 2006) (footnotes omitted).

[133] *Id.* at 2-36.

[134] GOVERNMENT ACCOUNTABILITY OFFICE, OFFICE OF GENERAL COUNSEL, II PRINCIPLES OF APPROPRIATIONS LAW, 6-162 (3d ed. 2006).

[135] *Id.* at 6-163.

[136] *Id.* at 6-62.

[137] *Id.* at 6-78.

[138] *Id.* at 6-141.

[139] 6 U.S.C. § 468 transfers the Coast Guard to the Department of Homeland Security, but a corresponding change to 41 U.S.C. § 11 has not been enacted.

[140] *See* LOUIS FISHER, PRESIDENTIAL SPENDING POWER 238-247 (1975) for an explanation of the Feed and Forage Act.

[141] *See* Secretary of Defense (Comptroller), *Budget Execution Flexibilities, Fiscal Year 2005* (2004), *available at* [http://www.dod.mil/comptroller/execution/Final_Budget_Execution.pdf].

[142] The House agreed to its version of H.R. 1591 by a vote of 218 to 212 on March 23, 2007. 153 CONG. REC. H2999 (daily ed. March 23, 2007). On March 29, 2007, the Senate agreed to its version of H.R. 1591 by a vote of 51 to 47. 153 CONG. REC. S4093 (daily ed. March 29, 2007). The House agreed to the conference report to accompany H.R. 1591 on April 25, 2007, by a vote of 218 to 208. 153 CONG. REC. H4157-H4158 (daily ed. April 25, 2007). See 153 CONG. REC. H3823 (daily ed. April

24, 2007) for a reprint of the conference report, H.Rept. 110-107. The Senate agreed to the conference report on April 26, 2007, by a vote of 51 to 46. 153 CONG. REC. S5153 (daily ed. April 26, 2007). For a comprehensive discussion of H.R. 1591 and the status of followup legislation, see CRS Report RL33900, *FY2007 Supplemental Appropriations for Defense, Foreign Affairs, and Other Purposes*, by Stephen Daggett, Amy Belasco, Pat Towell, Susan B. Epstein, Connie Veillette, Curt Tarnoff, Rhoda Margesson, and Bart Elias.

[143] See 153 CONG. REC. H4315 (daily ed. May 2, 2007) for a reprint of the veto message.

[144] *Id.* at H4326.

[145] The House divided the question and held two votes; the first one on $10.8 billion in congressional additions to the request by the Department of Defense passed by a vote of 348 to 73, and the second one on $88.5 billion requested by DOD passed by a vote of 280 to 142. See 153 Cong. Rec. H5909-5911 (daily ed. May 25, 2007, which continued proceedings of May 24) for these votes and 153 Cong. Rec. H5776-H5800 and H5801-5805 (daily ed. May 25, 2007) for the text of the first and second amendments, respectively. The Senate agreed to H.R. 2206 by a vote of 80 to 14. 153 Cong. Rec. S6823 (daily ed. May 24, 2007).

[146] The House agreed to its May 10 version of H.R. 2206 by a vote of 221 to 205. See 153 Cong. Rec. H4831-H4854 and H4866-H4867 (daily ed. May 11, 2007) for the text and vote on H.R. 2206, respectively.

[147] The Senate agreed to its May 17 version of H.R. 2206 by a vote of 94 to 1. See 153 Cong. Rec. S6218-6219 (daily ed. May 17, 2007) for the text and vote on H.R. 2206, respectively.

[148] See 153 Cong. Rec. H4796 and H4807 (daily ed. May 10, 2007) for the text and vote on H.R. 2337, respectively.

[149] The House agreed to H.Res. 438 by a vote of 218 to 201. See 153 Cong. Rec. H 5730 and 5748 for the text and vote on H.Res. 438, respectively.

[150] U.S. CONST. art. I, § 8.

[151] *See, e.g.,* H.R. 1591 (as passed by both Houses and vetoed by the President) , §§ 19021903 (limiting deployment of U.S. troops to Iraq); S.Amdt. 2012 to H.R. 1585 (requiring minimum periods between deployment for units and members of the armed forces for Operation Iraqi Freedom and Operation Enduring Freedom); H.R. 1234 (barring funds from being appropriated for further deployment of U.S. military personnel to Iraq); S. 670 (limiting funds for deployment of additional U.S. troops to Iraq unless Secretary of Defense certifies that troops are adequately trained and prepared).

[152] *See* Rivkin and Casey, *supra* note 4 ("Congress cannot, in other words, act as the president's puppet master, and so long as currently authorized and appropriated funding lasts, the president can dispatch additional troops to Iraq with or without Congress's blessing.").

[153] 38 Stat. 1078.

[154] P.L. 73-266, 48 Stat. 815, 816.

[155] P.L. 80-436, 62 Stat. 70-71.

[156] 47 Stat. 1516, § 12.

[157] P.L. 76-783, § 3(e), 54 Stat. 885, 886.

[158] P.L. 79-54, § 2, 59 Stat. 166-67.

[159] P.L. 80-759, § 4(h), 62 Stat. 604, 608.

[160] P.L. 82-51, § 1(d), 65 Stat. 75, 78.

[161] 70A Stat. 375-76.

[162] 70A Stat. 376.

[163] 98 P.L. 525, § 1002(c)(1), 98 Stat. 2575.

[164] P.L. 101-510, 104 Stat. 1546 (1990).

[165] P.L. 102-484, § 1302, 106 Stat. 2545.

[166] For example, some have suggested that Congress could not bar the President from using military force to respond to a foreign invasion. *See* Sidak, *supra* note 85, at 51-55.

[167] *See* Tiefer, *supra* note 4, at 310-12 (outlining possible arguments for differentiating between authorized and unauthorized wars).

[168] *See* Jonathan L. Entin, *The Dog That Rarely Barks: Why the Courts Won't Resolve the War Powers Debate*, 47 CASE W. RES. L. REV. 1305 (1997)(explaining paucity of court decisions regarding war powers).

[169] *See* Stith, *supra* note 9, at 1387 (noting that courts have declined to enforce executive compliance with appropriations limitations, "particularly in areas where the Executive's powers constitutional are significant").

[170] Baker v. Carr, 369 U.S. 186, 211-12 (1962) (noting that justiciability of a foreign affairs matter is determined "in terms of the history of its management by the political branches, of its susceptibility to judicial handling in the light of its nature and posture in the specific case, and of the possible consequences of judicial action"); Powell v. McCormack, 395 U.S. 486, 521 (1969)(making "a textually demonstrable constitutional commitment of the issue to a coordinate political department" the dominant factor for determining justiciability).

[171] Massachusetts v. Laird, 451 F.2d 26, 31-32 (1st Cir. 1971)("The Congress may without executive cooperation declare war, thus triggering treaty obligations and domestic emergency powers. The executive may without Congressional participation repel attack, perhaps catapulting the country into a major conflict. But beyond these independent powers, each of which has its own rationale, the Constitutional scheme envisages the joint participation of the Congress and the executive in determining the scale and duration of hostilities."). Another court found justiciable the question of whether military operations were constitutional, proclaiming the test to be "whether there is any action by the Congress sufficient to authorize or ratify the military activity in question," Orlando v. Laird, 443 F.2d 1039 (2d Cir. 1971), *cert. denied*, 404 U.S. 869 (1971). The same court, however, found a determination of the effects of Congress's repeal of the Gulf of Tonkin Resolution to be a non-justiciable political question. DaCosta v. Laird, 448 F.2d 1368 (2d Cir. 1971), *cert. denied* 405 U.S. 979 (1972).

[172] Davi v. Laird, 318 F.Supp. 478, 480 (W.D. Va. 1970).

[173] *See* Rivkin and Casey, *supra* note 4; *see also* Rosen, *supra* note 15, at 14-18 (outlining theories but questioning their validity).

[174] Marbury v. Madison, 5 U.S. (1 Cr.) 137 (1803)(Congress may not enlarge the original jurisdiction of the Supreme Court); United States v. Klein, 80 U.S. (8 Wall.) 128 (1872) (Congress may not nullify effects of a presidential pardon or prescribe a rule of decision in a court case); United States v. Lovett, 328 U.S. 303 (1946)(Congress may not create a bill of attainder by means of an appropriations measure denying money to pay salaries

of named officials); Reid v. Covert, 354 U.S. 1 (1957)(Congress may not displace judicial role by subjecting civilians to military courts-martial during time of peace); INS v. Chadha, 462 U.S. 919 (1983)(Congress may not invalidate executive decisions by one-house "legislative veto").

[175] For example, in *United States v. Klein*, the Supreme Court invalidated a statute that prohibited the Court of Claims from receiving evidence of a presidential pardon in support of a claim against the government, finding the law interfered with the judicial power and the President's pardon power. However, the Court upheld a statute that prohibited payment of the same claims out of the Treasury. Hart v. United States, 118 U.S. 62 (1886). Congress's failure to appropriate funds for constitutionally mandated activities might itself be unconstitutional, but neither the courts nor the President would have the authority in such a case to mandate the expenditure of funds from the Treasury for the activity. *See* Stith, *supra* note 9, at 1351.

[176] *See, e.g.,* John Norton Moore, *Do We Have an Imperial Congress?*, 43 U. MIAMI L. REV. 139, 145 and n25 (1988)("Congress cannot condition funding or authority for the President to act in the foreign affairs arena upon the President's surrender of his own constitutionally grounded duties and privileges.").

[177] *See* Rivkin and Casey, *supra* note4 ("Under our constitutional system ... the power to cut off funding does not imply the authority to effect lesser restrictions, such as establishing benchmarks or other conditions on the president's direction of the war.").

[178] *See* Tiefer, *supra* note4, at 314-15 (describing the Nixon Administration's legal rationale for expanding the Vietnam conflict into Cambodia and Laos).

[179] *See* Rosen, *supra* note 15, at 14-18 (summarizing theories).

[180] *See* Dames and Moore v. Regan, 453 U.S. 654 (1981) (executive agreements settling claims with Iran subsequent to the 1979-1981 hostage crisis held to be within President's power, in part because of unbroken historical practice of Congress acceding to Presidential settlement of foreign claims by executive agreement).

[181] *See* H. Jefferson Powell, *The President's Authority over Foreign Affairs: An Executive Branch Perspective*, 67 GEO. WASH. L. REV. 527, 565-75 (1999)(surveying historical examples of disagreements involving commander-in-chief powers).

[182] In one case, the Supreme Court agreed with the Court of Claims that a law passed pursuant to Congress's authority to regulate the armed forces could not restrict a President's commander-in-chief powers, and interpreted the statute accordingly. In *Swaim v. United States*, 165 U.S. 553 (1897), an officer challenged his court-martial on the grounds that it had been ordered by the President himself, where contemporary statute provided for the convening of courts-martial by certain commanders. The Court held the President had the inherent authority to convene courts-martial, citing with approval the legislative record describing the Articles of War as "not [intended] to exclude the inherent power residing in the president of the United States under the Constitution." *Id.* at 557. The Senate Committee explained further In this state of the history of legislation and practice, and in consideration of the nature of the office of commander in chief of the armies of the United States, the committee is of opinion that the acts of congress which have authorized the constitution of general courts-martial by an officer commanding an army, department, etc., are, instead of being restrictive of the power of the commander in chief, separate acts of legislation, and merely provide for the constitution of general courts-martial by officers subordinate to the commander in

chief, and who, without such legislation, would not possess that power, and that they do not in any manner control or restrain the commander in chief of the army from exercising the power which the committee think, in the absence of legislation expressly prohibitive, resides in him from the very nature of his office, and which, as has been stated, has always been exercised. *Id*. at 557-58. Even recognizing the inherent power of the president to convene courts-martial, however, the Court proceeded to explore whether the Articles of War had been properly applied. The case appears to demonstrate that Congress may regulate the exercise of inherent commander-in-chief powers as long as it does not extinguish them completely.

[183] *See* Little v. Barreme, 6 U.S. (2 Cr.) 170 (1804); *Ex parte* Milligan, 71 U.S. (4 Wall.) 2 (1866); Youngstown Sheet and Tube Co. v. Sawyer, 343 U.S. 579 (1952); Hamdan v. Rumsfeld, 126 S.Ct. 2749 (2006).

[184] *See* Powell*, supra* note 181, at 552-53.

[185] *See* Tiefer, *supra* note 4, at 312 (providing examples of the "say no, but keep the dough" approach for circumventing appropriations limitations viewed as unconstitutional); Powell, *supra* note 181, at 553 (describing executive branch formula for determining the effect on an appropriation of an invalid condition to be based on "whether Congress's main purpose in enacting the appropriation was to create a means of forcing the congressional policy embodied in the condition on the President").

Chapter 2

IRAQ: GOVERNMENT FORMATION AND BENCHMARKS[*]

Kenneth Katzman

ABSTRACT

Elections in 2005 produced a permanent constitution and a broad-based but Shiite-led government that has been unwilling or unable to take major steps to reduce Sunni popular resentment. That assessment generally comports with findings of a congressionally mandated (P.L. 110-28, FY2007 supplemental appropriation) progress report released July 12, 2007. The Iraqi government is showing significant signs of fragmentation. See CRS Report RL31339, *Iraq: Post-Saddam Governance and Security*, by Kenneth Katzman.

After deposing Saddam Hussein militarily in April 2003, the Bush Administration linked the end of U.S. military occupation to the adoption of a new constitution and national elections, tasks expected to take two years. Prominent Iraqis persuaded the Administration to accelerate the process, and sovereignty was given to an appointed government on June 28, 2004. A government and a permanent constitution were voted on thereafter, as stipulated in a March 8, 2004, Transitional Administrative Law (TAL).[1]

ELECTIONS AND CONSTITUTIONAL REFERENDUM IN 2005

The first election (January 30, 2005) was for a 275-seat transitional National Assembly, a provincial assembly in each of Iraq's 18 provinces (41 seats each; 51 for Baghdad), and a Kurdistan regional assembly (111 seats). The election system was proportional representation (closed list) – voters chose among "political entities" (a party, a coalition of parties, or individuals). A female candidate occupied every third position on electoral lists in order to ensure 25% female membership. A total of 111 entities were on the national ballot of which nine were multi-party coalitions. The cost was about $250 million – $130 million, funded by

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[*] Excerpted from CRS Report RS21968, dated July 13, 2007.

international donors including the United States, which paid $40 million to improve Iraqi election capacity; $42.5 million for monitoring by Iraqis (international monitoring was limited in all the elections in 2005); and $40 million for political party development. In this and the December election, Iraqis abroad were eligible to vote. The International Organization for Migration (IOM) ran "out-of country voting" (OCV) in Australia, Canada, Denmark, France, Germany, Iran, Jordan, Sweden, Syria, Turkey, UAE, Britain, Netherlands, and the United States. About 275,000 Iraqi expatriates (Iraqi father) registered, and about 90% voted. OCV cost $92 million ($11 million was for U.S.-based voting), but no U.S. funds were spent for OCV.

In all the 2005 votes, vehicle traffic was banned, Iraq's borders were closed, and polling centers were guarded primarily by Iraq's security forces (ISF), with U.S. forces as backup. Violence did not materially disrupt the voting. The January election was dominated by the Shiite Islamist "United Iraqi Alliance" (UIA), the Kurds, and a few secular parties. The UIA bloc was underpinned mainly by the Supreme Council for the Islamic Revolution in Iraq (SCIRI) - which in May 2007changed its named to the Supreme Islamic Council of Iraq (SICI) – and the Da'wa Party. The two main Kurdish parties, the Patriotic Union of Kurdistan (PUK) and the Kurdistan Democratic Party (KDP) offered a joint 165-candidate list. Interim Prime Minister Iyad al-Allawi filed a six-party, 233-candidate "Iraqi List" led by his secular Iraqi National Accord (INA) party. Sunni Arabs (20% of the overall population), perceiving electoral defeat, mostly boycotted and won only 17 seats spread over several lists and very few seats on the provincial councils (only one seat on Baghdad's 51-seat provincial council, for example). During April and May2005, the factions formed a government that U.S. officials said was not sufficiently inclusive of Sunnis, even though it had Sunnis as Assembly speaker, one of two deputy presidents, one of three deputy prime ministers, Defense Minister, and five other ministers. The two top positions went to PUK leader Jalal Talabani (President) and Da'wa leader Ibrahim al-Jafari (Prime Minister).

Permanent Constitution and Referendum

The elected Assembly was to draft a constitution by August 15, 2005, to be put to a referendum by October 15, 2005, subject to veto by a two-thirds majority of voters in any three provinces. The Assembly appointed (May 10, 2005) a 55-member drafting committee which included only two Sunni Arabs, prompting Sunni resentment, although 15 Sunnis were later added as committee members, with 10 more as advisors. The talks produced a draft on August 28 that set a December 31, 2007, deadline to resettle Kurds in Kirkuk and to hold a referendum on whether Kirkuk will join the Kurdish region (Article 140); designated Islam "a main source" of legislation and said no law can contradict the "established" provisions of Islam (Article 2);[2] set a 25% electoral goal for women (Article 47); allowed families to choose which courts to use for family issues such as divorce and inheritance (Article 39); made only primary education mandatory (Article 34); and said that the federal supreme court would include Islamic law experts and civil law judges and experts (Article 89). These provisions concerned many women who fear that too much discretion was given to males of their families.

The major disputes centered (and continue) on the draft's provision allowing two or more provinces together to form new autonomous "regions" and on provisions to allocate oil

revenues. Article 117 allowed each "region" to organize internal security forces, which would legitimize the fielding of sectarian (presumably Shiite) militias, in addition to the Kurds' *peshmerga* (allowed by the TAL). Article 109 required the central government to distribute oil and gas revenues from "current fields" in proportion to population, and gave "regions" a role in determining allocation of revenues from new energy discoveries. Sunni negotiators opposed the draft on these grounds; Sunni dominated areas of Iraq have few oil or gas deposits, although some oil fields are said to lie in Anbar Province. Article 62 established a "Federation Council," a second chamber of size and powers to be determined by subsequent law (not passed, to date).

With contentious provisions unresolved, Sunnis registered in large numbers (70%‑85%) to try to defeat it, prompting a U.S.-mediated agreement (October 11) providing for a panel to propose amendments within four months after a post-December 15 election government took office (Article 137). The amendments would require a majority Assembly vote of approval and, within another two months, would be put to a referendum under the same rules as the October 15 referendum. The compromise did not reduce Sunni opposition and, in the referendum, the Sunni provinces of Anbar and Salahuddin had a 97% and 82% "no" vote, respectively. Mostly Sunni Nineveh province voted 55% "no," which meant that the constitution was adopted (only two provinces, not three, voted "no" by a two-thirds majority).

December 15, 2005 Elections

The next step was the election of a permanent government, to take place on December 15, 2005, with the new government to take office by December 31, 2005. In these elections, under a formula that attracted Sunni participation, each province contributed a pre-determined number of seats to a "Council of Representatives" (COR). Of the 275-seat body, 230 seats were allocated this way, with 45 "compensatory" seats for entities that would have won additional seats had the election constituency been the whole nation. 361 political "entities" registered: 19 were coalition slates (spanning 125 parties), and 342 were other "entities" (parties or individuals). The UIA slate formally included Sadr's faction as well as other hard line Shiite parties including *Fadilah* (Virtue). Former Prime Minister Allawi's mostly secular 15-party "Iraqi Nation" slate was broader than his January 2005 list, adding several smaller secular parties. The Kurdish alliance remained roughly intact.

The major Sunni slate was a three-party "Iraq Consensus Front" led by the Iraq Islamic Party (IIP), which had entered but then withdrew from the January elections. Another major Sunni faction (Saleh al-Mutlak's National Iraqi Dialogue Front) ran separately. The hardline Muslim Scholars Association (MSA) did not participate, although it did not, as it had in January, call for a Sunni boycott. Violence was minor because Sunni insurgents, supporting greater Sunni representation, facilitated the voting. As shown in the table, results suggest that voters chose lists representing their sects and regions, not ideological platforms.

The COR was inaugurated on March 16, and was quickly engulfed in factional wrangling. With 181 seats combined (nearly two thirds of the COR), the UIA and the Kurds continued to dominate. However, Kurdish and other opposition caused the UIA to agree to Jafari's Da'wa deputy, Nuri Kamal al-Maliki, as Prime Minister, who was perceived as more sympathetic to Kurdish national aspirations. On April 22, the COR approved Talabani to continue as president, and selected his two deputies — SICI's Adel Abd al-Mahdi

(incumbent) and Consensus Front/IIP leader Tariq al-Hashimi. Another Consensus Front figure, the hardline Mahmoud Mashhadani (National Dialogue Council party), was chosen COR speaker. Maliki won COR majority vote approval of a 36 member cabinet (including deputy prime ministers) on May 20, 2006. Three key slots (Defense, Interior, and National Security) were not filled permanently until June 8 because of infighting. Kurdish official Barham Salih and Sunni Arab Salam al-Zubaie are deputy prime ministers. Of the 34 ministerial posts, there are eight Sunnis; seven Kurds; eighteen Shiites; and one Christian. Four are women.

IRAQI PERFORMANCE ON MAJOR "BENCHMARKS" AND U.S. POLICY

In August 2006, the Administration and the Iraqi government agreed on a series of "benchmarks" that, if adopted and implemented, should achieve reconciliation among the major communities. Congress subsequently made progress on these and other benchmarks (a total of eighteen) – as certified in July 15 and September 15, 2007 Administration reports – a requirement for the United States to provide $1.5 billion in Economic Support Funds (ESF) to the Iraqi government, under Section 1314 of the FY2007 supplemental appropriation (P.L. 110-28). If little or no progress is made, the president may provide the aid if he provides written justification for doing so. A separate assessment of Iraqi progress is mandated to be provided by the Comptroller General, and an assessment of the Iraqi security forces (ISF) is to be performed by an outside commission (headed by ret. Gen James Jones). As noted in the July 15, 2007 progress report (released July 12) and discussed below, none of the most significant political reconciliation benchmarks have been completed, but several are in advanced stages of negotiation and some of the minor political milestones showed progress. The dates below reflect the original political benchmarks (and deadlines) as pledged by Iraqi leaders.

(1) *By September 2006, formation of a committee to review the constitution under the special amendment process (Article 137) promised; approval of a law to implement formation of regions; approval of an investment law; and approval of a law establishing the Independent High Electoral Commission (IHEC).* The constitution review committee was appointed in November 2006, and made partial recommendations in late May 2007; it was given a new deadline of July 2007 (beyond the May 15 deadline) to finish its draft. Major decisions on presidential powers, powers of individual regions, and on the status of Kirkuk (which the Kurds want to affiliate with their region) await compromise by major factions. An investment law (not one of the P.L. 11028 benchmarks) was adopted in October 2006. The regions law was adopted October 12, 2006, although, to mollify Sunni opposition, major factions agreed to delay the formation of new regions for 18 months. The IHEC law was passed on January 23, 2007, and the nine election commissioners have been appointed.

(2) *By October 2006, approval of a provincial election law; and approval of a new oil law.* No agreement has been reached on a provincial election law – considered key to easing Sunni resentment because the current councils, which expire in January 2009, have few Sunnis on them. (The Sunnis boycotted the January 2005 elections that formed the councils.) A draft law stipulating the powers of the provinces has received two readings in parliament, although differences remain on the powers of the provincial governors and related issues.

On February 26, 2007, Iraq's cabinet passed a draft framework oil law that would set up a broad Federal Oil and Gas Council that would review exploration contracts signed with foreign energy companies, including those signed by Iraq's regions. However, implementing laws need to be adopted simultaneously, including a law on sharing oil revenues among Iraq's communities, a law regulating the dealings with foreign energy firms, and a law delineating how Iraq's energy industry will run ("INOC law" - Iraq National Oil Company). The Kurds vigorously oppose the draft INOC law, which the Kurds say was drafted secretly, because it puts 93% of Iraq's oil fields under state control. Poorer Shiites opposed the draft framework law on the grounds that it would yield too much control over Iraq's main natural resource to foreign firms – a provision of the draft gives seats on the Federal Oil and Gas Council to foreign energy firms. Sunnis oppose it because the Shiites and Kurds would have determinative power over energy contracts and likely revenue distribution. Some movement came in late June 2007 when the Kurds reportedly agreed to a 17% share of oil revenues collected, to be deposited in a separate account at the Central Bank.

(3) *By November 2006, approval of a new de-Baathification law and approval of a flag and national anthem law.* The De-Baathification reform law remains stalled; members of the Supreme National De-Baathification Commission, claiming support from revered Shiite leader Ayatollah Ali al-Sistani, expressed opposition to a draft reform law reportedly agreed to in late March 2007 by President Talabani and Prime Minister Maliki. The draft would have allowed all but members of the three highest Baath Party levels to return to their jobs or obtain pensions. However, on April 7, 2007, Maliki ordered pensions be given to senior officers in the Saddam-era military and permission for return to service of lower ranking soldiers.

(4) *By December 2006, approval of laws to curb militias and to offer amnesty to insurgent supporters.* No progress is evident to date because militias, concerned about the general lack of security, are unwilling to disarm. Others say the Shiite-led government fears that Sunnis are plotting to return to power and that offering amnesty to Sunni insurgent supporters would only accelerate that process. U.S. officials say Maliki has verbally committed to a militia demobilization program, and an executive director of the program was named on May 12, 2007, but committee members have not yet been appointed and a demobilization work plan is not drafted. The July 12, 2007 progress report says that the pre-requisites for these laws are not in place, given the security environment.

(6) *By February 2007, the formation of independent commissions to oversee governance.* No progress has been reported to date. (This is not one of the P.L. 110-28 benchmarks.)

(8) *By April 2007, Iraqi assumption of control of its military.* Six of the ten Iraqi Army divisions are now under Iraqi control. (The P.L. 110-28 benchmarks do not include this milestone, but instead require progress creating units capable of operating independently. Progress was judged unsatisfactory in the July 12 report. Other security benchmarks and progress on those are discussed in CRS Report RL31339.)

(10) *By September 2007, Iraqi security control of all 18 provinces.* Iraq Security Forces now have security control for the provinces of Muthanna, Dhi Qar, Najaf, Maysan, Irbil, Sulaymaniyah, and Dohuk - the latter three are Kurdish provinces turned over May 30, 2007. (Not a P.L. 110-28 benchmark.)

(11) *By December 2007, Iraqi security self-reliance.* (Not a P.L. 110-28 benchmark.)

Other security related benchmarks required by P.L. 110-28 center around reducing sectarian behavior in the Iraqi security forces and in assisting the Baghdad security plan (for

example providing three Iraqi brigades and an unspecified number of police commandos and regular police to Baghdad, setting up joint security stations, and making available over $10 billion in reconstruction funds). The July 12, 2007 progress report gives Iraq generally favorable assessments of cooperation with the Baghdad security but almost universally unsatisfactory reviews on such indicators as reducing militia influence, ensuring even handed law enforcement by the security forces, and excluding political/sectarian influence from military operations.

Political Fragmentation

As U.S. pressure on the Iraqi government grows while sectarian violence continues, splits within the power structure are widening; some believe it might collapse. In March 2007, the Fadilah Party left the UIA on the grounds that it is not represented in the cabinet. Six Sadrist cabinet members (Health, Transportation, and Agriculture; as well as three ministers of state) resigned on April 16, 2007 and Maliki has named independent Shiites to replace them (although they have not been confirmed by the COR, to date). Sadr himself - formerly a strong ally of Maliki returned to Iraq from Iran in May 2007 (he might now have returned to Iran), challenging the U.S. "occupation." The Sadr bloc remained in parliament until the June 13, 2007 second bombing of the Grand Mosque in Samarra (the first was in February 2006) prompted a renewed Sadrist boycott.

In April 2007, President Bush reportedly intervened to (temporarily) forestall a resignation of the five Sunni Consensus Front cabinet members. The Front believes Maliki is unwilling or unable to advance reconciliation and its relations with Maliki continue to be highly strained to the point where some Front members say they want a vote of no-confidence against Maliki. The Front, as well as the other main Sunni bloc (Dialogue Front), boycotting parliament (55 total seats) because of the COR's vote on June 12, 2007, to require Mashhadani's resignation as COR speaker because of alleged physical intimidation of parliamentarians. Yet, the COR has been able to obtain a quorum (138 members attending) in early July 2007, and it has decided to reduce its summer recess to the month of August (from July and August). Adding to Sunni distrust is the June 2007 arrest warrant issued for Culture Minister Asad al-Hashimi, a Sunni, for allegedly orchestrating a failed assassination attempt against Ummah Party leader Mithal al-Alusi (whose two sons were killed in the plot). That warrant in June 2007 caused the Front to suspend the participation of its five ministers in the cabinet.

Table 1. Election Results (January and December 2005)

Slate/Party	Seats (Jan. 05)	Seats (Dec. 05)
UIA (Shiite Islamist); Sadr formally joined list for Dec. vote	140	128
(SCIRI~30; Da'wa~28; Sadr~30; Fadilah (Virtue)~15; independent - 25) Kurdistan Alliance (PUK and KDP)	75	53
Iraqis List (secular, Allawi); added some mostly Sunni parties for Dec. vote	40	25
Iraq Consensus Front (Sunni). Main Sunni bloc; not in Jan. vote	—	44
National Iraqi Dialogue Front (Sunni, Saleh al-Mutlak) Not in Jan. vote	—	11
Iraqi National Congress (Chalabi). Was part of UIA list in Jan. 05 vote	—	0
Iraqis Party (Yawar, Sunni); Part of Allawi list in Dec. vote	5	—
Iraqi Turkomen Front (Turkomen, Kirkuk-based, pro-Turkey)	3	1
National Independent and Elites (Jan)/Risalyun (Mission, Dec) pro-Sadr	3	2
People's Union (Communist, non-sectarian); on Allawi list in Dec. vote	2	—
Kurdistan Islamic Group (Islamist Kurd)	2	5
Islamic Action (Shiite Islamist, Karbala)	2	0
National Democratic Alliance (non-sectarian, secular)	1	—
Rafidain National List (Assyrian Christian)	1	1
Liberation and Reconciliation Gathering (Sunni, secular)	1	3
Ummah (Nation) Party. (Secular, Mithal al-Alusi, former INC activist)	0	1
Yazidi list (small Kurdish, heterodox religious minority in northern Iraq)	—	1

REFERENCS

[1]   Text available at [http://cpa-iraq.org/government/TAL.html].

[2]   [http://www.washingtonpost.com/wp-dyn/content/article/2005/10/12/AR2005101201450.html].

Chapter 3

IRAQ: POST-SADDAM GOVERNANCE AND SECURITY[*]

Kenneth Katzman

ABSTRACT

Operation Iraqi Freedom overthrew Saddam Hussein's regime, but much of Iraq remains violent because of Sunni Arab resentment and a related insurgency, compounded by Sunni-Shiite violence that a January 2007 national intelligence estimate (NIE) said has key elements of a "civil war." Mounting U.S. casualties and financial costs — without clear overall improvements in levels of violence or political reconciliation among Iraq's major communities — have intensified a debate within the United States over whether to wind down U.S. involvement without completely accomplishing initial U.S. goals.

President Bush announced a new strategy on January 10, 2007 ("New Way Forward") consisting of deployment of at an additional 28,500 U.S. forces to help stabilize Baghdad and restive Anbar Province. The strategy is intended to provide security conditions conducive to Iraqi government action on a series of key reconciliation initiatives that are viewed as "benchmarks" of political progress. The FY2007 supplemental appropriation, P.L. 110-28, linked some U.S. reconstruction aid to progress on the benchmarks, but allows for a presidential waiver to continue the aid even if little or no progress were observed in Administration reports due July 15, 2007 and September 15, 2007. According to the required July 15, 2007 Administration report, released on July 12, the Baghdad security plan has made progress on several military indicators and some political indicators, but progress is unsatisfactory on the most important political reconciliation indicators. The Administration report asserts that the "overall trajectory... has begun to stabilize."

U.S. officials assert that the security plan builds on important successes: two elections (January and December 2005) that chose an interim and then a full-term parliament and government; a referendum that adopted a permanent constitution (October 15, 2005); progress in building Iraq's security forces; and economic growth.

Some in Congress — as well as the Iraq Study Group — believe that the United States should begin winding down U.S. combat involvement in Iraq. Both chambers adopted a FY2007 supplemental appropriation to fund U.S. operations in Iraq and Afghanistan (H.R. 1591) that would have set an outside deadline of March 31, 2008 for U.S. combat withdrawal if the President did not certify Iraqi progress on the

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[*] Excerpted from CRS Report RL31339, dated July 13, 2007.

"benchmarks; "President Bush vetoed it on May 1, 2007. Some bills support the Iraq Study Group's various recommendations, while additional legislative efforts seek to reduce or wind down the U.S. combat commitment in Iraq in the short term.

Iraq has not previously 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). The territory that is now Iraq was formed from three provinces of the Ottoman empire after British forces defeated the Ottomans in World War I and took control of the territory in 1918. Britain had tried to take Iraq from the Ottomans earlier in World War I but were defeated at Al Kut in 1916. Britain's presence in Iraq, which relied on Sunni Muslim Iraqis (as did the Ottoman administration), ran into repeated resistance, facing a major Shiite-led revolt in 1920 and a major anti-British uprising in 1941, during World War II. 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, who was killed in a car accident in 1939. Ghazi was succeeded by his son, Faysal II, who was only four years old.

A major figure under the British mandate and the monarchy was Nuri As-Said, a pro-British, pro-Hashemite Sunni Muslim who served as prime minister 14 times during 1930-1958. Faysal II, with the help of his pro-British Prime Minister Nuri al-Sa'id who had also served under his predecessors, 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. Since that same year, the Baath Party has ruled in Syria, although there was rivalry between the Syrian and Iraqi Baath regimes during Saddam's rule. The Baath Party was founded in the 1940s by Lebanese Christian philosopher Michel Aflaq as a socialist, pan-Arab movement, the aim of which was to reduce religious and sectarian schisms among Arabs.

One of the Baath Party's allies in the February 1963 coup was Abd al-Salam al-Arif. In November 1963, Arif purged the Baath, including Baathist Prime Minister (and military officer) Ahmad Hasan al-Bakr, and instituted direct military rule. Arif was killed in a helicopter crash in 1966 and was replaced by his elder brother, Abd al-Rahim al-Arif, who ruled until the Baath Party coup of July 1968. Following the Baath seizure, Bakr returned to government as President of Iraq and Saddam Hussein, a civilian, became the second most powerful leader as Vice Chairman of the Revolutionary Command Council. In that position, Saddam developed overlapping security services to monitor loyalty among the population and within Iraq's institutions, including the military. On July 17, 1979, the aging al-Bakr resigned at Saddam's urging, and Saddam became President of Iraq. Under Saddam Hussein, secular Shiites held high party positions, but Sunnis, mostly from Saddam's home town of Tikrit, dominated the highest party and security positions. Saddam's regime repressed Iraq's Shiites after the February 1979 Islamic revolution in neighboring Iran partly because Iraq feared that Iraqi Shiite Islamist movements, emboldened by Iran, would try to establish an Iranian-style Islamic republic of Iraq.

Table 1. Iraq Basic Facts

Population	27.5 million
Demographics	Shiite Arab - 60%; Sunni Arab - 17-20%; Kurd - 1520%; Christian - 3%.
Comparative Area	Slightly more than twice the size of Idaho
GDP	$87.9 billion (purchasing power parity)
GDP per capita	$3,000 per year
Unemployment Rate	25-30%
Inflation Rate	60%+

Source: CIA World Factbook, updated June 2007.

POLICY IN THE 1990S EMPHASIZED CONTAINMENT

Prior to the January 16, 1991, launch of Operation Desert Storm to reverse Iraq's August 1990 invasion of Kuwait, President George H.W. Bush called on the Iraqi people to overthrow Saddam. That Administration decided not to try to do so militarily because (1) the United Nations had approved only liberating Kuwait; (2) Arab states in the coalition opposed an advance to Baghdad; and (3) the Administration feared becoming bogged down in a high-casualty occupation.[1] Within days of the war's end (February 28, 1991), Shiite Muslims in southern Iraq and Kurds in northern Iraq, emboldened by the regime's defeat and the hope of U.S. support, rebelled. The Shiite revolt nearly reached Baghdad, but the mostly Sunni Muslim Republican Guard forces were pulled back into Iraq before engaging U.S. forces and were intact to suppress the rebellion. Many Iraqi Shiites blamed the United States for not intervening on their behalf. 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.

Subsequent to the war, the thrust of U.S. policy was containment, consisting of U.N. Security Council-authorized weapons inspections, an international economic embargo, and U.S.-led enforcement of "no fly zones" over northern and southern Iraq.[2] However, President George H.W. Bush did pursue regime change to some extent, including reportedly sending Congress an intelligence finding that the United States would try to promote a military coup. The Administration apparently believed that a coup could produce a favorable government without fragmenting Iraq. 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 movement,[3] but the United States did not help them militarily.

The Clinton Administration and Major Anti-Saddam Factions

During the Clinton Administration, the United States built ties to and progressively increased support for several of the Shiite and Kurdish factions analyzed below. Some of these factions have provided major figures in post-Saddam politics, while also fielding militias that are allegedly conducting acts of sectarian reprisals in post-Saddam Iraq. Also discussed in the table below are Sunni factions, almost all of which are, to varying degrees, opposed to the dominant Shiites and Kurds. The Sunnis are discussed in greater depth later in the report, in the analysis of post-Saddam politics and security.

During 1997-1998, Iraq's obstructions of U.N. weapons of mass destruction (WMD) inspections led to growing congressional calls to overthrow Saddam, beginning with an FY1998 supplemental appropriations act (P.L. 105-174). The sentiment was expressed more strongly in the "Iraq Liberation Act" (ILA, P.L. 105338, October 31, 1998). Signed by President Clinton despite doubts about opposition capabilities, it was viewed as an expression of congressional support for the concept of promoting an Iraqi insurgency with U.S. air power. The Bush Administration has cited the ILA as evidence of a bipartisan consensus that Saddam should be toppled. 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. Section 8 states that the act should not be construed as authorizing the use of U.S. military force to achieve regime change. The ILA did not specifically terminate after Saddam Hussein was removed from power. Section 7 provides for post-Saddam "transition assistance" to Iraqi groups with "democratic goals." The law also 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.

The signing of the ILA coincided with new crises over Iraq's obstructions of U.N. weapons inspections. On December 15, 1998, U.N. inspectors were withdrawn, and a three-day U.S. and British bombing campaign against suspected Iraqi WMD facilities followed (Operation Desert Fox, December 16-19, 1998). On February 5, 1999, President Clinton made seven opposition groups eligible to receive U.S. military assistance under the ILA (P.D. 99-13): INC; INA; SICI; KDP; PUK; the Islamic Movement of Iraqi Kurdistan (IMIK);[4] and the Movement for Constitutional Monarchy (MCM). In May 1999, the Clinton Administration provided $5 million worth of training and "non-lethal" defense articles under the ILA. About 150 oppositionists underwent Defense Department-run training at Hurlburt air base in Florida on how to administer a post-Saddam Iraq. However, the Administration judged that the opposition was not sufficiently capable to merit weapons or combat training. These trainees were not brought into Operation Iraqi Freedom or into the Free Iraqi Forces that deployed to Iraq.

Secular Groups: Iraqi National Congress (INC) and Iraq National Accord (INA)

In 1992, the two main Kurdish parties and several Shiite Islamist groups coalesced into the "Iraqi National Congress (INC)," on a platform of human rights, democracy, pluralism, and "federalism" (Kurdish autonomy). However, many observers doubted its commitment to democracy, because most of its groups had authoritarian leaderships. The INC's Executive Committee selected Ahmad Chalabi, a secular Shiite Muslim, to run the INC on a daily basis. (A table on U.S. appropriations for the Iraqi opposition, including the INC, is an appendix).[5]

Another secular group, the Iraq National Accord (INA), was founded after Iraq's 1990 invasion of Kuwait, was supported initially by Saudi Arabia but reportedly later earned the patronage of the Central Intelligence Agency (CIA).[6] It is led by Dr. Iyad al-Allawi. The INA enjoyed Clinton Administration support in 1996 after squabbling among other opposition groups reduced their viability,[7] but the INA was penetrated by Iraq's intelligence services, which 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 INC and INA agents in the north.

The Kurds[8]

The Kurds, who are mostly Sunni Muslims but are not Arabs, are probably the most pro-U.S. of all major groups. Historically fearful of persecution by the Arab majority, the Kurds have carved out a high degree of autonomy and run their own three-province region run by a Kurdistan Regional Government (KRG). Through legal procedures as well as population movements, the Kurds are trying to secure the mixed city of Kirkuk, which they covet as a source of oil that would ensure their autonomy or eventual independence. The Kurds achieved insertion of language in the permanent constitution requiring a vote by December 2007 on whether Kirkuk might formally join the Kurdish administered region. (The Iraq Study Group report, released December 6, 2006, in Recommendation 30 believes that this referendum should be delayed.)[9] For now, both major Kurdish factions — the Patriotic Union of Kurdistan (PUK) led by Jalal Talabani, and the Kurdistan Democratic Party (KDP) led by Masud Barzani — are participating in Iraqi politics, the PUK more so than the KDP; Talabani is Iraq's president.

Shiite Islamists: Ayatollah Sistani, SICI, Da'wa Party, and Sadr

Shiite Islamist organizations have become dominant in post-Saddam politics; Shiites constitute about 60% of the population but were under-represented in all pre-2003 governments. Several Shiite factions cooperated with the U.S. regime change efforts of the 1990s, but others had no contact with the United States. The undisputed Shiite religious leader, Grand Ayatollah Ali al-Sistani, remained in Iraq, taking a low profile, during Saddam Hussein's regime, and he was not involved in U.S.-backed regime change efforts during the 1990s. As the *"marja-e-taqlid"* (source of emulation) and the most senior of the four Shiite clerics that lead the Najaf-based *"Hawza al-Ilmiyah"* (a grouping of seminaries), he is a major political force in post-Saddam politics.[10] He has a network of agents (*wakils*) throughout Iraq and among Shiites outside Iraq.

About 85 years old, Sistani was born in Iran and studied in Qom, Iran, before relocating to Najaf at the age of 21. His mentor, was Ayatollah Abol Qasem Musavi-Khoi, was head of the *Hawza* until his death in 1992. Like Khoi, Sistani is a "quietist" — generally opposing a direct political role for clerics, but he believes in clerical supervision of political leaders. He wants Iraq to maintain its Islamic culture and favors modest dress for women, and curbs on sales of alcohol and Western music and entertainment.[11] He was treated for heart trouble in Britain in August 2004.

Supreme Islamic Council of Iraq (SICI)

SICI (in May 2007 it changed its name from the Supreme Council of the Islamic Revolution of Iraq, SCIRI), considers itself the largest party within the "United Iraqi Alliance" (UIA) of Shiite political groupings. SICI founders were in exile in Iran after a major crackdown in 1980 by Saddam, who accused pro-Khomeini Iraqi Shiite Islamists of trying to overthrow him. During Ayatollah Khomeini's exile in Najaf (1964-1978), he was hosted by Grand Ayatollah Muhsin al-Hakim, father of the Hakim brothers (including current leader Abd al-Aziz) that founded SICI. The Ayatollah was then head of the *Hawza*. SICI leaders say they do not seek to establish an Iranian-style Islamic republic, but SICI reportedly

receives substantial amounts of financial and other aid from Iran. Although it was a member of the INC in the early 1990s, SICI refused to accept U.S. funds, although it did have contacts with the United States.

Da'wa Party/Prime Minister Nuri Al-Maliki

The Da'wa (Islamic Call) Party, which did not directly join the U.S.-led effort to overthrow Saddam Hussein during the 1990s, is both an ally and sometime rival of SCIRI. Its leader is Ibrahim al-Jafari, a Da'wa activist since 1966 who fled to Iran in 1980 to escape Saddam's crackdown, later going to London. He was transitional Prime Minister during April 2005-April 2006. His successor as Prime Minister, Nuri al-Maliki, is the number two Da'wa leader. Although there is no public evidence that Jafari or Maliki were involved in any terrorist activity, the Kuwaiti branch of the Da'wa allegedly committed a May 1985 attempted assassination of the Amir of Kuwait and the December 1983 attacks on the U.S. and French embassies in Kuwait. (It was reported in February 2007 that a UIA/Da'wa parliamentarian, Jamal al-Ibrahimi, was convicted by Kuwait for the 1983 attacks.) Lebanese Hezbollah was founded by Lebanese clerics loyal to Da'wa founder Ayatollah Mohammad Baqr Al Sadr and Khomeini, and there continue to be personal and ideological linkages between Lebanese Hezbollah and Da'wa (as well as with SICI). Hezbollah attempted to link release of the Americans they held hostage in Lebanon in the 1980s to the release of 17 Da'wa prisoners held by Kuwait for those attacks in the 1980s.

Moqtada Al-Sadr Faction

Moqtada Al Sadr is emerging as a major — some believe the most powerful — figure in Iraq. After the fall of Saddam Hussein, he was viewed as a young firebrand who lacked religious and political weight, but the more established Shiite factions have since built ties to him because of his large following among poor Shiites who identify with other "oppressed Muslims" and who oppose virtually any U.S. presence in the Middle East. He is now perceived as clever and capable — at the same time participating in the political process to avoid all-out confrontation with the United States but at the same time denouncing the "U.S. occupation." This criticism has been his theme in 2007, and his Mahdi Army militia forces are increasingly active against British forces in southern Iraq, against U.S. forces, and against rival Shiite factions and Iraqi security forces in such cities as Diwaniyah, Nassiriyah, Amarah, and Basra. Pro-Sadr candidates won pluralities in several southern Iraqi provinces in the elections held in January 2005. (In Recommendation 35, the Iraq Study Group recommended that the United States try to talk to Sadr, as well as Sistani, as well as with other parties except Al Qaeda-Iraq.)

Table 2. Major Factions in Iraq

	Major Shiite and Kurdish Factions
Iraq National Accord (INA)/Iyad al-Allawi	The INA leads the main secular bloc in parliament. Allawi, about 60 years old (born 1946 in Baghdad), a former Baathist who helped Saddam silence Iraqi dissidents in Europe in the mid-1970s. Subsequently fell out with Saddam, became a neurologist, and presided over the Iraqi Student Union in Europe. Survived an alleged regime assassination attempt in London in 1978. He is a secular Shiite, but many INA members are Sunni ex-Baathists and ex-military officers. Allawi was interim Prime Minister (June 2004-April 2005). Won 40 seats in January 2005 election but only 25 in December 2005. Spends most of his time outside Iraq and reportedly trying to organize a non-sectarian parliamentary governing coalition.
Iraqi National Congress (INC)/Ahmad Chalabi	Chalabi, who is about 67 years old, educated in the United States (Massachusetts Institute of Technology) as a mathematician. One of the rotating presidents of the Iraq Governing Council (IGC). U.S.-backed Iraqi police raided INC headquarters in Baghdad on May 20, 2004, seizing documents as part of an investigation of various allegations, including provision of U.S. intelligence to Iran. Case later dropped. Since 2004, has allied with and fallen out with Shiite Islamist factions; was one of three deputy prime ministers in the 2005 transition government. With no INC seats in parliament, now spends substantial time abroad, but remains chair of the Higher National De-Baathification Commission and has resisted de-Baathification reform efforts. Serves as liaison between Baghdad neighborhood committees and the government in 2007 Baghdad security plan.
Kurds/KDP and PUK	Together, the main factions run Kurdistan Regional Government (KRG) with its own executive headed by "president" Masud Barzani, Prime Minister Nechirvan Barzani, and a 111 seat legislature (elected in January 30, 2005 national elections). PUK leader Talabani remains president, despite March 2007 health problems that required treatment in Jordan and the United States. Barzani has tried to secure his clan's base in the Kurdish north and has distanced himself from national politics. Many Kurds are more supportive of outright Kurdish independence than are these leaders. Kurds field up to 100,000 *peshmerga* militia. Their joint slate won 75 seats in January 2005 national election but only 53 in December 2005. Grudgingly supported framework draft oil law sent to parliament, but strongly oppose related draft implementing law that would place 93% of Iraq's oil fields under control of a revived Iraqi National Oil Company (INOC). Both factions intent on securing control of Kirkuk.
Grand Ayatollah Ali al-Sistani	Undisputed leading Shiite theologian in Iraq. No formal position in government but has used his broad Shiite popularity to become instrumental in major political questions. Helped forge UIA and brokered compromise over the selection of a Prime Minister nominee in April 2006. Strongly criticized Israel's July 2006 offensive against Lebanese Hezbollah. However, acknowledges that his influence is waning and that calls for Shiite restraint are unheeded as Shiites look to armed parties and militias for defense in sectarian warfare. Does not meet with U.S. officials.
Supreme Islamic Council of (SICI)	Best-organized and most pro-Iranian Shiite Islamist party and generally allied with Da'wa Party in UIA. It was established in 1982 by Tehran to centralize Shiite Islamist movements in Iraq. First leader, Mohammad Baqr Al Hakim, killed by bomb in Najaf in August 2003. Current leader is his younger brother, Abd al-Aziz al-Hakim, a lower ranking Shiite cleric and a member of parliament (UIA slate), but he holds no government position. Hakim currently undergoing lung cancer treatment in Iran, instilling uncertainty in SICI leadership. One of his top aides, Bayan Jabr, is now Finance Minister, and another, Adel Abd al-Mahdi, is a deputy president. Controls "Badr Brigades" militia. Son, Ammar al-Hakim, is a key SICI figure as well and is said to be favored to take over SICI should his father leave the scene. As part of UIA, SICI has about 30 of its members in parliament. Supports formation of Shiite "region" composed of nine southern provinces. Supports draft oil law as the means to develop the oil sector.

Table 2. (Continued).

	Major Shiite and Kurdish Factions
Da'wa (Islamic Call) Party	Oldest organized Shiite Islamist party (founded 1957), active against Saddam Hussein in early 1980s. Its founder, Mohammad Baqr al-Sadr, uncle of Moqtada Al Sadr, was ally of Iran's Ayatollah Khomeini and was hung by Saddam regime in 1980. Da'wa members tend to follow senior Lebanese Shiite cleric Mohammad Hossein Fadlallah rather than Iranian clerics, and Da'wa is not as close to Tehran as is SICI. Has no organized militia and a lower proportion of clerics than does SICI. Within UIA, controls about 28 seats in parliament. Supports draft oil law.
Moqtada Al-Sadr Faction	Young (about 31), the lone surviving son of the revered Ayatollah Mohammed Sadiq al-Sadr (killed, along with his other two sons, by regime security forces in 1999 after he began agitating against Saddam). Inherited father's political base in "Sadr City," a large (2 million population) Shiite district of Baghdad, but also strong in Diwaniyah, Nassiriyah, Basra, Amarah, and other major Shiite cities. Still clouded by allegations of involvement in the April 10, 2003, killing in Iraq of Abd al-Majid Khoi, the son of the late Grand Ayatollah Khoi and head of his London-based Khoi Foundation. Formed "Mahdi Army" militia in 2003. Now part of UIA, faction controls 32 seats in new parliament and the faction, prior to its April 2007 pullout from the cabinet, held ministries of health, transportation, and agriculture and three ministry of state posts. Opposes Shiite "region" in the south, and generally opposes draft oil law as a "sellout."
Fadilah Party	*Fadilah* (Virtue) won 15 seats parliament as part of the UIA coalition but publicly broke from the UIA on March 6, 2007, possibly to negotiate a new coalition with Allawi. Loyal to Ayatollah Mohammad Yacoubi, who was a leader of the Sadr movement after the death of Moqtada's father in 1999 but was later removed by Moqtada and subsequently broke with the Sadr faction. Holds seats on several provincial councils in the Shiite provinces and dominates Basra provincial council, whose governor is a party member. Also controls protection force for oil installations in Basra, and is popular among oil workers in Basra. Opposes draft oil law as too favorable to foreign firms.
Hezbollah Iraq	Headed by ex-guerrilla leader Abdul Karim Muhammadawi, who was on the IGC and now in parliament. Party's power base is southern marsh areas around Amara (Maysan Province), north of Basra. Has some militiamen.
Tharallah	Led by Sayyid Yusuf al-Musawi. Little known armed Shiite faction operating in southern Iraq.
Islamic Amal	A relatively small faction, Islamic Amal (Action) Organization is headed by Ayatollah Mohammed Taqi Modarassi, a moderate cleric. Power base is in Karbala, and it conducted attacks there against Saddam regime in the 1980s. 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. One member in the cabinet (Minister of Civil Society Affairs).
Ayatollah Hassani Faction	Another Karbala-based faction, loyal to Ayatollah Mahmoud al-Hassani, who also was a Sadrist leader later removed by Moqtada. His armed followers clashed with local Iraqi security forces in Karbala in mid-August 2006. Hassani, along with *Fadilah*, are considered opponents of Iran because of Iran's support for SICI and Da'wa Party.
	Major Sunni Factions
Iraqi Consensus Front (Tariq al-Hashimi and Adnan al-Dulaymi)	Front led by Iraqi Islamic Party (IIP), headed by Tariq al-Hashimi, now a deputy president. (Ousted) COR Speaker Mahmoud Mashadani, a hardliner, is a senior member; in July 2006, he called the U.S. invasion "the work of butchers." IIP withdrew from the January 2005 election but led the Sunni "Consensus Front" coalition in December 2005 elections, winning 44 seats in COR. Front, critical but accepting of U.S. presence, also includes Iraqi General People's Council of the hardline Adnan al-Dulaymi, and the National Dialogue Council (Mashhadani's party). Hashimi visited the United States in December 2006 and met with President Bush. Opposes draft oil law as sellout to foreign companies and distrusts Shiite pledges to equitably share oil revenues.
Iraqi Front for National Dialogue (Saleh al-Mutlak)	Mutlak, an ex-Baathist, was chief negotiator for Sunnis on the new constitution, but was dissatisfied with the outcome and now advocates major revisions. Holds 11 seats. Opposes draft oil law on same grounds as Consensus Front.

Table 2. (Continued).

Muslim Scholars Association (MSA, Harith al-Dhari and Abd al-Salam al-Qubaysi)	Hardline Sunni Islamist group, has boycotted all post Saddam elections. Believed to have ties to/influence over insurgent factions. Wants timetable for U.S. withdrawal from Iraq. Iraqi government issued a warrant for Dhari's arrest in November 2006 for suspected ties to the Sunni insurgency, causing Dhari to remain outside Iraq (in Jordan). Opposes draft oil law as too likely to produce Shiite/Kurdish control over the oil sector.
Sunni Tribes	Not an organized faction per se, but one group of about 20 tribes, the National Salvation Council of Shaykh Abd al-Sattar al-Rishawi, credited by U.S. commanders as a source of anti-Al Qaeda support that is helping calm Anbar Province. Some accounts in June 2007 say Council is splintering due to jealousy of Rishawi. Some large tribal confederations include Dulaym (Ramadi-based), Jabburi (mixed Sunni-Shiite tribe), Zobi (near Abu Ghraib), and Shammar (Salahuddin and Diyala regions). (See CRS Report RS22626, *Iraq: Tribal Structure, Social, and Political Activities*, by Hussein Hassan.)
Iraqi Insurgents	Numerous factions and no unified leadership. Some groups led by ex-Saddam regime leaders, others by Islamic extremists. Major Iraqi factions include Islamic Army of Iraq, New Baath Party, Muhammad's Army, and the 1920 Revolution Brigades; perceived as increasingly opposed to Al Qaeda-Iraq leadership of insurgency, a trend promoting stability in Anbar.
Al Qaeda in Iraq (AQ-I) / Foreign Fighters	AQ-I was led by Abu Musab al-Zarqawi, a Jordanian national, until his death in U.S. airstrike June 7, 2006. Succeeded by Abu Hamza al-Muhajir (Abu Ayyub al-Masri), an Egyptian. Estimated 3,000 in Iraq from many nations, including Egypt and Saudi Arabia, but increasingly subordinate to Iraqi Sunni insurgents under the banner of the "Islamic State of Iraq," led by an Iraqi (Abdullah Rashid al-Baghdadi, aka Abu Umar al-Baghdadi). ISI has named "ministers" of a post-occupation Iraq. Advocates attacks on Iraqi Shiite civilians to accelerate civil conflict. Related foreign fighter faction, which includes some Iraqis, is Ansar al-Sunna, based in/around Mosul.

Post-September 11, 2001:
Regime Change and War

Several senior Bush Administration officials had long been advocates of a regime change policy toward Iraq, but the difficulty of that strategy led the Bush Administration initially to continue its predecessor's emphasis on containment.[12] Some accounts say that the Administration was planning, prior to September 11, to confront Iraq militarily, but President Bush has denied this. During its first year, the Administration tried to prevent an asserted erosion of containment of Iraq by achieving U.N. Security Council adoption (Resolution 1409, May 14, 2002) of a "smart sanctions" plan. The plan relaxed U.N.-imposed restrictions on exports to Iraq of purely civilian equipment[13] in exchange for renewed international commitment to enforce the U.N. ban on exports to Iraq of militarily-useful goods.

Bush Administration policy on Iraq changed to an active regime change effort after the September 11, 2001, terrorist attacks. In President Bush's State of the Union message on January 29, 2002, given as major combat in 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" (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," such as Iraq, that support terrorist groups. Vice President Cheney visited the Middle East in March 2002 reportedly to consult regional countries about the possibility of

confronting Iraq militarily, although the Arab leaders visited urged greater U.S. attention to the Arab-Israeli dispute and opposed war with Iraq.

Some accounts, including the books *Plan of Attack* and *State of Denial* by Bob Woodward (published in April 2004 and September 2006, respectively), say that then Secretary of State Powell and others were concerned about the potential consequences of an invasion of Iraq, particularly the difficulties of building a democracy after major hostilities ended. Press reports in May 2007 indicate that warnings of such difficulties were issued by the CIA before the invasion. Other accounts include reported memoranda (the "Downing Street Memo") by British intelligence officials (based on conversations with U.S. officials) saying that by mid2002 the Administration had already decided to go to war against Iraq and that it sought to develop information about Iraq to support that judgment. President Bush and British Prime Minister Tony Blair deny this. (On December 20, 2001, the House passed H.J.Res. 75, by a vote of 392-12, calling Iraq's refusal to readmit U.N. weapons inspectors a "mounting threat" to the United States.)

The primary theme in the Bush Administration's public case for the need to confront Iraq was that Iraq posted a "grave and gathering" threat that should be blunted before the threat became urgent. The basis of that assertion in U.S. intelligence remains under debate.

- *WMD Threat Perception.* Senior U.S. officials, including President Bush, particularly in an October 2002 speech in Cincinnati, 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. previous resolutions that demanded complete elimination of all of Iraq's WMD programs; (2) that Iraq had used chemical weapons against its own people (the Kurds) and against Iraq's neighbors (Iran), implying that Iraq would not necessarily be deterred from using WMD against the United States; and (3) that Iraq could transfer its WMD to terrorists, particularly Al Qaeda, for use in potentially catastrophic attacks in the United States. Critics noted that, under the U.S. threat of retaliation, Iraq did not use WMD against U.S. troops in the 1991 Gulf war. A "comprehensive" September 2004 report of the Iraq Survey Group, known as the "Duelfer report,"[14] 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 formal U.S.-led WMD search ended December 2004,[15] although U.S. forces have found some chemical weapons caches left over from the Iran-Iraq war.[16] The UNMOVIC work was formally terminated by U.N. Security Council Resolution 1762 of June 29, 2007.
- *Links to Al Qaeda.* Iraq was designated a state sponsor of terrorism during 1979-1982 and was again so designated after its 1990 invasion of Kuwait. Although they did not assert that Saddam Hussein's regime had a direct connection to the September 11 attacks, senior U.S. officials asserted that Saddam's regime was linked to Al Qaeda, in part because of the presence of pro-Al Qaeda militant leader Abu Musab al-Zarqawi in northern Iraq. Although this issue is still debated, the report of the 9/11 Commission found no evidence of a "collaborative operational linkage" between Iraq and Al Qaeda.[17] In his book "At The Center of the Storm," released in May 2007, former CIA Director George Tenet said that the CIA view was that contacts between Saddam's regime and Al Qaeda were likely for the purpose of gathering intelligence on each other rather than collaborating.

Operation Iraqi Freedom (OIF)

As major combat in Afghanistan wound down in mid-2002, the Administration began ordering a force to Kuwait (the only Gulf country that agreed to host a major

U.S. ground combat force) that, by early 2003, gave the President an active option to invade Iraq. In concert, the Administration tried to build up and broaden the Iraqi opposition and, according to the *Washington Post* (June 16, 2002), authorizing stepped up covert activities by the CIA and special operations forces against Saddam Hussein. In August 2002, the State and Defense Departments jointly invited six major opposition groups to Washington, D.C., and the Administration expanded its ties to several groups composed primarily of ex-militaryofficers. The Administration also began training about 5,000 oppositionists to assist U.S. forces,[18] although reportedly only about 70 completed training at Taszar air base in Hungary, eventually serving as translators during the war. At the same time, the Administration opposed a move by the major factions to declare a provisional government, believing that doing so would prevent the emergence of secular, pro-democracy groups.

In an effort to obtain U.N. backing for confronting Iraq — support that then Secretary of State Powell reportedly argued was needed — President Bush urged the United Nations General Assembly (September 12, 2002) that the U.N. Security Council should enforce its 16 existing WMD-related resolutions on Iraq. The Administration then gave Iraq a "final opportunity" to comply with all applicable Council resolutions by supporting Security Council Resolution 1441 (November 8, 2002), which gave the U.N. inspection body UNMOVIC (U.N. Monitoring, Verification, and Inspection Commission) new powers of inspection. Iraq reluctantly accepted it. In January and February 2003, UNMOVIC Director Hans Blix and International Atomic Energy Agency (IAEA) Director Mohammad al-Baradei briefed the Security Council on WMD inspections that resumed November 27, 2002. Although they were not denied access to suspect sites, they criticized Iraq for failing to actively cooperate to clear up outstanding questions, but also noted progress and said that Iraq might not have retained any WMD.

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 to "defend the national security of the United States against the continuing threat posed by Iraq" and "to enforce all relevant U.N. Security Council resolutions against Iraq." 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).

In Security Council debate, opponents of war, including France, Russia, China, and Germany, said the pre-war WMD inspections showed that Iraq could be disarmed peacefully or contained indefinitely, and no U.N. resolution authorizing force was adopted. At a March 16, 2003, summit meeting with the leaders of Britain, Spain, and Bulgaria at the Azores, President Bush asserted that Iraq was not complying with Resolution 1441 because it was not pro-actively revealing information, and that diplomatic options had failed. The following day, President Bush gave Saddam Hussein and his sons, Uday and Qusay, an ultimatum to leave Iraq within 48 hours to avoid war. They refused and 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-led 30-country[19] "coalition of the willing" force assembled, a substantial proportion of which remained afloat or in supporting roles. Of the

invasion force, Britain contributed 45,000, and U.S. troops constituted the bulk of the remaining 335,000 forces. Some Iraqi units and irregulars ("Saddam's Fedayeen") put up stiff resistance and used unconventional tactics. Some post-major combat evaluations (for example, "Cobra Two," by Michael Gordon and Bernard Trainor, published in 2006) suggest the U.S. military should have focused more on combating the irregulars rather than bypassing them to take on armored forces. No WMD was used by Iraq, although it 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 Hussein appeared with supporters that day in Baghdad's mostly Sunni Adhamiya district. (Saddam was captured in December 2003, and subsequently tried in Iraq and, on November 5, 2006, convicted for "willful killing" of Shiite civilians in Dujail in 1982. He was hanged on December 30, 2006.)

POST-SADDAM TRANSITION AND GOVERNANCE

According to recent statements by President Bush, U.S. goals are for an Iraq that can sustain, govern, and defend itself and is a partner in the global war on terrorism. Administration officials have, for the most part, dropped an earlier stated goal that Iraq serve as a model of democratic reform in the Middle East.

Early Transition Process

The formal political transition has advanced since the fall of Saddam Hussein, but has not achieved the level of political reconciliation among the newly dominant Shiite Arabs, Sunni Arabs that have been displaced from their former perch at the apex of Iraqi society and politics, and the Kurds who have felt perennially oppressed by Iraq's Arabs.

Occupation Period/Coalition Provisional Authority (CPA)

After the fall of the regime, the United States set up an occupation structure, reportedly grounded in concerns that immediate sovereignty would favor major factions and not produce democracy. The Administration initially tasked Lt. Gen. Jay Garner (ret.) to direct reconstruction with a staff of U.S. government personnel to administer Iraq's ministries; they deployed in April 2003. He headed the Office of Reconstruction and Humanitarian Assistance (ORHA), within the Department of Defense, created by a January 20, 2003, executive order. The Administration did not make use of the State Department's "Future of Iraq Project," that spent at least a year before the war drawing up plans for administering Iraq after the fall of Saddam.[20] Garner, along with then White House envoy Zalmay Khalilzad, tried to establish a representative successor regime by organizing a meeting in Nassiriyah (April 15, 2003) of about 100 Iraqis of varying views and ethnicities. 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 administration.

In May 2003, the Administration, reportedly preferring what they perceived as stronger leadership in Iraq, named 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 discontinued Garner's political transition process and instead appointed (July 13, 2003) a non-sovereign Iraqi advisory body: the 25member "Iraq Governing Council" (IGC). In September 2003, the IGC selected a 25member "cabinet" to run the ministries, with roughly the same factional and ethnic balance of the IGC (a slight majority of Shiite Muslims). Although there were some Sunni figures in the CPA-led administration, many Sunnis resented the new power structure as overturning their prior dominance. Adding to Sunni resentment were some of the CPA's most controversial decisions, including to pursue "de-Baathification" — a purge from government of about 30,000 Iraqis at four top ranks of the Baath Party (CPA Order 1) and not to recall members of the armed forces to service (CPA Order 2). (Recommendation 27 of the Iraq Study Group says that the United States should encourage reintegration of ex-Baathists.)

Transitional Administrative Law (TAL)

The Bush Administration initially made the end of U.S. occupation contingent on the completion of a new constitution and the holding of national elections for a new government, tasks expected to be completed by late 2005. However, Ayatollah Sistani and others agitated for early Iraqi sovereignty and direct elections. In November 2003, the United States announced it would return sovereignty to Iraq by June 30, 2004, and that national elections would be held by the end of 2005. That decision was incorporated into an interim constitution — the Transitional Administrative Law (TAL), signed on March 8, 2004[21]. Drafted by the major anti-Saddam factions, it provided a roadmap for political transition, including (1) elections by January 31, 2005, for a 275-seat transitional National Assembly; (2) drafting of a permanent constitution by August 15, 2005, and put to a national referendum by October 15, 2005; and (3) national elections for a permanent government, under the new constitution (if it passed), by December 15, 2005. Under the TAL, any three provinces could veto the constitution by a two-thirds majority. If that happened, a new draft would be written and voted on by October 15, 2006. The Kurds maintained their autonomous KRG and their *peshmerga* militia could still operate.

Sovereignty Handover/Interim (Allawi) Government

The TAL did not directly address the formation of the interim government that would assume sovereignty. Sistani's opposition torpedoed an initial U.S. plan to select a national assembly through nationwide "caucuses." After considering several other options, the United States tapped U.N. envoy Lakhdar Brahimi to select a government.[22] Dominated by senior faction leaders, it was named and began work on June 1, 2004. The formal handover ceremony occurred on June 28, 2004, two days before the advertised June 30 date, partly to confuse insurgents. There was a president (Ghazi al-Yawar), and Iyad al-Allawi was Prime Minister, with executive power, heading a cabinet of 26 ministers. Six ministers were women, and the ethnicity mix was roughly the same as in the IGC. The defense and interior ministers were Sunnis.

U.N. Involvement/Coalition Military Mandate/Status
of U.S. Forces/Permanent Basing

The Administration asserts that it has consistently sought and obtained U.N. and partner countryinvolvement in Iraq efforts. Resolution 1483 (cited above) provided for a U.N. special representative to Iraq, and "called on" governments to contribute forces for stabilization. Resolution 1500 (August 14, 2003) established U.N. Assistance Mission for Iraq (UNAMI)[23]. The size of UNAMI in Iraq, headed by former Pakistani diplomat Ashraf Jahangir Qazi, exceeds 100 in Iraq, with at least an equal number "offshore" in Jordan. It is focused on promoting political reconciliation, election assistance, and monitoring human rights practices and humanitarian affairs. U.N. Secretary General Ban Ki Moon visited Baghdad in March 2007 and later said that UNAMI would expand its presence in Iraq and perhaps take on additional duties to promote political reconciliation; some observers speculate that the United States might ultimately tap UNAMI to be lead promoter of political reconciliation in Iraq.

In an attempt to satisfy the requirements of several nations for greater U.N. backing of the coalition force presence, the United States achieved adoption of Resolution 1511 (October 16, 2003), authorizing a "multinational force under *unified* [meaning U.S.] command." (In Recommendations 7 and 26 and several others the Iraq Study Group calls for increased U.N. participation in promoting reconciliation in Iraq.)

Resolution 1546 (June 8, 2004) took U.N. involvement a step further by endorsing the handover of sovereignty, reaffirming the responsibilities of the interim government, and spelling out the duration and legal status of U.S.-led forces in Iraq, as well as authorizing a coalition component force to protect U.N. personnel and facilities. The Resolution contained the following provisions:

- It "authorize[d]" the U.S.-led coalition to secure Iraq, a provision interpreted as giving the coalition responsibility for security. Iraqi forces are "a principal partner" in the U.S.-led coalition, and the relationship between U.S. and Iraqi forces is spelled out in an annexed exchange of letters between the United States and Iraq. The U.S.-led coalition retained the ability to take prisoners.
- It stipulated that the coalition's mandate would be reviewed "at the request of the government of Iraq or twelve months from the date of this resolution" (or June 8, 2005); that the mandate would expire when a permanent government is sworn in at the end of 2005; and that the mandate would be terminated "if the Iraqi government so requests." Resolution 1637 (November 11, 2005) and Resolution 1723 (November 28, 2006) each extended the coalition military mandate for an additional year (now lasting until at least December 31, 2007), unless earlier "requested by the Iraqi government." The renewal resolutions also required review of the mandate on June 15, 2006 and June 15, 2007, respectively. In early June 2007, Iraq's parliament passed a motion, led by the Sadr faction, to require the Iraqi government to seek parliamentary approval before asking that the coalition military mandate be extended. The interim review was completed on June 14, 2007 and made no changes.
- Resolution 1546 deferred the issue of the status of foreign forces (Status of Forces Agreement, SOFA) to an elected Iraqi government. Secretary of Defense Rumsfeld said in July 2005 that U.S. military lawyers were working with the Iraqis on a SOFA, but no such agreement has been signed to date. Major facilities include Balad, Tallil,

and Al Asad air bases, as well as the arms depot at Taji; all are being built up with U.S. military construction funds in various appropriations. P.L. 109-289 (FY2007 DoD appropriations) contains a provision that the Defense Department not agree to allow U.S. forces in Iraq to be subject to Iraqi law.

- On permanent basing, the Defense Appropriation for FY2007 (P.L. 109-289) and the FY2007 supplemental (P.L. 110-28) contain provisions prohibiting use of U.S. funds to establish permanent military installations or bases in Iraq. These provisions comport with Recommendation 22 of the December 2006 Iraq Study Group report, which recommends that the President should state that the United States does not seek permanent military bases in Iraq. The latter law also says that the United States shall not control Iraq's oil resources, a statement urged by Recommendation 23 of the Iraq Study Group report.

Post-Handover U.S. Structure in Iraq

As of the June 28, 2004, handover, the state of occupation ceased, and a U.S. Ambassador (John Negroponte) established U.S.-Iraq diplomatic relations for the first time since January 1991. A U.S. embassy formally opened on June 30, 2004; it is staffed with about 1,100 U.S. personnel.[24] Negroponte was succeeded in July 2005 by Ambassador Zalmay Khalilzad, and he was succeeded in April 2007 by Ryan Crocker, formerly Ambassador to Pakistan.

The large new embassy complex, with 21 buildings on 104 acres, is under construction. An FY2005 supplemental appropriations, P.L. 109-13, provided $592 million of $658 million requested to construct a new embassy in Baghdad; an FY2006 supplemental appropriation (P.L. 109-234) provided $1.327 billion for U.S. embassy operations and security. A reported May 2007 memo by Ambassador Crocker asking for experienced State Department personnel to be assigned to Iraq was perhaps foreshadowed by the December 2006 Iraq Study Group report. In Recommendations 73-76, the Iraq Study Group report lays out several initiatives that could be taken "to ensure that [the United States] has personnel with the right skills serving in Iraq." In conjunction with the handover:

- Iraq gained 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). (Resolution 1723 of November 28, 2006, extends the IAMB monitoring of the DFI until December 31, 2007, subject to review by June 15, 2007. That review made no changes.) Resolution 1546 also gave Iraq responsibility for close-out of the "oil-for-food program;"[25] Resolution 1483 ended that program as of November 21, 2003.

- Reconstruction management and advising of Iraq's ministries were taken over by a State Department component called the "Iraq Reconstruction and Management Office" (IRMO). With the expiration of that unit's authority in April 2007, it was renamed the "Iraq Transition Assistance Office," ITAO, headed since June 2007 by Mark Tokola. ITAO is is intended to promote the efficiency of Iraq's ministries and Iraq's takeover of management of the projects built with U.S. reconstruction funds. The authority has also expired for a separate DoD "Project Contracting Office (PCO)," headed by Brig. Gen. William McCoy (under the Persian Gulf division of

the Army Corps of Engineers). It funded large infrastructure projects such as roads, power plants, and school renovations.

Elections in 2005

After the handover of sovereignty, the United States and Iraq focused on three national votes held in 2005. On January 30, 2005, elections were held for a transitional National Assembly, 18 provincial councils, and the Kurdish regional assembly. Sunnis, still resentful of the U.S. invasion, mostly boycotted, and no major Sunni slates were offered, enabling the UIA to win a slim majority (140 of the 275 seats) and to ally with the Kurds (75 seats) to dominate the provincial and national governments formed subsequently. PUK leader Jalal Talabani was named president; Ibrahim al-Jafari became Prime Minister. Although it had a Sunni Arab as Assembly speaker; deputy president; deputy prime minister; Defense Minister; and five other ministers, it did not inspire Sunni support and violence around Iraq continued to worsen. (See CRS Report RS21968, *Iraq: Government Formation and Performance*, by Kenneth Katzman.)

Permanent Constitution

Over Sunni opposition, the constitution drafted by a committee appointed by the elected transition government was approved on October 15, 2005. Sunni opponents achieved a two-thirds "no" vote in two provinces, but not in the three needed to defeat the constitution. The crux of Sunni opposition was the provision for a weak central government ("federalism"): it allows groups of provinces to band together to form autonomous "regions" with their own regional governments, internal security forces, and a large role in controlling revenues from any new energy discoveries. The Sunnis oppose this concept because their region, unlike those dominated by the Kurds and the Shiites, has thus far lacked significant proven oil reserves and they depend on the central government for revenues, although some new substantial oil and gas fields have recently been reported to lie in Anbar Province. It contained an article (137) that promises a special constitutional review, within a set deadline, intended to mollify Sunnis on key contentious points. (In Recommendation 26, the Iraq Study Group recommends that this review be conducted on an urgent basis. Recommendation 28 says that all oil revenues should accrue to the central government, not regions.)

December 15, 2005, Election

In this election, some harder line Sunnis, seeking to strengthen their position to amend the constitution, moved into the political arena: the Sunni "Consensus Front" and Iraqi Front for National Dialogue put forward major slates. With the UIA alone well short of the two-thirds majority needed to unilaterally form a government, Sunnis, the Sadr faction, secular groupings, and the Kurds demanded Jafari be replaced; they subsequently accepted as Prime Minister Nuri al-Maliki (April 22, 2006). Talabani was selected to continue as president, with two deputies Adel Abd al-Mahdi of SICI and Tariq al-Hashimi of the Consensus Front. (The former has lost one and the latter has lost three siblings to sectarian violence in 2006; Abd al-Mahdi was nearly assassinated in a March 2007 bombing.)

Amid U.S. and other congratulations, Maliki named and won approval of a 36member cabinet (including two deputy prime ministers) on May 20, 2006. Among his permanent

selections were Kurdish official Barham Salih and Sunni Arab Salam al-Zubaie as deputy prime ministers. (Zubaie was seriously wounded in an assassination attempt purportedly orchestrated by one of his aides on March 22, 2007; he has now recovered.) Four ministers (environment, human rights, housing, and women's affairs) are women. Of the 34 permanent ministerial posts named, a total of seven are Sunnis; seven are Kurds; nineteen are Shiites; and one is Christian (minister of human rights, Ms. Wijdan Mikha'il). Maliki did not immediately name permanent figures for the major posts of Interior, Defense, and Ministry of State for National Security because major factions could not agree on nominees. But, on June 8, 2006, he achieved COR confirmation of compromise candidates for those posts.

Prime Minister Nuri Kamal al-Maliki
Born in 1950 in Karbala, has belonged to Da'wa Party since 1968. Fled Iraq in 1980 after Saddam banned the party, initially to Iran, but then to Syria when he refused Iran's orders that he join Shiite militia groups fighting Iraq during the Iran-Iraq war. Headed Da'wa offices in Syria and Lebanon and edited Da'wa Party newspaper. Reputed advocate of aggressive purge of ex-Baathists as member of the Higher National De-Baathification Commission after Saddam's fall. Elected to National Assembly (UIA list) in January 2005 and chaired its "security committee." Publicly supported Hezbollah (which shares a background with his Da'wa Party) during July-August 2006 Israel-Hezbollah conflict, prompting congressional criticism during July 2006 visit to Washington DC. Believed sympathetic to Kurds' efforts to incorporate Kirkuk into the Kurdish region. Has tense relations with SICI, whose activists accuse him of surrounding himself with Da'wa members. Believed to be politically dependent on Sadr's support and had, prior to 2007, repeatedly shielded Sadr's Mahdi Army militia from U.S. military sweeps. In October 2006, said he is a U.S. ally but "not America's man in Iraq." Following Bush-Maliki meeting in Jordan (November 30, 2006), President Bush reiterated that Maliki is "the right guy for Iraq."

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Maliki Government, Political Reconciliation, and "Benchmarks"

Most observers agree that the "troop surge" announced on January 10, 2007 and discussed further below will be judged by whether or not it facilitates political reconciliation. The FY2007 Supplemental Appropriation Act (P.L. 110-28) conditions the release of some funds for Iraq operations upon achievement of eighteen stated benchmarks, and the Administration is required to report on progress by July 15 and September 15, 2007. A presidential waiver to permit the flow of funds is provided for and is being exercised by the Administration following the July 15 report, which was released on July 12, 2007.

By all accounts, including those of top U.S. commander in Iraq General David Petraeus and U.S. Ambassador Ryan Crocker, and discussed in the July 15, 2007 progress report, progress on the most significant political reconciliation efforts has been unsatisfactory to date, although Iraqi factions are continuing to negotiate outstanding issues. Senior Administration officials, including Vice President Cheney (May 9, 2007), deputy Secretary of State John Negroponte (June 13-14, 2007), and Secretary of Defense Robert Gates (June 15, 2007) have visited Iraq recently express

U.S. disappointment at the relative lack of progress to date and to urge accelerated efforts. The dates below indicate the benchmarks — and deadlines — to have been completed — *as pledged by the Iraqis in August 2006* — although U.S. officials say that, for the required reports, particularly the July 12, 2007 report, they were looking for concrete signs of progress and not necessarily completion. The Iraqi parliament has voted to limit its recess to the month of August (from July and August) in order to try to make progress; however, a boycott by at least 85 parliamentarians — including virtually all 55 parliamentarians from the two main Sunni blocs and the entire 30 seat Sadr faction — is likely to complicate their efforts.

(1) *By September 2006, formation of a committee to review the constitution under the special amendment process (Article 137); approval of a law to implement formation of regions; approval of an investment law; and approval of a law establishing the Independent High Electoral Commission (IHEC).* The investment law was adopted in October 2006. The regions law was adopted October 12, 2006, although, to mollify Sunni opposition who fear formation of a large Shiite region in as many as nine provinces of southern Iraq, major factions agreed to delay the formation of new regions for 18 months. The IHEC law was passed on January 23, 2007, and the nine election commissioners have been appointed.

The constitution review committee, chaired by Humam al-Hammoudi, a senior SICI leader, was formed in November 2006 and is at work on drafting amendments, although it has missed a self-imposed May 15, 2007 deadline to draft and submit to parliament its amendment. It made partial recommendations in late May 2007 and was given a new deadline of July 2007 to finish its draft. Major decisions on presidential powers, powers of individual regions, and on the status of Kirkuk (which the Kurds want to affiliate with their region) await compromise by major factions. Some observers say that Sunni representatives also seek to alter the constitution so as to require or facilitate the appointment of a Sunni Arab as president.

(2) *By October 2006, approval of a provincial election law (which would presumably lead to more Sunnis on provincial councils); and approval of a new oil law.* No agreement on a provincial election law has been evident to date; the term of the existing councils expires in January 2009. However, a draft law stipulating the powers of the provinces has received two

readings in parliament, although differences remain on the powers of the provincial governors and related issues. The Shiites and Kurds reportedly are opposing early provincial elections because they would presumably lose seats on these bodies when Sunni candidates participate. There also has been little movement on a related law specifying the precise powers of the provincial councils. However, in a meeting with the IHEC on July 1, 2007, Maliki said that provincial elections would be held this year.

On the oil law and related implementing laws, on February 26, 2007, Iraq's cabinet agreed on a draft oil framework law (core law) that would set up a broad Federal Oil and Gas Council that would review exploration contracts signed with foreign energy companies, including those signed by Iraq's regions. Poorer Shiites opposed the draft framework law on the grounds that it would yield too much control over Iraq's main natural resource to foreign firms — a provision of the draft gives seats on the Federal Oil and Gas Council to foreign energy firms. Sunnis opposed it because the Shiites and Kurds would have determinative power over energy contracts and likely revenue distribution. The framework law was reconsidered an, on July 3, 2007, the cabinet (although with 13 out of 34 ministerial posts vacant) adopted the revised framework law — which limits the power of the Federal Oil and Gas Council to reject energy investment deals — and said it would be considered by the parliament. Although U.S. officials applauded the cabinet adoption of the revised draft as a sign of progress, Some Sunni and Kurdish parliamentarians immediately expressed opposition to the draft, with Sunnis in particular saying it was adopted by a cabinet in which virtually no Sunnis are actively participating and that any parliamentary consideration would be illegitimate because of a widespread Sunni boycott of the legislature at this time.

To be fully enacted, implementing laws are needed simultaneously, including a law on sharing oil revenues among Iraq's communities, a law organizing Iraq's Oil Ministry, and a law delineating how Iraq's energy industry (Iraq National Oil Company, "INOC") will run. These also have proved problematic. The Kurds vigorously oppose the draft INOC implementing law, which the Kurds say was drafted secretly, because it puts 93% of Iraq's oil fields under state control. However, some movement on the revenue sharing law came in late June 2007 when the Kurds reportedly agreed to a 17% share of oil revenues collected, to be deposited in a separate account at the Central Bank. The cabinet has not yet adopted the draft revenue sharing law.

(3) *By November 2006, approval of a new de-Baathification law and approval of a flag and national anthem law.* The De-Baathification reform law reportedly remains stalled; members of the Supreme National De-Baathification Commission, led by Ahmad Chalabi, expressed opposition to a draft reform law reportedly agreed to in late March 2007 by President Talabani and Prime Minister Maliki. Chalabi and his allies have cited Ayatollah Sistani as a supporter of their view, although his exact position has not been made clear. The draft would allow all but members of the three highest Baath Party levels to return to their jobs or obtain pensions. However, on April 7, 2007, Maliki ordered pensions be given to senior officers in the Saddam-era military and permission for return to service of lower ranking soldiers. (The flag and national anthem laws are not included as P.L. 110-28 benchmarks.)

(4) *By December 2006, approval of laws to curb militias and to offer amnesty to insurgent supporters.* No progress is evident to date on either of these laws, although the July 12, 2007 progress report says that the pre-requisites for these laws are not in place, given the security environment. Observers say that because much of Iraq remains insecure, militias are

unwilling to disarm. Others say the Shiite-led government fears that Sunnis are plotting to return to power and that offering amnesty to Sunni insurgent supporters would only accelerate that process. However, the June 2007 Measuring Stability reports says Maliki has verbally committed to a militia demobilization program, and an executive director of the program was named on May 12, 2007, but committee members have not yet been appointed and the demobilization work plan has not been drafted.

(5) *By January 2007, completion of the constitutional review process.* As noted above, the constitution review committee has not completed drafting proposed amendments to date.

(6) *By February 2007, the formation of independent commissions to oversee governance.* No progress has been reported to date. (Not one of the P.L. 110-28 benchmarks.)

(7) *By March 2007, holding of a referendum on the constitutional amendments.*

(8) *By April 2007, Iraqi assumption of control of its military.* Six of the ten Iraqi Army divisions are now under Iraqi control. (This is not one of the P.L. 110-28 benchmarks.)

(9) *By June 2007, the holding of provincial elections.* As noted above, the relevant laws for these elections have not been drafted.

(10) *By September 2007, Iraqi security control of all 18 provinces.* Iraq Security Forces now have security control for the provinces of Muthanna, Dhi Qar, Najaf, Maysan, Irbil, Sulaymaniyah, and Dohuk - the latter three are Kurdish provinces turned over May 30, 2007. (Not a P.L. 110-28 benchmark.)

(11) *By December 2007, Iraqi security self-reliance.* No firm estimates are available on when Iraqi security forces would be able to secure Iraq by themselves. President Talabani puts that time frame at the end of 2008, but most U.S. commanders are hesitant to speculate, given the widely reported difficulties the Iraqi security forces have had. (Not a P.L. 110-28 benchmark.)

Other security related benchmarks required by P.L. 110-28 center around reducing sectarian behavior in the Iraqi security forces and in assisting the Baghdad security plan (for example providing three Iraqi brigades and an unspecified number of police commandos and regular police to Baghdad, setting up joint security stations, and making available over $10 billion in reconstruction funds). *The July 12, 2007 progress report gives Iraq generally favorable assessments of cooperation with the Baghdad security but almost universally unsatisfactory reviews on such indicators as reducing militia influence, ensuring even handed law enforcement by the security forces, and excluding political/sectarian influence from military operations.*

Political Fragmentation

As U.S. pressure on the Iraqi government grows while sectarian and Sunni insurgent violence continues, splits within the ruling elite appear to be widening to the point where some factions are even threatening to force a vote of no-confidence against Maliki. The fragmentation is not limited to Sunni-Shiite-Kurdish disputes, but are now even threatening the alliances among the dominant Shiite parties. The disputes among the elite are likely to further delay movement on the benchmarks discussed above because about 13 out of the 34 ministry posts are now vacant and the parliamentary boycotts complicate efforts to obtain a quorum at parliamentary sessions where draft laws might be considered. The feuds also render it unlikely that the major party blocs will compromise to enact major legislation such as the oil laws, provincial council law, de-Bathification reform, and constitutional amendment.

The fragmentation first broke into the open in March 2007, when the *Fadilah* (Virtue) Party, a relatively minor party in the Shiite umbrella "United Iraqi Alliance " (UIA) — pulled out of the UIA on the grounds that *Fadilah* is not represented in the cabinet. In April 2007, the UIA fractured further when the six cabinet members from the movement of Moqtada al-Sadr resigned; Maliki has named independent Shiites to replace them. After a second bombing of the Grand Mosque in Samarra on June 13, 2007 (the first bombing of that Shiite shrine was on February 22, 2006, setting off waves of sectarian violence), Sadr again pulled his 30 parliament members out of the body. (A previous Sadrist boycott of parliament occurred from November 2006 - March 2007.) Sadr's Mahdi militia forces also have been clashing with those loyal to the Supreme Islamic Council of Iraq (SICI) — militiamen as well as SICI partisans burrowed into the security forces — in the cities of Diwaniyah, Nassiryah, Basra, Amarah, and Al Kut.

The second Samarra mosque bombing also reportedly triggered Vice President Adel Abd al-Mahdi (a SICI leader) to threaten his resignation as well, an indicator of growing unrest among Prime Minister Maliki's core Shiite allies (SICI is a partner of Maliki's Da'wa Party, the other main pillar of the UIA bloc)[26]. However, in an effort to preserve harmony in the core of the UIA, in late June 2007 SICI and Da'wa signed an agreement to back each others' choices to fill vacant cabinet seats and forge agreement among moderates within the parliament[27]. The Kurds are expected to join this "moderate alliance."

Sunni - Shiite splits within the ruling elite are also widening. In April 2007, President Bush reportedly intervened personally to forestall a pullout from the cabinet of the five Sunni Consensus Front (major Sunni bloc in parliament) members; the Front is said to believe Maliki is unwilling or unable to advance political reconciliation. Further Sunni resentment was triggered on June 12, 2007, when the parliament voted to require the resignation of hardline Sunni parliament speaker Mahmoud Mashhadani, who is a member of the Consensus Front. Mashhadani has thus far refused to submit his resignation, but some reports suggest he might do so if another member of his party, the Dialogue Council (a component of the Consensus Front), is appointed. The Mashhadani issue caused the two Sunni blocs in parliament, the Consensus Front (44 seats) and the National Dialogue Front (11 seats) to suspend their participation in parliament. After an arrest warrant was issued for Culture Minister Adel al-Hashimi, a Sunni, for allegedly orchestrating a failed assassination attempt against Ummah Party leader Mithal al-Alusi (whose two sons were killed in the plot), the five Consensus Front cabinet ministers suspended their participation in the government.

The Kurds are, for now, fully engaged in the political structure in Baghdad. No Kurds are boycotting either the cabinet or the parliament at this time. However, potential troubles loom as the oil laws (discussed above) reach crucial decisions on final adoption and passage and many of the Kurds' objections and reservations remain not fully resolved. An even greater concern is the promised referendum on whether Tamim (Kirkuk) Province will affiliate formally with the Kurdistan Regional Government, a vote that, under Article 140 of the constitution, is to take place by December 31, 2007. The Kurds are insisting that the referendum proceed as planned but the other major communities, Shiite and Sunni Arabs, backed by the United States, are said to be trying to persuade the Kurds to accept a delay in the referendum until the broader sectarian conflicts in Iraq ease. There is speculation among observers that the Kurds might accept a delay in the referendum in exchange for favorable provisions in the oil laws under consideration. At the same time, Kurdish participation in government might also unravel if the United States fails to persuade Turkish military leaders

not to launch military incursions in the Kurdish north in pursuit of PKK guerrillas that Turkey says have safehaven there.

To date, Administration officials have maintained that the United States continues to fully support Maliki and his government, but many observers say that

U.S. backing could erode if his government continues to fracture or if the Baghdad security plan — in a U.S. assessment planned for September 2007 — is judged a failure. Some speculate that the secular former Prime Minister Allawi is maneuvering to replace Maliki, but he appears to have little chance of winning a vote of confidence in parliament to form a government. His faction only has 25 seats in parliament.

Regional and International Diplomatic Efforts to Promote Iraq Stability

The Iraqi government has received diplomatic support, even though most of its neighbors, except Iran, resent the Shiite and Kurdish domination of the regime. There are about 50 foreign missions in Iraq, including most European and Arab countries. Jordan has appointed an ambassador and Kuwait has pledged to do so. Iran upgraded its representation to Ambassador in May 2006. On the other hand, some countries, such as Portugal in March 2007, have closed their embassies because of security concerns. There were attacks on diplomats from Bahrain, Egypt, Algeria, Morocco, and Russia in 2005 and 2006.

Iraq continued its appeal for regional support an the Iraq-sponsored regional conference of its neighbors and major regional and outside powers (the United States, the Gulf monarchy states, Egypt, the permanent members of the United Nations Security Council) in Baghdad on March 10, 2007. Iran and Syria attended, as did the United States. A follow-on meeting in Egypt was held May 3 and 4, 2007, resulting in some additional pledges of aid for Iraq. Regional working groups on Iraq's security, fuel supplies, and Iraqi refugees are being established under this new diplomatic framework. A U.S.-Iran meeting on Iraq on May 28 is discussed later.

Democracy and Local Governance

The United States and its coalition partners have tried to build civil society and democracy at the local level. The State Department's report on human rights for 2006, released March 6, 2007, appears to place the blame for much of the human suffering in Iraq on the overall security environment and not on the Maliki government's performance or intentions. It says that "widespread violence seriously compromised the government's ability to protect human rights." 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. A State Department report to Congress details how the FY2004 supplemental appropriation (P.L. 108-106) "Iraq Relief and Reconstruction Fund" (IRRF) is being spent ("2207 Report"):

- About $1.014 billion for "Democracy Building;"
- About $71 million for related "Rule of Law" programs;
- About $159 million to build and secure courts and train legal personnel;
- About $128 million for "Investigations of Crimes Against Humanity," primarily former regime abuses;
- $10 million for U.S. Institute of Peace democracy/civil society/conflict resolution activities;

- $10 million for the Iraqi Property Claims Commission (which is evaluating Kurdish claims to property taken from Kurds, mainly in Kirkuk, during Saddam's regime); and
- $15 million to promote human rights and human rights education centers.

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), some of the democracy and rule of law building activities conducted with these funds, aside from assistance for the various elections in Iraq in 2005, include the following:

- Several projects that attempt 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.
- Activities to empower local governments, policies that are receiving increasing U.S. attention and additional funding allocations from the IRRF. These programs include (1) the "Community Action Program" (CAP) through which local reconstruction projects are voted on by village and town representatives. About 1,800 community associations have been established thus far; (2) Provincial Reconstruction Development Committees (PRDCs) to empower local governments to decide on reconstruction priorities; and (3) Provincial Reconstruction Teams (PRTs), local enclaves to provide secure conditions for reconstruction, as discussed in the section on security, below. The conference report on an FY2006 supplemental appropriation (P.L. 109-234) designated $50 million in ESF for Iraq to be used to keep the CAP operating. That level of aid is expected in FY2007 under provisions of a continuing resolution (P.L. 109-383).
- Programs to empower women and promote their involvement in Iraqi politics, as well as programs to promote independent media.
- Some funds have been used for easing tensions in cities that have seen substantial U.S.-led anti-insurgency combat, including Fallujah, Ramadi, Sadr City district of Baghdad, and Mosul. In August 2006, another $130 million in U.S. funds (and $500 million in Iraqi funds) were allocated to assist Baghdad neighborhoods swept by U.S. and Iraqi forces in "Operation Together Forward."
- As noted above, according to Iraq's national timetable, a law on elections for provincial councils was to be drafted by the end of October 2006 and provincial elections to be held by June 2007, although it this timetable has not been met. (Recommendation 29 of the Iraq Study Group report says provincial elections "should be held at the earliest possible date.")

In addition to what is already allocated:

- the FY2006 regular foreign aid appropriations (conference report on P.L. 109-102) incorporated a Senate amendment (S.Amdt. 1299, Kennedy) to that legislation providing $28 million each to the International Republican Institute and the National Democratic Institute for democracy promotion in Iraq.

- The FY2006 supplemental appropriation (P.L. 109-234) provided another $50 million in ESF for Iraq democracy promotion, allocated to various organizations performing democracy work there (U.S. Institute of Peace, National Democratic Institute, International Republican Institute, National Endowment for Democracy, and others).
- The FY2007 supplemental appropriation (P.L. 110-28) provides $250 million in "democracy funding."

Economic Reconstruction and U.S. Assistance

The Administration asserts that economic reconstruction will contribute to stability, although some aspects of that effort appear to be faltering. As discussed in recent reports by the Special Inspector General for Iraq Reconstruction (SIGIR), the difficult security environment has slowed reconstruction,[28] although the SIGIR told Congress in March 2007 that he now has some optimism that coordination with and among the Iraqis has improved. (In Recommendation 64, the Iraq Study Group says that U.S. economic assistance to Iraq should be increased to $5 billion per year rather than be "permitted to decline." Recommendation 67 calls on the President to appoint a Senior Advisor for Economic Reconstruction in Iraq.) For more detail, see CRS Report RL31833, *Iraq: Recent Developments in Reconstruction Assistance*, by Curt Tarnoff.

A total of about $34 billion has been appropriated for reconstruction funding (including security forces), of which $20.917 billion has been appropriated for the "Iraq Relief and Reconstruction Fund" (IRRF) in two supplemental appropriations: FY2003 supplemental, P.L. 108-11, which appropriated about $2.5 billion; and the FY2004 supplemental appropriations, P.L. 108-106, which provided about $18.42 billion. Of the IRRF funds, about $20.029 billion has been obligated, and, of that, about $17.954 billion has been disbursed. According to State Department reports, the sector allocations for the IRRF are as follows:

- $5.03 billion for Security and Law Enforcement;
- $1.315 billion for Justice, Public Safety, Infrastructure, and Civil Society;
- $1.014 billion for Democracy;
- $4.22 billion for Electricity Sector;
- $1.724 billion for Oil Infrastructure;
- $2.131 billion for Water Resources and Sanitation;
- $469 million for Transportation and Communications;
- $333.7 million for Roads, Bridges, and Construction;
- $746 million for Health Care;
- $805 million for Private Sector Development (includes $352 million for debt relief for Iraq);
- $410 million for Education, Refugees, Human Rights, Democracy, and Governance (includes $99 million for education); and
- $213 million for USAID administrative expenses.

FY2006 Supplemental/FY2007/FY2008

The FY2006 supplemental appropriation (P.L. 109-234) provides $1.485 billion for Iraq reconstruction. The regular FY2007 appropriation (P.L. 109-383, as amended) provides approximately: $182 million in ESF for Iraq reconstruction, and $20 million for counter-narcotics. The FY2007 Defense Appropriation (P.L. 109-289) provides another $1.7 billion for the Iraqi security forces (discussed further below) and $500 million in additional funds for the Commanders Emergency Response Program (CERP) under which U.S. military can expend funds for small construction projects intended to build good will with the Iraqi population. For FY2007 supplemental funds, P.L. 110-28 provide: $3.842 billion for the security forces; $1.574 billion in ESF; $50 million in a DoD "Iraq Freedom Fund"; $250 million in a "democracy fund;" $150 million for counter-narcotics; and $456.4 million in CERP funds (includes for Afghanistan as well). These are close to requested amounts. The July 15, 2007 progress report indicates that the President will exercise waiver authority to provide FY2007 ESF even though progress on some of the "benchmarks" was judged unsatisfactory.

For FY2008 (regular), the Administration requested: $2 billion for the security forces; $298 million in ESF; and $75.8 million for counter-narcotics and law enforcement. For FY2008 (supplemental): $772 million in ESF; $159 million in counter-narcotics and law enforcement; and $35 million for Iraq refugees. The FY2008 request asks for $1 billion in CERP funds (DOD funds). The House Appropriations Committee version of the FY2008 foreign aid appropriation cuts the Administration requested amounts by $456 million on the grounds that the Administration has not yet told Congress how it would spend the FY2007 supplemental funds.

Iraq provides some additional funds for reconstruction. In 2006 the Iraqi government allocated $2 billion in Iraqi revenues for development activities. Iraq's 2007 budget, adopted February 8, 2007, allocates $10.5 billion in unspent funds for reconstruction under President Bush's January 10 plan, discussed further below.

Oil Revenues

The oil industry is the driver of Iraq's economy, and rebuilding this industry has received substantial U.S. and Iraqi attention, as encapsulated in the U.S. push for the Iraqi political structure to pass the draft oil law and annexes to be considered by the COR (see above under Maliki government).[29]

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 nine oil wells were set on fire), but it has become a target of insurgents and smugglers. Insurgents have focused their attacks on pipelines in northern Iraq that feed the Iraq-Turkey oil pipeline that is loaded at Turkey's Mediterranean port of Ceyhan. (Iraq's total pipeline system is over 4,300 miles long.) The U.S. military reports in the June 2007 Measuring Stability report that elements of the protection forces for the oil sector (Strategic Infrastructure Battalions and Facilities Protection Service for the Oil Ministry) are suspected of complicity for smuggling as much as 70% of the output of the Baiji refinery, cost Iraq as much as $2 billion in revenue per year. The northern export route is operating, although it is only exporting about 300,000 barrels per day, about half its pre-war capacity. On the other hand, high world oil prices have compensated for the output shortfall. The Iraqi government

needs to import refined gasoline because it lacks sufficient refining capacity. (In Recommendation 62, the Iraq Study Group says that the Iraqi government should accelerate oil well refurbishment and that the U.S. military should play a greater role in protecting oil infrastructure.)

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. Some are concerned that the draft oil law, when implemented, will favor U.S. firms because the draft does not give preference to development contracts signed during the Saddam era, such as those signed with Russian and Chinese firms. Even before the hydrocarbons law has been enacted, some investors began entering Iraq's energy market, primarily in the Kurdish north. South Korea and Iraq signed a preliminary agreement on April 12, 2007, to invest in Iraq's industrial reconstruction and, potentially, its energy sector as well. Poland reportedly is negotiating with Iraq for possible investments in Iraq's energy sector. Several small companies, such as Norway's DNO, Turkey's Genel; Canada's Western Zagros; Turkish-American PetPrime; and Turkey/U.S.'s A and T Energy have already contracted with the Kurdistan Regional Government to explore for oil (potential output of 100,000 barrels per day) near the northern city of Zakho. The Kurds' position is that these deals will go forward even though they were signed before a formal hydrocarbons law has been enacted. (In Recommendation 63, the Iraq Study Group says the United States should encourage investment in Iraq's oil sector and assist in eliminating contracting corruption in that sector.)

Table 3. Selected Key Indicators

Oil						
Oil Production (weekly avg.)	Oil Production (pre-war)	Oil Exports	Oil Exports (prewar)	Oil Revenue (2005)	Oil Revenue (2006)	Oil Revenue (2007 to date)
2.09 million barrels per day (mbd)	2.5 mbd	1.47 mbd	2.2 mbd	$23.5 billion	$31.3 billion	$15.4 billion

Electricity			
Pre-War Load Served (MWh)	Current Load Served	Baghdad (hrs. per day)	National Average (hrs. per day)
102,000	100,000	5.6	10.9

Other Economic Indicators		
GDP Growth Rate (2006 estimate by IMF)	10.6%	
GDP	$18.9 billion (2002)	$33.1 billion (2005)
New Businesses Begun Since 2003	30,000	
U.S. oil imports from Iraq	approx. 660,000 bpd	

Note: Figures in the table are provided by the State Department "Iraq Weekly Status Report" dated July 4, 2007. 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.

Lifting U.S. Sanctions

In an effort to encourage private U.S. investment in Iraq, the Bush Administration has lifted nearly all 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). As a result, there are almost no restrictions on U.S. trade with and investment in Iraq.

- On July 30, 2004, President Bush issued an executive order ending a trade and investment ban imposed on Iraq by Executive Order 12722 (August 2, 1990) and 12724 (August 9, 1990), and reinforced by the Iraq Sanctions Act of 1990 (Section 586 of P.L. 101-513, November 5, 1990 (following the August 2, 1990 invasion of Kuwait.) The order did not unblock Iraqi assets frozen at that time.
- On September 8, 2004, the President designated Iraq a beneficiary of the Generalized System of Preferences (GSP), enabling Iraqi products to be imported to the United States duty-free.
- 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 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.[30]
- The FY2005 supplemental (P.L. 109-13) removed Iraq from a named list of countries for which the United States is required to withhold a proportionate share of its voluntary contributions to international organizations for programs in those countries.

Debt Relief/WTO Membership

The Administration is attempting to persuade other countries to forgive Iraq's debt, built up during Saddam's regime, with mixed success. The debt is estimated to total about $116 billion, not including reparations dating to the first Persian Gulf war. In 2004, the "Paris Club" of 19 industrialized nations agreed to cancel about 80% of the $39 billion Iraq owes them. The Persian Gulf states that supported Iraq during the Iran-Iraq war have resisted writing off Iraq's approximately $50 billion in debt to those countries (Saudi Arabia, Kuwait, United Arab Emirates, and Qatar). In mid-April 2007, Saudi Arabia agreed to write off 80% of the $15 billion Iraq owes it, but no new debt relief commitments by the UAE ($4 billion in Iraq debt) or Kuwait ($15 billion) were reported at the May 3-4, 2007, meetings on Iraq in Egypt. 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 principal and interest from about $2 billion in defaults on Iraqi agricultural credits from the 1980s.[31] On December 13, 2004, the World Trade Organization (WTO) agreed to begin accession talks with Iraq.

SECURITY CHALLENGES, RESPONSES, AND OPTIONS

Since the fall of Saddam Hussein, the United States has employed a multifaceted approach to stabilizing Iraq. However, the January 2007 National Intelligence Estimate (unclassified key judgments) said: "... in the coming 12 to 18 months, we assess that the overall security situation will continue to deteriorate at rates comparable to the latter part of 2006."[32] The Iraq Study Group said in its December 6, 2006, report that the "situation in Iraq is grave and deteriorating."[33] President Bush, in his January 10, 2007, speech on Iraq, said, "The situation in Iraq is unacceptable to the American people and it is unacceptable to me." The deterioration in security is, at least partly, the result of continuing sectarian violence superimposed on a tenacious Sunni-led insurgency, and prompted the revision of U.S. strategy as discussed in subsequent sections below.

In addition to the July 15, 2007 and September 15, 2007 progress reports, Congress has mandated two major periodic Administration reports on progress in stabilizing Iraq. A Defense Department quarterly report, which DOD has titled "Measuring Stability and Security in Iraq," was required by an FY2005 supplemental appropriation (P.L. 109-13), and renewed by the FY2007 Defense Appropriation

(P.L. 109-289). The latest version was issued in March 2007 and provides some of the information below. Another report ("1227 Report"), is required by Section 1227 of the Defense Authorization Act for FY2006 (P.L. 109-163).

Sunni Arab-Led Insurgency

The duration and intensity of a Sunni Arab-led insurgency has defied many expectations, probably because, in the view of many experts, it is supported by a large segment of the Iraqi Sunni population who feel humiliated at being ruled by the Shiites and their Kurdish partners. Many Sunni insurgents are motivated by opposition to perceived U.S. rule in Iraq, to democracy, and to Shiite political dominance; others want to return the Baath Party to power, while others would accept a larger Sunni political role without the Baath. Still others are pro-Al Qaeda fighters, either foreign or Iraqi, that want to defeat the United States and spread radical Islam throughout the region. The insurgent groups are believed to be loosely coordinated within cities and provinces, although several factions, purportedly including Al Qaeda in Iraq, are now grouped under a banner calling itself "The Islamic State of Iraq."

The insurgency failed to derail the political transition,[34] but it has caused high levels of sectarian violence and debate in the United States over the continuing U.S. commitment in Iraq. Sunni insurgent groups are conducting increasingly complex and well-coordinated attacks on police stations and other fixed positions, suicide attacks on markets frequented by Shiites, and occasional mass kidnappings of 50 or more people at a time from fixed locations. One attack in April 2007 in Diyala Province was directed at a U.S. base and killed nine U.S. soldiers. Since January 2007, insurgent groups have, on about ten occasions, exploded chlorine trucks to cause widespread civilian injury or panic. Targets of insurgent grenades, IEDs (improvised explosive devices), mortars, and direct weapons fire are U.S. forces and Iraqi officials and security forces, as well as Iraqi civilians of rival sects, Iraqis working for U.S. authorities, foreign contractors and aid workers, oil export and gasoline distribution

facilities, and water, power, and other facilities. A growing trend in mid-2007 has been attacks on bridges, particularly those connecting regions of differing sectarian domination. A *New York Times* report of December 19, 2006, said that Sunni insurgents had succeeded in destroying many of the power stations that feed electricity to Baghdad. The April 12, 2007, bombing of the Iraqi parliament, coming amid increasing mortar attacks on the heavily fortified International Zone, demonstrate the ability of the insurgency to operate in Baghdad.

Whole Sunni-dominated neighborhoods of Baghdad, including Amiriya, Adhamiya, Fadhil, Jihad, Amal, and Dora (once a mostly Christian neighborhood) apparently serve as Sunni insurgent bases. Sunni insurgents — as well as AQ-I — have also made substantial inroads into the mixed province of Diyala thus far in 2007, pushing out Shiite inhabitants.

The U.N. Security Council has adopted the U.S. interpretation of the insurgency in Resolution 1618 (August 4, 2005), condemning the "terrorist attacks that have taken place in Iraq," including attacks on Iraqi election workers and foreign diplomats in Iraq. The FY2006 supplemental (P.L. 109-234) provides $1.3 million in Treasury Department funds to disrupt insurgent financing.

Al Qaeda in Iraq (AQ-I)[35]

A numerically small but politically significant component of the insurgency is non-Iraqi, mostly in a faction called Al Qaeda-Iraq (AQ-I). Increasingly in 2007, U.S. commanders have seemed to equate AQ-I with the insurgency, even though most of the attacks each day are carried out by Iraqi Sunni insurgents. AQ-I was founded by Abu Musab al-Zarqawi, a Jordanian Arab who reputedly fought against the Soviet occupation of Afghanistan alongside other Arab volunteers[36]. He was killed in a June 7, 2006, U.S. airstrike. AQ-I has been a U.S. focus from very early on in the war because, according to U.S. commanders in April 2007, it is responsible for about 90% of the suicide bombings against both combatant and civilian targets. This trend began with major suicide bombings in 2003, beginning with one against U.N. headquarters at the Canal Hotel in Baghdad (August 19, 2003),[37] followed by the August 29, 2003, bombing in Najaf that killed SICI leader Mohammad Baqr Al Hakim. The faction, and related factions, have also kidnapped over 300 foreigner workers, killing a substantial proportion of them.

Zarqawi's strategy was to spark Sunni-Shiite civil war, an outcome that President Bush has said largely succeeded. In actions intended to spread its activities outside Iraq, AQ-I reputedly committed the August 19, 2005, failed rocket attack in the Jordanian port of Aqaba against two U.S. warships docked there, as well as the November 10, 2005, bombing of Western-owned hotels in Amman, Jordan. Others link AQ-I to some of the fighting in May - June 2007 in Lebanon, in which government forces are battling alleged Al Qaeda activists from the Fatah al-Islam group, purportedly composed of guerrillas previously fighting in Iraq. Under Muhajir, however, the organization appears to be more integrated with Sunni Iraqi factions in operations. In large parts of Anbar Province and now increasingly in parts of other Sunni provinces, Sunni tribes are trying to limit Al Qaeda's influence, which they believe is detrimental to Iraq's interests, by cooperating with U.S. counter-insurgency efforts. In other cases, including in June 2007, there were clashes between AQ-I and Iraqi insurgent groups in the Amiriyah neighborhood of Baghdad, apparently representing differences over targets and insurgency methods. U.S. commanders say they are trying to enlarge this wedge between Sunni insurgents and AQ-I by selectively cooperating with Sunni insurgents - a strategy that

is controversial because of the potential of the Sunni Iraqis to later resume fighting U.S. forces and Iraqi Shiites.

Outside Support for Sunni Insurgents

Numerous accounts have said that Sunni insurgents are receiving help from neighboring states (money and weapons),[38] although others believe that outside support for the insurgency is not decisive. Largely because of this outside support, the first 17 recommendations of the Iraq Study Group report call for intensified regional diplomacy, including multilateral diplomacy with Syria and Iran, in an effort to persuade outside parties not to stoke the violence in Iraq by aiding protege factions in Iraq.

In September 2005, then-U.S. ambassador Khalilzad publicly accused Syria of allowing training camps in Syria for Iraqi insurgents to gather and train before going into Iraq. These reports led to U.S. warnings, imposition of additional U.S. sanctions against Syria, and U.S. Treasury Department's blocking of assets of some suspected insurgent financiers. Syria tried to deflect the criticism by moves such as the February 2005 turnover of Saddam Hussein's half-brother Sabawi to Iraqi authorities. The latest DOD "Measuring Stability" report says that Syria provides help to Sunni insurgents, mainly Baathist factions, and remains a foreign fighter gateway into Iraq. However, some U.S. commanders said in May 2007 that they had recently observed some Syrian tightening of the border.

Other assessments say the Sunni insurgents, both Iraqi and non-Iraqi, receive funding from wealthy donors in neighboring countries such as Saudi Arabia,[39] where a number of clerics have publicly called on Saudis to support the Iraqi insurgency. Press reports say that Saudi officials told visiting Vice President Cheney in November 2006 that the Saudis might be compelled to assist Iraq's Sunnis if the United States withdraws from Iraq.

Table 4. Key Security/Violence Indicators

Indicator	Current Level
Number of U.S. forces in Iraq	About 160,000 includes all of "surge" of 21,500 U.S. combat forces (five combat brigades plus 4,000 Marines) now in place. Almost all 10,000 extra ISF are in place in Baghdad, bringing total to about 90,000 U.S. and Iraqi forces in the city. Roughly the same U.S. level as most of 2005 during election periods.
U.S./Other Casualties	3,611 U.S. forces; about 260 coalition (including 155 British). Of U.S. deaths, 3,465 since end to "major combat operations" declared May 1, 2003. 2,967 by hostile action. 250 U.S. citizen contractors.
U.S. Casualties by "Explosively-Forced Projectiles"	170+
Partner forces in Iraq	11,524 from 25 other countries. Down from 28,000 in 2005
Number of Iraqi Insurgents	25,000 U.S. estimates; Iraqi estimates run to 40,000, plus 150,000 supporters
AQ-I fighters	1,300 - 3,500
Number of Iranian Qods Forces in Iraq	150+
Number of all Attacks/day	150/day in Feb-May 2007, up from about 120/day in mid-2006; fluctuating/possibly decreasing due to "troop surge"
Attacks on Infrastructure	1.5/day in 2006 but increasing in 2007
Iraqi Police Killed since 2004	12,000 +
Number of Shiite militiamen	80,000 (60,000 Mahdi, 15,000 Badr, 5,000 other); up from 20,000 (2003)

Table 4. (Continued).

Indicator	Current Level
Iraqis Leaving Iraq or Displaced since fall of Saddam	2 million left, incl. 700,000 to Jordan, 1 million to Syria; another 2 million internally displaced or relocated.
Sectarian murders/day	20 - 30 per day, down from 50/day pre-surge, but up from 10-15/day just after surge began. Some murders now outside Baghdad, in Kirkuk, Mosul, and other cities.
Iraq Civilian Deaths	50 - 100/day, including sectarian murders, but subject to large fluctuations depending on presence or absence of large car/suicide bombings. Overall long term trend hard to discern or attribute to troop surge.
Iraqi Army and Police Battalions in operations	128; up from 104 in November 2006
Total ISF Equipped and Trained	353,100, with new reported goal of 395,000
Iraqi Army Battalions in the Lead or Fully Independent	98; up from 57 in May 2006, of which as many as 10 can operate independently, according to General Pace in May 2007
National Police Battalions in the Lead	6; same as level in May 2006
Number of Provinces Under ISF Control	7: Muthanna, Dhi Qar, Najaf, Maysan, Irbil, Dahuk, and Sulaymaniyah (latter three in May 2007). All turned over since 2005

Sources: Information provided by a variety of sources, including U.S. government reports on Iraq, Iraqi statements, the Iraq Study Group report, DoD Measuring Stability report, and press reports. See Tables 5 and 6 for additional figures on total numbers of Iraqi security forces, by force component.

Sectarian Violence and Shiite Militias/Civil War?

The security environment in Iraq became more complex since 2006 as Sunni-Shiite sectarian violence increased. Top U.S. officials said in late 2006 that sectarian-motivated violence — manifestations of an all-out struggle for political and economic power in Iraq — had displaced the Sunni-led insurgency as the primary security challenge. According to the January 2007 National Intelligence Estimate, "... the term 'civil war' does not adequately capture the complexity of the conflict in Iraq, [but] the term 'civil war' accurately describes key elements of the Iraqi conflict...."

The July 12, 2007 progress report says that there has been satisfactory progress reducing sectarian violence but unsatisfactory progress towards eliminating militia control of local security, and the report generally gives the Iraqis poor reviews for reducing sectarianism. .

U.S. officials date the escalation of sectarian violence to the February 22, 2006, Al Qaeda-Iraq bombing of the Askariya Shiite mosque in Samarra. The attack set off a wave of purported Shiite militia attacks on Sunni mosques and civilians in the first days after the mosque bombing. Since then, Shiite militias have retaliated through attacks on Sunni insurgents and Sunni civilians, intended in part to drive Sunnis out of mixed neighborhoods. Press accounts say the attacks have largely converting mixed Sunni-Shiite districts of Baghdad, such as Hurriya, into predominantly Shiite districts and that the Sunnis have largely "lost" the "battle for Baghdad." Many of those abducted turn up bound and gagged, dumped in about nine reported sites around Baghdad, including in strainer devices in the Tigris River. Sunnis are accusing the Shiites of using their preponderant presence in the emerging security forces, as well as their party-based militias, to commit the atrocities, but many Shiites, for their part, blame Sunni insurgents for the instigation. The Samarra mosque was bombed again

on June 13, 2007 and their were reprisal attacks on Sunni mosques in Basra and elsewhere, although the attack did not spark the large wave of reprisals that the original attack did, possibly because the political elite appealed for calm after this second attack.

Iraqi Christians and their churches and church leaders have become major targets of Shiite and Sunni armed factions, viewing them as allies of the United States. Since the fall of Saddam Hussein, as many as 100,000 Christians might have left Iraq, leaving the current size of the community in Iraq at about 600,000 800,000. The two most prominent Christian sects in Iraq are the Chaldean Catholics and the Assyrian Christians.

Discussed below are the three major organized militias in Iraq: the Kurdish Peshmerga, the Badr Brigades, and the Mahdi Army.

- *Kurdish Peshmerga.* Together, the KDP and PUK may have as many as 100,000 *peshmergas* (fighters), most of which are providing security in the Kurdish regional area (Dahuk, Sulaymaniyah, and Irbil Provinces). Some are in the Iraqi Security Forces (ISF) and deployed in such cities as Mosul, Tal Affar, and Baghdad (as part of the 2007 Baghdad security plan). Peshmerga units have sometimes fought each other; 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. *Peshmerga* do not appear to be involved in the Sunni Arab-Shiite Arab sectarian violence gripping Iraq.
- *Badr Brigades.* This militia is led by Hadi al-Amiri (a member of parliament). The Badr Brigades were recruited, trained, and equipped by Iran's Revolutionary Guard, aligned with Iran's hardliners, during the Iran-Iraq war, during which Badr guerrillas conducted forays from Iran into southern Iraq to attack Baath Party officials. Most Badr fighters were recruited from the ranks of Iraqi prisoners of war held in Iran. However, many Iraqi Shiites viewed SICI as an Iranian puppet and Badr operations in southern Iraq during the 1980s and 1990s did not shake Saddam's grip on power. The Badr "Organization" is under the UIA as a separate political entity, in addition to its SICI parent. Many Badr militiamen have now folded into the ISF, as discussed further later in this paper.
- *Mahdi Army.* Recent "Measuring Stability" reports say this militia "has replaced Al Qaeda in Iraq as the most dangerous accelerant of potentially self-sustaining sectarian violence in Iraq." It is purportedly the main perpetrator of the killings of Sunni civilians. This U.S. assessment is evolving as the Mahdi Army has largely ceased patrolling since the U.S. "troop surge" began in mid-February 2007. Still, Mahdi assertiveness is evident in southern Iraq has increased as Britain has reduced its forces during 2007. At least 50 British soldiers have died in suspected Mahdi attacks in southern Iraq since mid-2006; Mahdi forces also shelled a British base near Amarah in August 2006, contributing to a British decision to leave the base, and killed 11 British soldiers in southern Iraq in April 2007 alone. The militia took over Amarah briefly for a few days in late October 2006, and violence there resumed in June 2007. Some experts, citing independent-minded Mahdi commanders such as one named Abu Deraa, believe Sadr himself has tried to rein in Mahdi violence but no longer has full control of his armed following.

Iranian Support

U.S. officials, most specifically in a February 11, 2007, U.S. defense briefing in Baghdad, have repeatedly accused Iran of aiding Shiite militias. More specifically, they assert that the Qods (Jerusalem) Force of Iran's Revolutionary Guard is providing armed Iraqi Shiite factions (most likely Sadr's Mahdi forces) with explosives and weapons, including the highly lethal "explosively forced projectiles" (EFPs). A new development came on April 11, 2007, when U.S. military officials said they had found evidence that Iran might also be supplying Sunni insurgent factions, presumably in an attempt to cause U.S. casualties and promote the view that U.S. policy in Iraq is failing. In July 2007, U.S. commanders asserted that Iran was using its protege, Lebanese Hezbollah, to train and arm Iraqi Shiite militias, based on information from Hezbollah operatives captured in Iraq.

Iran's support for Shiite militias contributed to a U.S. decision to conduct direct talks with Iran on the issue of stabilizing Iraq. The December 2006 Iraq Study Group (Recommendations 9, 10, and 11) said that the United States should engage Iran multilaterally to enlist its assistance on Iraq. The Administration initially rejected that recommendation — the President's January 10, 2007, Baghdad security initiative included announcement of an additional aircraft carrier group and additional Patriot anti-missile systems to the Gulf, moves clearly directed against Iran. He also said that U.S. forces would work to dismantle Iranian (and Syrian) networks that are aiding armed elements in Iraq, and a *Washington Post* report of January 26, 2007, said that the Administration has altered its policy to allow for U.S. forces to combat Iranian agents in Iraq directly if they are observed actively assisting Iraqi armed factions. Also in December 2006 and January 2007, U.S. forces arrested alleged Iranian Revolutionary Guard Qods Forces agents — two at a SICI compound in Baghdad and five more at a compound in Irbil. The Iraqi government compelled the release of the first two; the others are still held and their incarceration will be reviewed in July 2007.

However, in an apparent shift, the Administration supported and participated in the March 10, 2007, regional conference in Baghdad and the follow-up regional conference held in Egypt on May 3 and 4, 2007. Subsequently, the two sides announced and then held high profile direct talks, at the Ambassador level, on May 28, 2007. The two sides said they shared similar visions for Iraq, but the U.S. side said it would judge the potential to continue the dialogue on Iran's performance "on the ground" - restraint in arming Iraqi militias. No further meetings have been scheduled, to date. (For more information, see CRS Report RS22323, *Iran's Influence in Iraq*, and CRS Report RL32048, *Iran: U.S. Concerns and Policy Responses*, both by Kenneth Katzman.)

Iraq's Northern Border

At the same time, security on Iraq's northern border appears to be increasingly complex. Turkey is complaining that Iraq's Kurds are harboring the anti-Turkey PKK guerrilla group in northern Iraq, and Turkey's top military leader called on April 12, 2007, for a military operation into northern Iraq to quash the group. That call came several days after Barzani, in comments to journalists, claimed that Iraqi Kurds were capable of stirring unrest among Turkish Kurds if Turkey interferes in northern Iraq. Previously, less direct threats by Turkey had prompted the U.S. naming of an envoy to Turkey on this issue in August 2006 (Gen. Joseph Ralston (ret.), former Vice Chairman of the Joint Chiefs of Staff). On February 8,

2007, Turkish Foreign Minister warned against proceeding with the December 31, 2007, referendum on Kirkuk's affiliation with the Kurdish region, reflecting broader concerns that the referendum could set off additional sectarian violence and pave the way for Kurdish independence. The most serious crisis to date occurred on June 6, 2007 when Turkish military sources said that several thousand Turkish troops had crossed into Iraq to conduct "hot pursuit" of PKK guerrillas, although Iraqi and U.S. officials denied there had been any Turkish incursion. In July 2007, Iraq asserted that Turkey has massed 140,000 forces on the northern border amid reports that Turkish political and civilian leaders have agreed on criteria under which Turkish troops might stage incursions into Iraq.

U.S. Efforts to Restore Security

For the nearly four years since the fall of Saddam Hussein, the Administration has tried to refine its stabilization strategy, with increasing focus on curbing sectarian violence. The Administration position is that the U.S. stabilization mission requires continued combat operations. U.S. military headquarters in Baghdad (Combined Joint Task Force-7, CJTF-7) is a multi-national headquarters "Multinational Force-Iraq, MNF-I," headed by Gen. Petraeus, who previously led U.S. troops in the Mosul area and the training and equipping program for the ISF. As of December 2006, the head of Multinational Corps-Iraq is Lt. Gen. Ray Odierno. Options for further alterations are discussed later in this paper.

In prior years, a major focus of U.S. counter-insurgent combat was Anbar Province, which includes the cities of Fallujah and Ramadi (provincial capital), the latter of which was the most restive of all Iraqi cities and in which the provincial governor's office was shelled or attacked nearly daily. In the run-up to the December 15, 2005, elections, U.S. (and Iraqi) forces conducted several major operations (for example Operations Matador, Dagger, Spear, Lightning, Sword, Hunter, Steel Curtain, and Ram) to clear contingents of foreign fighters and other insurgents from Sunni cities in Anbar, along the Euphrates River. None of these operations succeeded, causing the Administration to examine other options.

"Clear, Hold, and Build" Strategy/Provincial Reconstruction Teams

In its November 2005 "National Strategy for Victory in Iraq," the Administration publicly articulated a strategy called "clear, hold, and build," intended to create and expand stable enclaves by positioning Iraqi forces and U.S. civilian reconstruction experts in areas cleared of insurgents. The strategy, based partly on an idea advanced by Andrew Krepinevich in the September/October 2005 issue of *Foreign Affairs*,[40] stipulates that the United States should devote substantial resources to preventing insurgent re-infiltration and promoting reconstruction in selected areas, cultivating these areas as a model that could eventually expand throughout Iraq. The strategy formed the basis of Operation Together Forward (I and II) as well as the President's January 10, 2007, Baghdad security plan.

In conjunction with the U.S. strategy, the Administration began forming Provincial Reconstruction Teams (PRTs), a concept used extensively in Afghanistan. Each PRT in Iraq is civilian led, to be composed of about 100 U.S. State Department and USAID officials and contract personnel, to assist local Iraqi governing institutions, such as the provincial councils, representatives of the Iraqi provincial governors, and local ministry representatives. The concept ran into some U.S. military objections to taking on expanded missions, but the debate

was resolved with an agreement by DOD to provide security to the U.S.-run PRTs. Initially, ten PRTs were inaugurated, of which seven are run by the United States: Mosul, Kirkuk, Hilla, Baghdad, Anbar Province, two in Salah ad-Din Province, and Baquba. Of the partner-run PRTs, Britain has formed a PRT in Basra, Italy has formed one in Dhi Qar province, and South Korea runs one in Irbil. In conjunction with the President's "New Way Forward" January 10, 2007, strategy announcement, another ten PRTs have been opened, including six more in Baghdad and three more in Anbar. This necessitated adding 400 diplomats and contractors to staff the new PRTs, although about half of these new positions are filled with military personnel at least temporarily.

PRT Funding

An FY2006 supplemental request asked for $400 million for operational costs for the PRTs, of which the enacted version, P.L. 109-234, provides $229 million. The requested $675 million for development grants to be distributed by the PRTs is fully funded through the ESF appropriation for Iraq in this law. The FY2007 supplemental (P.L. 110-28) provides about $700 million (ESF) for PRT security, operations, and PRT-funded reconstruction projects.

Baghdad Security Plan ("Fardh Qanoon") and "Troop Surge"

Acknowledging that the initiatives above had not brought security or stability, the President's January 10, 2007, Baghdad security initiative (referred to in Iraq as *Fardh Qanoon*, Arabic for "Imposing Law") is intended primarily to bring security to Baghdad and create conditions under which Iraq's communities can reconcile. The plan, which in many ways reflects recommendations in a January 2007 report by the American Enterprise Institute entitled "Choosing Victory: A Plan for Success in Iraq,"[41] was announced as formally under way on February 14, 2007, and includes the following components:

- The infusion of an additional 28,700 U.S. forces to Iraq — 17,500 combat troops (five brigades) to Baghdad; 4,000 Marines to Anbar Province; and the remainder are support troops and military police. The plan envisioned that these forces, along with additional Iraqi forces, would secure and hold neighborhoods and areas cleared of insurgents and thereby cause the population not to depend on militias or other armed elements for security. The plan envisions that these forces, along with additional Iraqi forces, will be able to secure and hold neighborhoods and areas cleared of insurgents and thereby cause the population not to depend on militias or other armed elements for security. The forces are being based, along with Iraqi soldiers, in about 100 fixed locations around Baghdad, of which about 33 are so-called "Joint Security Stations." *The July 12, 2007 progress reports says that establishment of the Joint Security Stations has been satisfactory.*
- cooperation from the Iraqi government, such as progress on the reconciliation steps discussed earlier, the provision of $10 billion in new capital spending on reconstruction, and the commitment of the Iraqi forces discussed previously 3 brigades (about 6,000 soldiers), plus about 4,000 police commandos and regular police. *The July 12, 2007 progress report indicates satisfactory Iraqi performance on these measures.*

- provision of at least $1.2 billion in new U.S. aid, including funds for job creation and CERP projects, in part to revive long-dormant state-owned factories.

In an apparent attempt to demonstrate cooperation with President Bush's security plan, Maliki reportedly communicated to Sadr that Maliki would not stand in the way of operations against the Mahdi forces. *Application of the surge to all factions was one of the benchmarks under P.L. 110-28, and the July 12, 2007 report indicates satisfactory progress on this measure.* This was a contrast with 2006, when U.S. commanders expressed frustration with Maliki for forcing them to release suspected Mahdi militia commanders and to dismantle U.S. checkpoints in Sadr City, set up to try to prevent Shiite sectarian militiamen from operating. U.S. officers blamed these restrictions, in part, for the failure of "Operation Together Forward I and II," Baghdad security operations involving about 4,000 additional U.S. troops deployed in Baghdad (supplementing the 9,000 U.S. forces there previously), focused on such violent districts as Doura, Amiriyah, Rashid, Ghaziliyah, and Mansour. Also apparently contributing to the previous failures were Iraq's deployment of only two out of the six Iraqi battalions committed to the operation, which was only 1,500 soldiers out of 4,000 pledged.

Perhaps suggesting new ability to operate against Shiite elements, U.S. forces arrested the deputy Health Minister on February 8, 2007, for allegedly funneling money to Mahdi Army forces engaged in sectarian killings. As the Baghdad security plan began to operate, U.S. forces began to pressure Mahdi forces and to patrol at least the outskirts of Sadr City, and the Mahdi Army largely ceased active patrolling. Sadr himself fled, or at least visited, Iran as the U.S.-Iraqi plan began, perhaps fearing that he would be a U.S. target, even though he is based in Kufa (near Najaf), not Baghdad; he returned in late May 2007. On the other hand, the Mahdi Army is reviving somewhat in concert with Sadr's May 2007 call for the ISF and militias to join hands to combat U.S. "occupation" forces (but not Iraqis). Some fighting between the U.S., partner, and Iraqi forces and the Mahdi Army have taken place since April 2007 in Diwaniyah, Nassiriyah, Basra, Amarah and parts of Sadr City.

Surge Assessments

The July 12, 2007 progress report gives preliminary assessments of the surge, although the report is primarily focused on performance against the political and security benchmarks. In briefings in Washington D.C. on April 25-26, 2007, and since, General Petraeus, Secretary of Defense Gates, and Lt. Gen. Douglas Lute (named in May 2007 to be the new White House aide to coordinate policy toward Iraq and Afghanistan), as well as press reports, have also given preliminary assessments of the surge, while noting that the last of the five combat brigades only arrived in June 2007. These assessments present a mixed picture, including the following:

- an initial two-thirds reduction in the number of sectarian murders per day, although in June 2007 Gen. Petraeus said murders are increasing again;
- Some press reports say that the surge has thus far made substantial progress in calming only one third of Baghdad. However, in a June 14, 2007 USA Today interview, Gen. Petraeus said that he sees "astonishing signs of normalcy" in half, or perhaps two thirds, of Baghdad, as indicated by soccer games, amusement parks in operation, and vibrant markets.
- the return of some displaced families to their Baghdad homes;

- no overall, Iraq-wide reduction in the civilian deaths per day, although figures discussed in June and July 2007 might indicate some overall reduction;
- continuing setbacks to progress produced by AQ-I and other car and suicide bombs that cause mass casualties, although some figures in July 2007 show that there has been a reduction in the frequency of car bombings;
- substantial progress in Anbar Province that Gen. Petraeus has called "breathtaking," including a substantial reduction of violence; although violence picked up in previously quiet Fallujah in May-June 2007;
- little overall progress on political reconciliation, as noted above and in the July 15, 2007 progress report;
- U.S. commanders, including Gen. Petraeus and commander of Multi-National Division-North Benjamin Mixon, expressed increasing concern about violence in Diyala Province and in the towns in "belts" around Baghdad where insurgents have moved to in order to regroup and try to thwart the "surge." This necessitated a move in April 2007 by the commander of Multi-National Division-North, Benjamin Mixon, to deploy 3,000 additional U.S. forces to Diyala. In addition, "Operation Arrowhead Ripper" was begun on June 18, 2007, involving about 10,000 U.S. soldiers, to tryto capture AQ-I fighters in Diyala.

Building Iraqi Security Forces (ISF)[42]

A major pillar of U.S. policy had been to equip and train Iraqi security forces (ISF) that could secure Iraq by themselves, although the 2007 Baghdad security plan moves away from reliance on this strategy. President Bush stated in a June 28, 2005 speech, "Our strategy can be summed up this way: As the Iraqis stand up, we will stand down."[43] However, the Baghdad security plan relies more heavily on combat by U.S. forces than on transferring security responsibilities to the ISF. Still, the Defense Department plans to increase the number of U.S. forces embedded with or mentoring the ISF from 4,000 to well over 10,000, a plan endorsed by the Iraq Study Group report (Recommendations 43 and 44). The commander of the ISF training mission, the Multinational Transition Security Command-Iraq (MNSTC-I), is Lt. Gen. James Dubik, who in June 2007 replaced Gen. Martin Dempsey.

Iraqi leaders are holding to proposed timetables for Iraqi security control. President Talabani said in a June 2007 press interview that he expected the ISF could assume full security responsibilities by the end of 2008. The degrees to which the Iraqi government has assumed operational ISF control, and of ISF security control over territory, are shown in the security indicators table. A map showing areas under Iraqi control and ISF lead can be found in the Iraq Weekly Status Report of the State Department, available online at [http://www.state.gov/p/nea/ci/c3212.htm]. However, areas under ISF control or leadership are not necessarily pacified or stable. The Iraq Study Group recommends that the training and equipping of the ISF be completed by the first quarter of 2008 (Recommendation 42.)

At the same time, U.S. commanders have repeatedly said the ISF is not ready, or even nearly ready, to take over security in Iraq. With the total ISF goal of 325,000 reached in early 2007, the target level of the ISF has been increased to 395,000 to try to compensate for the forces' weaknesses. Some observers go so far as to say that the ISF is part of the security

problem in Iraq, not the solution, because of incidents of involvement in sectarian involvement or even possible anti-U.S. activity.

The July 12, 2007 progress report assesses the ISF against a few relevant benchmarks — the ability to operate independently, which is assessed as unsatisfactory; and enforcing the law even-handedly, which the report says is generally unsatisfactory, although some improvement is being noted. In addition, the most recent DOD "Measuring Stability" report and other accounts reiterate previously reported criticisms of the ISF, including

- that the ISF continue to lack an effective command structure or independent initiative, and that there continues to be a culture of corruption throughout the ISF structure.
- as much as one-third of ISF members are absent-without-leave or might have deserted at any given time, significantly reducing the actual fielded forces.
- that the ISF are unbalanced ethnically and by sect, penetrated by militias or even insurgents, and involved in sectarian violence, particularly among the police forces. Widely reported is that many ISF members view themselves as loyal to their former militias or party leaders, and not to a national force. In late 2005, U.S. forces uncovered militia-run detention facilities ("Site 4") and arrested those (Badr Brigade and related Iraqi police) running them.
- press reports in June 2007 said that some roadside bombs intended for U.S. forces were being planted near police stations, presumably by Iraqi police.
- most of the ISF, particularly the police, are Shiites, with Kurdish units mainly deployed in the north, and many Sunnis distrust the ISF as instruments of repression and responsible for sectarian killings.
- one controversial element of the Baghdad security plan is its apparent reliance on several mostly Kurdish brigades, a deployment reportedly resented by both Shiite and Sunni Arabs in the capital. there are several press reports and official comments that the members of the "Facilities Protection Force," (FPS), which are security guards attached to individual ministries, are involved in sectarian violence. U.S. and Iraq began trying to rein in the force in May 2006 by placing it under some Ministry of Interior guidance, including issuing badges and supervising what types of weapons it uses. (In Recommendation 54, the Iraq Study Group says the Ministry of Interior should identify, register, and otherwise control FPS.)

On the other hand, U.S. officials have praised Interior Minister Jawad Bolani for trying to remove militiamen and death squad participants from the ISF; in October 2006, he fired 3,000 Ministry employees for alleged sectarian links, along with two commanders of National Police components. That same month, an entire brigade of National Police were taken out of duty status for retraining for alleged toleration of sectarian killings in Baghdad.

Another positive trend noted by U.S. officials, even before the troop surge, is what they say is increasing tribal cooperation in Anbar Province, particularly from the National Salvation Council of an anti-Al Qaeda tribal leader, Abd al Sattar al-Rishawi. According to press reports, he has persuaded 13,000 men (almost all Sunni) to join police forces in the province, and these forces are participating in securing the border with Syria as well as helping secure Ramadi and other parts of Anbar, particularly against AQ-I. U.S. commanders

are reported to be attempting a similar strategy to try to stabilize Diyala, Salahuddin, and Nineveh provinces.

The Iraq Study Group (Recommendations 50-61) contain several suggestions for reforming and improving the police. Among the recommendations are: assigning the lead role in advising and training the anti-crime portions of the police forces to the U.S. Department of Justice; and transferring those police forces that are involved in anti-insurgency operations to the Ministry of Defense from their current organizational structure under the Ministry of Interior.

Weaponry

Most observers say the ISF are severely underequipped, dependent primarily on donations of surplus equipment by coalition members. The Iraqi Army is using mostly East bloc equipment, including 77 T-72 tanks donated by Poland, but has now received about 2,500 up-armored Humvees from the United States. The October 2006 report of the SIGIR [http://www.sigir.mil/reports/quarterlyreports /default.aspx] notes problems with tracking Iraqi weapons; of the approximately 370,000 weapons turned over to Iraq by the United States since Saddam's fall, only 12,000 serial numbers were properlyrecorded. Some fear that some of these weapons might have fallen into the hands of insurgents or sectarian militias, although it is also possible the weapons are still in Defense and Interior Ministry stocks but are not catalogued. (In Recommendation 45, the Iraq Study Group said the United States should encourage the Iraqi government to accelerate its Foreign Military Sales requests for U.S. arms and that departing U.S. combat units should leave behind some of their equipment for use by the ISF.)

ISF Funding

The accelerated training and equipping of the Iraqis is a key part of U.S. policy. The Administration has been shifting much U.S. funding into this training and equipping mission:

- According to the State Department, a total of $5.036 billion in IRRF funds has been allocated to build (train, equip, provide facilities for, and in some cases provide pay for) the ISF. Of those funds, as of June 4, 2007, about $4.975 billion has been obligated and $4.797 billion of that has been disbursed.
- An FY2005 supplemental appropriation (P.L. 109-13) provided an additional $5.7 billion to equip and train the ISF, funds to be controlled by the Department of Defense and provided to MNSTC-I. Of that amount, about $4.7 billion has been obligated.
- The FY2006 supplemental (P.L. 109-234) provided another $3 billion for the ISF.
- The FY2007 Defense appropriations law (P.L. 109-289) provides an additional $1.7 billion to train and equip the ISF.
- The FY2007 supplemental (P.L. 110-28) provides the requested $3.84 billion for this purpose. The FY2008 request is for $2 billion.

Table 5. Ministry of Defense Forces Table 6. Ministry of Interior Forces

Force	Size/Strength	IRRF Funds Allocated
Iraqi Army	150,900 total. Forces in units are in 129 battalions (about 90,000 personnel), with new goal of 132 battalions. Remainder not in formed units. Trained for eight weeks, paid $60/month.	$1.097 billion for facilities; $707 million for equipment; $656 million for training, personnel, and operations
Special Operations Forces	About 1,600 divided between Iraqi Counter-Terrorist Force (ICTF) and a Commando Battalion. Trained for 12 weeks, mostly in Jordan.	
Strategic Infrastructure Battalions	About 2,900 personnel in seven battalions to protect oil pipelines, electricity infrastructure. The goal is 11 battalions.	
Mechanized Police Brigade	About 1,500. Recently transferred from Ministry of Interior control.	
Air Force	About 900, its target size. Has 9 helicopters, 3 C-130s; 14 observation aircraft. Trained for six months. UAE and Jordan to provide other aircraft and helos.	$28 million allocated for air fields (from funds for Iraqi Army, above)
Navy	About 1,100, the target size. Has a Patrol Boat Squadron and a Coastal Defense Regiment. Fields about 35 patrol boats for anti-smuggling and anti-infiltration. Controls naval base at Umm Qasra, Basra port, and Khor al-Amaya oil terminals. Some training by Australian Navy.	
Totals	158,900	
U.S./Other Trainers	U.S. training, including embedding with Iraqi units (10 per battalion), involves about 4,000 U.S. forces (increasing to 10,000), run by Multinational Security Transition Command - Iraq (MNSTCI). Training at Taji, north of Baghdad; Kirkush, near Iranian border; and Numaniya, south of Baghdad. All 26 NATO nations at NATO Training Mission - Iraq (NTM-I) at Rustamiyah (300 trainers). Others trained at NATO bases in Norway and Italy. Jordan, Germany, and Egypt also have done training.	
Ministry of Interior	Total size unknown. 3,000 employees dismissed in October for corruption/sectarianism.	
Iraqi Police Service (IPS)	135,000, including 1,300 person Highway Patrol. (About the target size.) Gets eight weeks of training, paid $60 per month. Not organized as battalions.	$ 1.806 billion
Dignitary Protection	About 500 personnel	
National Police	About 26,300. Comprises "Police Commandos," Public Order Police," and "Mechanized Police." Organized into 28 battalions. Overwhelmingly Shiite. Gets four weeks of counter-insurgency training. Iraq Study Group (Recommendation 50) proposes transfer to MOD control.	
Emergency Response Unit	About 300, able to lead operations. Hostage rescue.	
Border Enforcement Department	32,000. Controls 258 border forts built or under construction. Has Riverine Police component to secure water crossings. Iraq Study Group (Recommendation 51) proposes transfer to MOD control.	$437 million (incl. $3 million for stipends to 150 former WMD workers).

Table 5. (Continued).

Force	Size/Strength	IRRF Funds Allocated
Totals (all forces)	194,200	
Training	Training by 2,000 U.S. personnel (DOD-lead) as embeds and partners. Pre-operational training mostly at Jordan International Police Training Center; Baghdad Police College and seven academies around Iraq; and in UAE. Iraq Study Group (Recommendation 57) proposes U.S. training at local police station level. Countries doing training aside from U.S.: Canada, Britain, Australia, Sweden, Poland, UAE, Denmark, Austria, Finland, Czech Republic, Germany (now suspended), Hungary, Slovenia, Slovakia, Singapore, Belgium, and Egypt.	
Facilities Protection Service (FPS)	Accounted for separately, they number about 145,000, attached to individual ministries.	$53 million allocated for this service thus far.

Coalition-Building and Maintenance[44]

Some believe that the Bush Administration did not exert sufficient efforts to enlist greater international participation in peacekeeping originally and that the U.S. mission in Iraq is being complicated by diminishing foreign military contributions. The Administration view is that partner drawdowns reflect a stabilizing security environment in the areas those forces are serving. A list of contributing countries, although not force levels, can be found in the Department of State's "Iraq Weekly Status Report" referenced earlier. Britain continues to lead a multinational division in southern Iraq, based in Basra, but, in line with plans announced by then Prime Minister Tony Blair on February 21, 2007, British forces have been reduced from 7,100 to about 5,500 currently, and will be reduced further to below 5,000 by the end of 2007, and that Basra Province would be turned over to ISF control. A Poland-led force (Polish forces number 900, down from a high of 2,600 in 2005) has been based near Diwaniyah and includes forces from the following foreign countries: Armenia, Slovakia, Denmark, El Salvador, Ukraine, Romania, Lithuania, Latvia, Mongolia, and Kazakhstan.

The coalition shrinkage began with Spain's May 2004 withdrawal of its 1,300 troops. 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. Honduras, the Dominican Republic, and Nicaragua followed Spain's withdrawal (900 total personnel), and the Philippines withdrew in July 2004 after one of its citizens was taken hostage. On the other hand, many nations are replacing their contingents with trainers for the ISF or financial contributions or other assistance to Iraq. Among other changes are the following.

- Ukraine, which lost eight soldiers in a January 2005 insurgent attack, withdrew most of its 1,500 forces after the December 2005 elections.
- Bulgaria pulled out its 360-member unit after the December 2005 elections. However, in March 2006 it sent in a 150-person force to take over guard duties of Camp Ashraf, a base in eastern Iraq where Iranian oppositionists are located.
- South Korea withdrew 270 of its almost 3,600 troops in June 2005, and, in line with a November 2005 decision, withdrew another 1,000 in May 2006, bringing its troop level to about 2,200 (based in Irbil in Kurdish-controlled Iraq). The deployment has

been extended until the end of 2007, and the government and parliament are discussing further extensions.

- Japan completed its withdrawal of its 600-person military reconstruction contingent in Samawah on July 12, 2006, but it continues to provide air transport (and in June 2007 its parliament voted to continue that for another two years). The Australian forces protecting the Japanese contingent (450 out of the total Australian deployment in Iraq of 1,350) moved to other areas, and security in Muthanna was handed over to ISF control.
- Italy completed its withdrawal in December 2006 after turning over Dhi Qar Province over to ISF control.
- Romanian leaders are debating whether to withdraw or reduce their 890 forces.
- On February 21, 2007, the same day as the British drawdown announcement, Denmark said it will likely withdraw its 460 troops from the Basra area by August 2007, and Lithuania said it is "seriously considering" withdrawing its 53 troops from Iraq. On the other hand, Georgia said on March 10, 2007, that it would greatly increase its current Iraq force of 850 to about 2,000 to assist the policing the Iran-Iraq border, a move that Georgian officials said was linked to its efforts to obtain NATO membership.

NATO/EU/other Civilian Training

As noted above, all NATO countries have now agreed to train the ISF through the NTM-I, as well as to contribute funds or equipment. Several NATO countries and others are offering to also train 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. The FY2005 supplemental appropriations (P.L. 10913) provided $99 million to set up a regional counter-terrorism center in Jordan to train Iraqi security personnel and civil servants.

PRESIDENT'S JANUARY 10 INITIATIVE, IRAQ STUDY GROUP REPORT, LEGISLATION, AND OTHER OPTIONS

In formulating the new strategy announced on January 10, 2007, President Bush said he weighed the December 6, 2006, report of the Iraq Study Group, as well as input from several other reviews, including one directed by outgoing Chairman of the Joint Chiefs of Staff Peter Pace and another under direction of the National Security Council. In the time surrounding the speech, a number of senior personnel shifts were announced: U.S. Ambassador Khalilzad's replacement by Ambassador to Pakistan Ryan Crocker, Gen. Abizaid's replacement by CENTCOM Commander by Admiral William Fallon; Gen. Casey's replacement as head of MNF-I by General David Petraeus. Robert Gates replaced Donald Rumsfeld as Defense Secretary in December 2006. In May 2007, the White House named Lt. Gen Douglas Lute, as a new aide to focus on promoting rapid and effective inter-agency

cooperation on the combat and policy in Iraq and Afghanistan. In June 2007, Gen. Pace was not put forward for another term as Joint Chiefs Chairman.

Iraq Study Group Report

The President's Baghdad security plan appeared to deviate from many aspects of the Iraq Study Group report, although the differences have narrowed since January. The Administration has noted that the Study Group report said the Group might support a temporary surge along the lines proposed by the President. The Iraq Study Group itself was launched in March 2006; chosen by mutual agreement among its congressional organizers to co-chair were former Secretary of State James Baker and former Chairman of the House International Relations Committee Lee Hamilton. The eight other members of the Group are from both parties and have held high positions in government. The group was funded by the conference report on P.L. 109-234, FY2006 supplemental, which provided $1 million to the U.S. Institute of Peace for operations of the group.[45] Some of the specific recommendations have been discussed throughout this paper and, among the major themes of the 79 recommendations, along with comparable or contrasting features of the President's plan, are the following.

- Foremost, transition from U.S.-led combat to Iraqi security self-reliance by early 2008 (Recommendations 40-45), with continued U.S. combat against AQ-I and force protection, in addition to training and equipping the ISF. The Administration has rejected any timetable for winding down U.S. combat.
- Heightened regional and international diplomacy, including with Iran and Syria, and including the holding of a major international conference in Baghdad (Recommendations 1-12). As noted above, the Administration, after initially appearing to reject this recommendation, has backed the series of regional conferences on Iraq.
- As part of an international approach, renewed commitment to Arab-Israeli peace (Recommendations 13-17). This was not a major feature of the President's plan, although he has authorized stepped up U.S. diplomacy by Secretary of State Rice on this issue.
- Additional economic, political, and military support for the stabilization of Afghanistan (Recommendation 18). This was not specified in the President's January 10 plan, although, separately, there have been increases in U.S. troops and aid for Afghanistan.
- Setting benchmarks for the Iraqi government to achieve political reconciliation, security, and governance, including possibly withholding some U.S. support if the Iraqi government refuses or fails to do so (Recommendations 19-37). The President initially opposed threatening to reduce support for the Iraqi government if it fails to uphold its commitments but signed P.L. 110-28 which does support linkage of U.S. economic aid to progress on the benchmarks.
- Giving greater control over police and police commando units to the Iraqi Ministryof Defense, which is considered less sectarian than the Ministry of Interior that now controls some of these forces, and reforming the Ministry of Interior

(Recommendations 50-58). The President's plan, according to a White House fact sheet released on January 10, requires reform of the Ministry of Interior.

- Securing and expanding Iraq's oil sector (Recommendations 62-63). The President's plan expects Iraq to pass the pending oil laws, which would, in part, encourage foreign investment in Iraq's energy sector.
- Increasing economic aid to Iraq and enlisting more international donations of assistance (Recommendations 64-67). The President's plan includes increases in aid, as discussed above.
- Ensuring that the United States has the right skills serving in Iraq and has sufficient intelligence on developments there (Recommendations 73-79). This is not specifically addressed in the President's plan.

In the 110th Congress, an amendment to H.R. 2764, the FY2008 foreign aid bill, would revive the Iraq Study Group (providing $1 million for its operations) to help assess future policy after the "troop surge." The amendment passed 355-69, but press reports say the Administration does not support reviving the Group's work. In the Senate, some Senators from both parties in June 2007 proposed legislation (S. 1545) to adopt the recommendations of the Group as U.S. policy.

Congressional Reaction to Troop Surge

Congressional reaction to the President's Baghdad security plan was somewhat negative. In House action, on February 16, 2007, the House passed (246-182) a nonbinding resolution (H.Con.Res. 63) expressing opposition to the sending of additional forces to Iraq. However, on February 17, 2007, the Senate did not vote to close off debate and did not vote on a version of that resolution (S. 574). Earlier, a Senate resolution opposing the troop increase (S.Con.Res. 2) was reported out the Senate Foreign Relations Committee on January 24 (12-9 vote). A cloture motion on this measure failed on February 1, 2007.

The House leadership subsequently inserted a binding provision of FY2007 supplemental appropriations legislation (H.R. 1591) that would require the president, as a condition of maintaining U.S. forces in Iraq, to certify (by July 1, 2007) that Iraq had made progress toward several political reconciliation benchmarks. Even if he certifies by October 1, 2007, that the benchmarks have been met, the provision amendment would require the start of a redeployment from Iraq by March 1, 2008, and to be completed by September 1, 2008. The whole bill passed the House on March 23, 2007. In the Senate-passed version of H.R. 1591, a provision would set a non-binding goal for U.S. withdrawal of March 1, 2008, in line with S.J.Res. 9 cited above. The conference report adopted elements of both bills, retaining the benchmark certification requirement and the same dates for the start of a withdrawal but making the completion of any withdrawal (by March 31, 2008, not September 1, 2008) a goal rather than a firm deadline. President Bush vetoed the conference report on May 1, 2007, and the veto was sustained. As discussed above, the revised FY2007 supplemental (H.R. 2206, P.L. 110-28) would withhold the ESF for Iraq if, in reports required by July 15 and September 15, the president could not certify progress on the "benchmarks" discussed previously.

The sections below discuss options that have been under discussion even before the report of the Iraq Study Group, and some of these options are being more actively debated in light of the July 15, 2007 progress report and the widely acknowledged failure of the Iraqi political structure to achieve political reconciliation. Some of the ideas discussed may be similar to some of the recommendations of the Study Group as well as the President's plan.

Further Options: Altering Troop Levels or Mission

Insisting that the "troop surge" is producing some positive military results, President Bush continues to publicly oppose major reductions in troop levels, stating that the United States must uphold its "commitment" to the Iraqi government and maintaining that the Iraqi government would collapse upon an immediate pullout. Other consequences, according to the Administration, would be full-scale civil war, safehaven for AQ-I and emboldening of Al Qaeda more generally, and increased involvement of regional powers in the fighting in Iraq. Supporters of the Administration position say that Al Qaeda terrorists might "follow us home" conduct attacks in the United States — if the United States were to withdraw.

Further Troop Increase
Some argue that the "surge" was too small — limited only to Baghdad and Anbar — and that the United States should consider increasing troops levels in Iraq even further to tamp down sectarian violence and prevent Sunni insurgents from re-infiltrating areas cleared by U.S. operations. However, this option appears increasingly unlikely in light of trends in public and congressional support for the overall Iraq effort.

Immediate and Complete Withdrawal
Some Members argue that the United States should begin to withdraw immediately and nearly completely, maintaining that the decision to invade Iraq was a mistake in light of the failure to locate WMD, that the large U.S. presence in Iraq is inflaming the insurgency, and that remaining in Iraq will result in additional U.S. casualties without securing U.S. national interests. Other Members argue that U.S. forces are now policing a civil war rather than fighting an insurgency. Based on the arguments discussed above, the Administration has largely ruled out this option even if the troop surge is judged a failure.

Those who support a withdrawal include most of the approximately 70 Members of the "Out of Iraq Congressional Caucus," formed in June 2005. In the 110th Congress, some have introduced legislation (H.R. 508 and H.R. 413) that would repeal the original authorization for the Iraq war. A similar measure might be considered in the Senate.

In the 109th Congress, Representative John Murtha, ranking member (now chairman) of the Defense Appropriations Subcommittee, introduced a resolution (H.J.Res. 73) calling for a U.S. withdrawal "at the earliest practicable date" and the maintenance of an "over the horizon" U.S. presence, mostly in Kuwait (some say

U.S. troops could be based in the Kurdish north) from which U.S. forces could continue to battle AQ-I. A related resolution, H.Res. 571 (written by Representative Duncan Hunter, chairman of the House Armed Services Committee), expressed the sense "that the deployment of U.S. forces in Iraq be terminated immediately;" it failed 403-3 on November 18, 2005. Representative Murtha has introduced a similar bill in the 110th Congress (H.J.Res.

18); a Senate bill (S. 121) as well as a few other House bills (H.R. 663, H.R. 455, and H.R. 645) contain similar provisions.

Withdrawal Timetable

The Iraq Study Group suggests a winding down of the U.S. combat mission by early 2008 but does not recommend a firm timetable. The vetoed FY2007 supplemental legislation containing binding timetables is discussed above, but some Members, such as Senate majority leader Harry Reid say they will continue to try to enact such legislation in such bills as the FY2008 Defense authorization (H.R. 1585). One proposed amendment (S.Amdt. 2087) would begin a withdrawal within 120 days and complete it (down to a limited presence) by April 1, 2008. This is somewhat similar to a bill by Senator Obama (S. 433), setting a deadline for withdrawing combat troops by March 31, 2008. There is a similiar bill in the House (H.R. 2956), to be voted on in July 2007. The Administration opposes a withdrawal timetable on the grounds that doing so would allow insurgents to "wait out" a U.S. withdrawal.

In the 109th Congress, the timetable issue was debated extensively. In November 2005, Senator Levin, who takes the view that the United States needs to force internal compromise in Iraq by threatening to withdraw, introduced an amendment to S. 1042 (FY2006 defense authorization bill) to compel the Administration to work on a timetable for withdrawal during 2006. Reportedly, on November 10, 2005, Chairman of the Senate Armed Services Committee John Warner reworked the Levin proposal into an amendment that stopped short of setting a timetable for withdrawal but requires an Administration report on a "schedule for meeting conditions" that could permit a U.S. withdrawal. That measure, which also states in its preamble that "2006 should be a period of significant transition to full Iraqi sovereignty," achieved bipartisan support, passing 79-19. It was incorporated, with only slight modifications by House conferees, in the conference report on the bill (H.Rept. 109-360, P.L. 109163). On June 22, 2006, the Senate debated two Iraq-related amendments to an FY2007 defense authorization bill (S. 2766). One, offered by Senator Kerry, setting a July 1, 2007, deadline for U.S. redeployment from Iraq, was defeated 86-13. Another amendment, sponsored by Senator Levin, called on the Administration to begin redeployment out of Iraq by the end of 2006, but with no deadline for full withdrawal. It was defeated 60-39.

Troop Reduction/Mission Change

Depending on the results of the "troop surge," there might later be debate on a possible significant but not wholesale troop reduction. U.S. officials have said that success of the surge — or its failure — might pave the way for a U.S. force reduction to fulfill a scaled-back U.S. mission that would involve: 1) operations against AQ-I; 2) an end to active patrolling of Iraqi streets; 3) force protection; and 4) training the ISF. A press report in June 2007 (*Washington Post*, June 10, 2007) said that, if this were the new mission of U.S. forces, fulfilling the mission might require retaining about 50, 000 -60,000 U.S. forces. Of these forces, about 20,000 would be assigned to guaranteeing the security of the Iraqi government or assist the ISF if it is having difficulty in battle. A reduced U.S. mission similar to those described are stipulated in H.R. 2451, which is to be taken up in September 2007. In the past, U.S. commanders presented to President Bush options for a substantial drawdown of U.S. forces in Iraq, dependent on security progress, to about 120,000. The plans faded when the security situation did not calm. A change of mission similar to that described — and without a

deadline for withdrawal — has been proposed by several Senators for consideration of the FY2008 defense authorization (H.R. 1585).

International and Regional Diplomacy

As noted above, many of the Iraq Study Group recommendations propose increased regional, multi-lateral, and international diplomacy. One idea, included in the Study Group report, is to form a "contact group" of major countries and Iraqi neighbors to prevail on Iraq's factions to compromise. The Administration has taken significant steps in this direction, including a bilateral meeting with Syria at the May 3-4, 2007 meeting on Iraq in Egypt, and the bilateral meeting with Iran in Baghdad on May 28, 2007. In the 110th Congress, a few bills (H.R. 744, H.Con.Res. 43, and H.Con.Res. 45) support the Iraq Study Group recommendation for an international conference on Iraq. In the 109th Congress, these ideas were included in several resolutions, including S.J.Res. 36, S.Res. 470, S.J.Res. 33, and S. 1993, although several of these bills also include provisions for timetables for a U.S. withdrawal.

Other ideas involve recruitment of new force donors. In July 2004, then-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. Some Iraqi leaders believed that such peacekeepers would come from Sunni Muslim states and would inevitably favor Sunni factions within Iraq. On the other hand, several experts believe that the lack of progress in stabilizing Iraq is caused by internal Iraqi disputes and processes and that new regional or international steps would yield minimal results. For more information, see CRS Report RL33793, *Iraq: Regional Perspectives and U.S. Policy*, coordinated by Christopher Blanchard.

Another idea is to identify a high-level international mediator to negotiate with Iraq's major factions. Some Members of Congress wrote to President Bush in November 2006 asking that he name a special envoy to Iraq to follow up on some of the Administration's efforts to promote political reconciliation in Iraq.

Political Reconciliation and Reorganization

Many proposals focus on the need for a "political solution," a requirement acknowledged by General Petraeus and almost all senior U.S. officials. These proposals involve differing methods for altering Iraq's power structure so that no major community feels excluded or has incentive to back violence.

Reorganize the Power Structure

Some experts believe that adjusting U.S. troop levels would not address the underlying causes of violence in Iraq. Those who want to build a unified and strong central government, including the Bush Administration, have identified the need to assuage Sunni Arab grievances, and several of the benchmarks required of the Iraqi government are intended to achieve that objective. Others believe that more sweeping political reconciliation efforts are

needed, but there is little agreement on what additional or alternative package of incentives, if any, would persuade most Sunnis leaders — and their constituents — to support the government. Some believe that Sunnis might be satisfied by a wholesale cabinet/governmental reshuffle that gives several leading positions, such as that of President, to a Sunni Arab, although many Kurds might resent such a move because a Kurd now holds that post. Others oppose major governmental change because doing so might necessitate the voiding of the 2005 elections, a move that would appear un-democratic.

Decentralization and Break-up Options

Some commentators maintain that Iraq cannot be stabilized as one country and should be broken up into three separate countries: one Kurdish, one Sunni Arab, and one Shiite Arab. Another version of this idea, propounded by Senator Biden and Council on Foreign Relations expert Leslie Gelb (May 1, 2006, *New York Times* op-ed) is to form three autonomous regions, dominated by each of the major communities. A former U.S. Ambassador and an adviser to the Kurds, Peter Galbraith, also advocates this option. According to this view, decentralizing Iraq into autonomous zones would ensure that Iraq's territorial integrity is preserved while ensuring that these communities do not enter all-out civil war with each other. Some believe that, to alleviate Iraqi concerns about equitable distribution of oil revenues, an international organization should be tapped to distribute Iraq's oil revenues. S.Con.Res. 37, with several co-sponsors from both parties, expresses the sense of the Senate that the United States should support a political settlement in Iraq that creates a federal system of government and allows for the creation of federal regions.

Critics of both forms of this idea believe that any segregation of Iraq, legal or de-facto, would cause parts of Iraq to fall firmly under the sway of Iraq's powerful neighbors. Others believe that the act of dividing Iraq's communities in any way would cause widespread violence, particularly in areas of mixed ethnicity, as each community struggles to maximize its territory and its financial prospects. This recommendation was rejected by the Iraq Study Group as potentially too violent.

Negotiating with Insurgents

A related idea is to negotiate with insurgents. The Iraq Study Group report welcomes contact with almost all parties in Iraq, with the exception of AQ-I (Recommendations 34-35). The Administration — and the Iraqi government — appears to have adopted this recommendation to some extent, and General Petraeus, in a March 7, 2007, news conference, appeared to suggest that any solution to Iraq would require some agreement with insurgent groups. Gen. Odierno, in June 2007, discussed with reporters a new U.S. tactic of reaching local ceasefires with Iraqi insurgent groups and, as discussed above, some U.S. commanders have gone even further by cooperating with Sunni insurgents willing to fight against AQ-I. In an interview before leaving Iraq, outgoing Ambassador Khalilzad said in late March 2007 that he had had talks with some insurgents in Jordan who are believed open to reconciliation.

"Coup" or "Strongman" Option

As discussed above, another option began receiving discussion in October 2006 as Iraqi elites began to sense a growing rift between the Administration and Maliki. Some Iraqis believe the United States might try to use its influence among Iraqis to force Maliki to resign and replace him with a military strongman or some other figure who would crack down on

sectarian militias. Some say former Prime Minister Allawi might be trying to position himself as such an alternative figure. However, experts in the United States see no concrete signs that such an option might be under consideration by the Administration. Using U.S. influence to force out Maliki would, in the view of many, conflict with the U.S. goal of promoting democracy and rule of law in Iraq.

Economic Measures

Some believe that the key to calming Iraq is to accelerate economic reconstruction, and they see the draft oil law as drawing in the foreign investment to Iraq's key energy sector that is needed to drive economic development. According to this view, accelerated reconstruction will drain support for insurgents by creating employment, improving public services, and creating confidence in the government. This idea was incorporated into the President's January 10 initiative, in part by attempting to revive state-owned factories that can employ substantial numbers of Iraqis. Prior to that, this concept was reflected in the decision to form PRTs, as discussed above. Others doubt that economic improvement alone will produce major political results because the differences among Iraq's major communities are fundamental and resistant to economic solutions.

Another idea has been to set up an Iraqi fund, or trust, that would ensure that all Iraqis share equitably in Iraq's oil wealth. In an op-ed in the *Wall Street Journal* (December 18, 2006) Senator Hillary Rodham Clinton and Senator John Ensign supported the idea of an "Iraq Oil Trust" modeled on the Alaska Permanent Fund.

Table 7. U.S. Aid (ESF) to Iraq's Opposition (Amounts in millions of U.S. $)

	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, FY1998FY2003	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 (Apr. 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.

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

Figure 1. Map of Iraq.

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[5]   Chalabi's 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. The Jordanian government subsequently repaid depositors a total of $400 million.

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[9]   The report can be obtained at [http://www.usip.org].

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

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Chapter 4

IRAQ: U.S. MILITARY OPERATIONS*

Steve Bowman

ABSTRACT

Iraq's chemical, biological, and nuclear weapons programs, together with Iraqi long-range missile development and support for Al Qaeda terrorism, were the primary justifications put forward for military action. On March 17, 2003, President Bush issued an ultimatum demanding that Saddam Hussein and his sons depart from Iraq within 48 hours. On March 19, offensive operations began with air strikes against Iraqi leadership positions. By April 15, after 27 days of operations, coalition forces were in relative control of all major Iraqi cities and Iraqi political and military leadership had disintegrated. On May 1, 2003, President Bush declared an end to major combat operations. There was no use of chemical or biological (CB) weapons, and no CB or nuclear weapons stockpiles or production facilities have been found.

The major challenges to coalition forces are now quelling a persistent Iraqi resistance movement and training/retaining sufficient Iraqi security forces to assume responsibility for the nations domestic security. Though initially denying that there was an organized resistance movement, DOD officials have now acknowledged there is regional/local organization, with apparently ample supplies of arms and funding. CENTCOM has characterized the Iraqi resistance as "a classical guerrilla-type campaign." DOD initially believed the resistance to consist primarily of former regime supporters and foreign fighters; however, it has now acknowledged that growing resentment of coalition forces and an increase in sectarian conflicts, independent of connections with the earlier regime, are contributing to the insurgency. Joint counterinsurgency operations involving both U.S. and Iraqi forces are being intensified in Baghdad and al-Anbar province, focusing on a "clear, hold, and build" strategy. By mid-June the last of the units composing the force "surge" announced in January had arrived in Iraq to begin counterinsurgency operations.

According to DOD, as of June 30 2007, 3,572 U.S. troops had died in Iraq operations. There have been more than 26,558 U.S. personnel wounded or injured since military operations began. Non-U.S. Coalition fatalities have totaled 287, while Iraqi security force fatalities from June 2003 through July 11, 2007, are estimated to be 7,202.

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* Excerpted from CRS Report RL31701, dated July 15, 2007.

The latest unclassified DOD statistics indicate that as of July 1, about 156,250 U.S. troops are in Iraq, with approximately 20,000 additional military support personnel in the region. About 11,450 non-U.S. troops are also in theater, with Britain being the largest contributor. Other nations contributing troops include Albania, Armenia, Australia, Azerbaijan, Bosnia-Herzegovina, Bulgaria, the Czech Republic, Denmark, El Salvador, Estonia, Georgia (Gruzia), Japan, Kazakhstan, Latvia, Lithuania, Macedonia, Moldova, Mongolia, Poland, Romania, Singapore, Slovakia, South Korea, and Ukraine.

BACKGROUND

Iraq's chemical, biological, and nuclear weapons programs, together with Iraqi long-range missile development, and Iraqi support for the Al Qaeda terrorist group were the primary justifications put forward by the Bush Administration for military action. Since Iraq originally ended cooperation with U.N. inspectors in 1998, there was little information on the state of Iraq's weapons of mass destruction (WMD) arsenal; however, Administration officials were convinced that Iraq had reconstituted significant capabilities. Initially, leading Administration officials, most notably Vice-President Cheney, Defense Secretary Rumsfeld, and his Deputy Paul Wolfowitz, stressed "regime change" or the removal of Saddam Hussein from power. Later in 2002, WMD disarmament was emphasized as the primary objective. Expanding on this theme President Bush, in his speech before the United Nations on September 12, 2002, specified the following conditions for Iraq to meet to forestall military action against it:

- Immediately and unconditionally forswear, disclose, and remove or destroy all weapons of mass destruction, long-range missiles, and all related material.
- End all support for terrorism and act to suppress it.
- Cease persecution of its civilian population.
- Release or account for all Gulf War missing personnel.
- End all illicit trade outside the oil-for-food program and allow United Nations administration of its funds.[1]

On March 17, 2003, President Bush issued an ultimatum demanding that Saddam Hussein and his sons depart from Iraq within 48 hours. On March 19, offensive operations commenced with air strikes against Iraqi leadership positions.

MILITARY PLANNING AND INITIAL COMBAT OPERATIONS

As military operations continue in Iraq, there has been considerable discussion about whether the initial planning for the war was adequate and based upon accurate assumptions. Prior to the onset of offensive operations, the Department of Defense released only limited official information concerning war planning or preparations against Iraq. There were, however, frequent and significant news leaks which provided a range of details. News reports indicated that the military options that were under discussion varied significantly in their

assumptions regarding Iraq military capabilities, the usefulness of Iraqi opposition groups, the attitude of regional governments, and the U.S. military resources that would be required.

Options Considered

In the wake of the successful operations in Afghanistan against the Taliban, some Administration officials advocated a similar operation, entailing use of special operations forces in cooperation with indigenous Iraqi opposition forces, coupled with an extensive air offensive to destroy Hussein's most reliable Republican Guard units, command and control centers, and WMD capabilities. This approach assumed that the regular Iraqi army would prove unreliable, and could even join opposition forces once it was clear that defeat was imminent. To encourage this, significant emphasis would be placed on an intensive psychological warfare or "psyops" campaign to undermine the morale of Iraqi soldiers and unit commanders, persuading them of the hopelessness of resistance.[2]

While having the advantage of not requiring large staging areas (though some regional air basing would be required) or months to prepare, this was generally considered the riskiest approach. The weakness of Iraqi opposition military forces and their competing political agendas placed their effectiveness in question, and predicting the behavior of regular Iraqi Army units under attack was problematic. This option also did not address the possibility of stiff resistance by Republican Guard units in the environs of Baghdad, nor the troop requirements of a post-conflict occupation.

This "lite" option stood in contrast to the operations plan originally offered by U.S. Central Command. This option, often called the "Franks Plan," after Army Gen. Tommy Franks, the U.S. Central Command (CENTCOM) commander who first briefed it to the President, called for a large-scale ground force invasion. News reports initially indicated, however, that this "heavy" approach did not receive the support of the DOD civilian leadership or White House advisors. Questions over the reliability of the regional support that would be necessary for staging areas and the length of time required for deployment were the major concerns.[3] However, the White House rejection of the "Franks Plan" came prior to the decision to take the Iraq issue to the United Nations Security Council. When it became clear that Security Council deliberations and the re-introduction of U.N. inspectors to Iraq could delay the possibility of military action for several months, it was apparently decided that this interlude would allow time both to negotiate regional cooperation and to deploy somewhat more substantial forces to the Persian Gulf region, and military operations appeared to adhere closer to CENTCOM's original recommendations. As the ground force offensive slowed, however, there was increasing criticism of DOD's civilian leadership for not permitting the deployment of even more ground forces prior to onset of operations.[4]

Combat Operations Prior to May 1, 2003

Offensive operations combined an air offensive and simultaneous ground offensive, in contrast to the 1991 campaign which saw weeks of air attacks to soften Iraqi resistance. U.S. Central Command's operational plan employed a smaller ground force than the 1991 Desert Storm operation, reflecting an assessment that Iraqi armed forces were neither as numerous

nor as capable as they were ten years earlier, and that U.S. forces were significantly more capable. This option depended upon the continued cooperation of regional nations for substantial staging areas/airbases and required months to deploy the necessary forces.

Though press reports differed somewhat, reportedly over 340,000 U.S. military personnel were in the Persian Gulf region (ashore and afloat). The 3rd Mechanized Infantry Division, the 101st Airborne Division (Air Assault), the 7th Cavalry Regiment, and the 1st Marine Expeditionary Force formed the bulk of the U.S. ground offensive. The 4th Mechanized Infantry Division arrived late in theater. Ships bearing its equipment remained off Turkey for weeks awaiting the outcome of negotiations to permit establishing a northern front attacking from Turkey, and then were diverted to the Persian Gulf when these negotiations fell through. The U.S. Navy deployed five of its twelve naval aircraft carrier battle groups. The Air Force had approximately 15 air wings operating in the region. Strategic bombers operated from the British airbase at Diego Garcia, and airbases in the Middle East, Europe, and the United States. The United Kingdom deployed over 47,000 personnel, including a naval task force, an armored task force, a Royal Marine brigade, a parachute brigade, a Special Air Service regiment, and a Special Boat Squadron. The majority of these British forces were engaged in southeastern Iraq, securing the Umm Qasr and Basra region. Australia deployed approximately 2,000 personnel, primarily special operations personnel, and one F/A-18 attack aircraft squadron. Poland had 200 special operations troops around Basra. (For more detailed information, see CRS Report RL31843, *Iraq: International Attitudes to Operation Iraqi Freedom and Reconstruction*, by Steven A. Hildreth, Jeremy M. Sharp, Melanie Caesar, Adam Frost, and Helene Machart.)

The invasion of Iraq was expected to begin with a 72-96 hour air offensive to paralyze the Iraqi command structure, and demoralize Iraqi resistance across the military-civilian spectrum. Intelligence reports indicating the possibility of striking Saddam Hussein and his immediate circle led to an acceleration of the operations plan, and an almost simultaneously onset of air and ground offensive operations. CENTCOM air commanders stressed that significant efforts would be made to minimize civilian casualties and damage to Iraqi physical infrastructure, and they were mostly successful in this effort.

With 25 days of offensive operations, coalition forces had relative control of all major Iraqi cities, including Baghdad, Basra, Mosul, Kirkuk, and Tikrit. CENTCOM pursued a strategy of rapid advance, by-passing urban centers when possible, pausing only when encountering Iraqi resistance. CENTCOM spokesmen characterized Iraqi resistance as sporadic and uncohesive. Oilfields and port facilities throughout Iraq were secured, as were all major air bases in Iraq. Though a few oil wells were set afire, all were quelled, and there has been only sporadic environmental sabotage. Allied forces did not encounter the mass surrenders characteristic of the 1991 campaign, however DOD reported that over 6,000 Iraqis were taken prisoner, and believes that many more simply deserted their positions. Iraqi paramilitary forces, particularly the Saddam Fedayeen, engaged in guerrilla-style attacks from urban centers in the rear areas, but did not inflict significant damage. Nevertheless, greater attention than anticipated had to be paid to protecting extended supply lines, and securing these urban centers, particularly around an-Nasiriyah and Najaf, and in the British sector around Umm Qasr and Basra.

Though CENTCOM commanders publicly expressed confidence in the adequacy of their force structure in theater, the Iraqi attacks in rear areas and the length of the supply lines to forward units led some to suggest that insufficient ground forces were in place to continue the

offensive while securing rear areas and ensuring uninterrupted logistical support. These critics faulted DOD civilian leadership for overestimating the effectiveness of a precision air offensive and curtailing the deployment of more ground troops, suggesting that an ideological commitment to smaller ground forces and greater reliance on high-tech weaponry had dominated military planning.[5]

Without permission to use Turkish territory, CENTCOM was unable to carry out an early ground offensive in Northern Iraq. However, Special operations forces, the 173rd Airborne Brigade, and air-lifted U.S. armor, operating with Kurdish irregulars seized Mosul, Kirkuk, and Tikrit. Cooperation with Kurdish militias in the north has been excellent.

POST-MAY 2003 OPERATIONS[6]

With the onset of widespread looting and the breakdown of public services (electricity, water) in the cities, coalition forces were confronted with the challenges of restoring public order and infrastructure even before combat operations ceased. Though U.S. forces have come under criticism for not having done more to provide security, the transition from combat to police roles is a difficult one, particularly when an important objective is winning popular support. Harsh reactions risk alienation of the population, yet inaction reduces confidence in the ability of coalition forces to maintain order. Coalition forces also have had to try to keep Iraqi factional violence from derailing stabilization efforts, with very mixed success. There is a significant body of criticism that DOD's leadership's assumptions about the ease of the post-war transition led to inadequate planning within the department and the disregard of extensive State Department planning efforts prior to the war.[7]

Since the late fall of 2004, U.S. forces, with ISF participation, have undertaken fairly constant counterinsurgency operations, focused primarily on strongholds in central and western Iraq. Though these operations were uniformly successful in defeating or driving out insurgents, Iraqi security forces were subsequently unable to prevent their return, thus requiring repeated U.S. assaults in some areas.

The Bush Administration's increase in the number of U.S. troops in Iraq, announced on January 10 and completed in mid-June, is intended to improve the ability to carry out the counterinsurgency strategy of "clear, hold, and build" undertaken over the last year. To cope with the inability or unwillingness of Iraqi security forces to maintain control of areas cleared of insurgents, the new plan will "partner" U.S. and Iraqi units down to the Iraqi battalion level in nine districts of Baghdad, establishing security outposts in each district from which to patrol and conduct raids. As of July 12, 58 of these Joint Security Stations and Combat Outposts have been established. The emphasis is intended to be on Iraqi security forces taking the lead in all operations, with U.S. troops providing support as required. The Bush Administration has accepted the Iraqi government's assurance that counterinsurgency operations will be conducted without sectarian considerations, and will not be targeted solely against Sunni insurgents. The *Initial Benchmark Assessment Report* notes a "mix of positive and negative examples" in this regard, but judges there to have been unsatisfactory progress.[8]

Administration officials, both civilian and military, have cautioned that improvements in the security environment will not be immediate, and that judgements concerning success may

not be possible until late summer or fall. The *Initial Report* emphasized that full-scale "surge" operations did not begin until mid-June. These have focused on Baghdad, Anbar province, and areas immediately north and south of the capital.

A number of questions have arisen regarding the personnel increase and the new approach to counterinsurgency operations. Among them, are (1) Is the troop increase sufficient in number, given that the accepted COIN practice of 20 counterinsurgents per 1,000 population would require about 120,000 personnel for Baghdad's population of six million?[9] (2) Will the current Iraqi government, which is dependent upon Shia militia leaders' support, hold to its commitment to permit operations against these militias? (3) How reliable and/or competent will Iraqi security forces be, given their previous performance? (4) Will ongoing discussions between U.S. and Iraqi military commanders result in a workable chain-of-command? (5) How long will it be necessary to sustain an increased U.S. military presence in Baghdad and al-Anbar province to ensure a stable security environment?

The attitude of the Iraq population remains the key element to stabilizing Iraq, and depends upon a variety of factors, such as the nature and extent of infrastructure damage and economic dislocation, the demands of ethnic and religious groups, and the speed with which a credible government can be established. Though a short-term post-war occupation was initially expected by some Administration officials, it is now believed that a continued deployment of military ground forces could be necessary for several years, though there are differences of opinion on the number of forces. The Iraq Study Group Report recommended no long-term increase in troop levels, though it did not oppose a short-term increase to stabilize Baghdad.[10] A report prepared by the American Enterprise Institute recommended a substantial, potentially long-term increase of some 30,000 combat troops for intensified counterinsurgency operations.[11]

Iraqi Security Organizations

The Bush Administration has made the ability of the Iraqi Security Force (ISF) to defeat the insurgency and maintain order the pivotal element of continued U.S. military presence in Iraq. Though ISF performance has been generally poor, with many personnel deserting and some actively joining the insurgents, Administration officials continue to believe that a strengthened training effort will provide more reliable units. This approach was endorsed by the Iraq Study Group, whose report recommended that the training and equipping of the ISF become the primary mission of the U.S. military in Iraq. The Multi-National Security Transition Command- Iraq [http://www.mnstci.iraq.centcom.mil/] has responsibility for this training effort. Participants include U.S., Australian, and NATO trainers.[12] Though initial efforts were hampered by delays in staffing U.S. personnel, lack of equipment, and difficulties in retaining Iraqi personnel, the original objective of 325,000 trained ISF personnel has been exceeded. There are still, however, some serious concerns that Iraqi security forces remain under-equipped, lacking sufficient vehicles, heavy weapons, and communications equipment.[13] There are also strong indications that the security forces have been significantly infiltrated by insurgent supporters, and the *Initial Report* maintains this continues to hinder ISF effectiveness[14] The Administration's *Interim Report* assesses the ISF to have made unsatisfactory progress in increasing the number of units capable of

operating independently, though it notes "generally adequate" performance of Iraqi units when partnered with Coalition forces.[15]

As of July 11, 2007, the State Department's *Iraq Weekly Status Report* provided the following statistics.

Iraqi Security Forces (operational)	
Police	161,300
Other Ministry of Interior Forces	32,900
Army	156,900
Air Force	900
Coastal Defense Force	1,100
Total	349,100

Iraqi Insurgency

Coalition troops, Iraqi security forces, and civilian support personnel continue to come under frequent and deadly attacks, primarily in central Iraq, but sporadically in southern and northern Iraq also. This constant potential for attack affects the pace and mode of reconstruction and stabilization operations. Troops must assume a potentially hostile environment, yet try to avoid incidents or actions that erode popular support. In addition to continuing attacks on coalition personnel, there have been attacks on infrastructure targets (e.g., oil/gas pipelines, electrical power stations and lines) hindering efforts to restore basic services to the civilian population. Attacks on oil pipelines also threaten to further delay the use of Iraqi oil exports to fund reconstruction programs. Though it is virtually impossible to fully protect these pipelines from sabotage, it was hoped that ongoing efforts to train specialized Iraqi units would provide coalition troops some assistance in this mission, however success has been mixed.

Though initially denying that attacks were the work of an organized resistance movement, DOD officials have now acknowledged there is at least regional/local organization, with apparently ample supplies of arms and funding. CENTCOM commander Gen. Abizaid was the first one to characterized the Iraqi resistance as "a classical guerrilla-type campaign."[16] Though many attacks have been made with improvised explosives, the resistance also has access to mortars, rocket launchers, and surface-to-air missiles looted from Iraq army depots. For example, one of the President's quarterly reports to Congress on Iraq operations noted that only 40% of Iraq's pre-war munitions inventory was secured or destroyed prior to April 2004.[17] The resistance has also moved from solely guerrilla-style attacks to utilizing suicide bombers. DOD believed the resistance to initially comprise primarily former regime supporters such Baathist party members, Republican Guard soldiers, and paramilitary personnel. Captured documents have given some indication that preparations for a resistance movement were made prior to the war, including the caching of arms and money. However, in some areas, growing resentment of coalition forces and increasing intra-sectarian conflict, independent of connections with the earlier regime, are contributing substantially to the deteriorating security situation. Estimates of the size of the insurgency

have ranged as high as 30,000. [18] There is, however, no reliable methodology for determining actual numbers for an insurgency that operates for the most part clandestinely. It is generally assumed that the insurgency has a core of combatants, with a significantly larger pool of active and passive supporters.

Force Levels

The most recent official unclassified statistics released by DOD on July 1, 2007, indicate that the United States military personnel in Iraq totaled 156,247 personnel and comprised the following:[19]

> Active Duty:
> Army: 94,532; Air Force:10,018; Navy: 4,379; Marine Corps: 24,134
> National Guard:
> Army National Guard: 13,747; Air National Guard: 1,180
> Reserves:
> Army: 6,457; Air Force: 876; Navy: 724; Marine Corps: 200

U.S. forces have been spread relatively thin throughout Iraq, and many argued early in the war that additional troops in theater could improve the pace and breadth of stabilization operations. DOD initially rejected this argument, stating that rather than adding more U.S. troops, the increased number of Iraqi security forces could be counted on to assist more extensively in stability operations. Indeed, CENTCOM's intent was to reduce the U.S. contingent to 110,00 by the end of May 2004. However, in April, 2004, uprisings in central and southern Iraq led CENTCOM to alter its plan, and to raise the number of U.S. troops to 141,000 by delaying the scheduled return of some units and accelerating the deployment of others. This number rose to almost 160,000 in early 2005 in anticipation of insurgents' efforts to disrupt the January 2005 Iraqi elections, and then has fluctuated from 138,000 to again 160,000 in place for the December 2005 elections. After these elections, DOD announced its intent to reduce the U.S. troop level by 7,000 to 8,000 by not replacing units scheduled to rotate back to home bases. On December 23, 2005, Secretary Rumsfeld announced that President Bush had approved the withdrawal of an undisclosed number of U.S. troops in 2006.[20] A reduction to a "baseline" of 138,000 by Spring 2006, and further reductions in Summer 2006 were discussed. Increased violence in late 2006 led to a reconsideration of troop levels, and on January 10 2007, in an effort to improve the security situation in Baghdad and al-Anbar province, President Bush announced that an additional 17,500 Army personnel and 4,000 U.S. Marines would deploy to Iraq. The units to deploy over the next several months include the 2nd Brigade, 82nd Airborne Division (Ft. Bragg, NC); 4th Brigade, 1st Infantry Division (Ft. Riley, KS); 2nd and 3rd Brigade, 3rd Infantry Division (Ft. Benning, GA/Ft. Stewart, GA); and 4th Stryker Brigade, 2nd Infantry Division (Ft. Lewis, WA). In addition to these five brigades, the 1st Brigade, 3rd Infantry Division of the Minnesota National Guard has hat its deployment extended. The Marine Corps has also extended the deployment of two reinforced infantry battalions and the 15th Marine Expeditionary Unit.

Independent of the so-called "surge" units, the following unit rotations will occur in the upcoming months:

Headquarters XVIII Airborne Corps (Ft. Bragg, NC) will replace Headquarters III Corps (Ft. Hood, TX) as the Multi-National Corps-Iraq Headquarters in November.

Headquarters 1st Armored Division (Wiesbaden, Germany) and Headquarters 4th Infantry (Ft. Hood, TX) will deploy multinational force headquarters in August.

1st Brigade, 10th Mountain Division (Ft. Drum, NY) and the 1st Brigade, 82nd Airborne Division (Ft. Bragg, NC) will deploy in August.

2nd Brigade, 82nd Airborne Division (Ft. Bragg, NC) will have its deployment extended for four months until January 2008.

Initially, there did not appear to be agreement among military commanders on the number of troops that will actually be required or on the pace of their deployment. Testifying before the House Armed Services Committee on January 11, 2007, Chairman of the Joint Chiefs, General Peter Pace, suggested that only two brigades would deploy initially, and further deployments would await an evaluation of the security situation. This opinion was echoed by General George Casey, incoming Chief of Staff of the Army, in his confirmation hearing testimony before the Senate Armed Services Committee on February1, 2007. However, General David Petraeus, who has assumed command of all coalition forces in Iraq, testified before the Senate Armed Services Committee on January 23, 2007, that he would require the deployment of the full five brigades as quickly as possible. In March 2007, President Bush, in response to General Petraeus's request, had authorized an additional deployment of 4,700 support troops and military police to Iraq. That week Deputy Secretary of Defense England indicated that yet another 2,300 troops would be sent and subsequent press reports indicate that General Petraeus indeed requested that an additional combat aviation (helicopters) brigade be sent to Iraq.[21] The troop increase was not completed until mid-June. With regard to how long the increased troop strength will be required in Iraq, the U.S. contingent's commander, Lt. Gen. Raymond Odierno, has suggested that the level be maintained through February 2008.[22] In testimony before the Senate Appropriations Subcommittee on Defense on May 9th , Secretary Gates indicated that a reduction of U.S. forces could be considered this fall, "if we see some very positive progress."[23]

The Army units will join operations in Baghdad, while the additional Marines will augment Marine units already in al-Anbar province. The Iraqi government is expected to contribute nine Army brigades, approximately 20,000 personnel, to the new Baghdad operations. General Petraeus estimates that, if all Iraqi police and security forces are included, he will have approximately 85,000 personnel for counterinsurgency operations in Baghdad. While the U.S. Army counterinsurgency field manual recommends a ratio of 1 counterinsurgent to for every 50 citizens, and that this would call for 120,000 personnel in Baghdad, General Petraeus has noted that there are currently "tens of thousands of contract security forces and ministerial security forces" that can augment the efforts of U.S. units and the Iraqi Army and police.

The Congressional Budget Office (CBO) provided the House Committee on the Budget estimates of the cost for the increased troop level in Iraq. CBO noted that the 21,500 figure includes only combat troops, and does not include any of the generally required support troops. The CBO report a range of costs, depending upon total number of additional troops (combat and support) deployed and the length of the deployment. A minimum of 35,000 troops was estimated to cost $9 billion for a four-month deployment and $12 billion for a 12-month deployment. A deployment of 48,000 troops, which would reflect combat to support troop ratios for recent Iraq operations, raises the estimates to $13 billion and $27 billion,

respectively. Were the deployment of these additional forces to last 24 months, the costs were estimated to range from $26 billion to $49 billion.[24]

Non-U.S. Forces

A key element in the Defense Department's consideration of troop requirements in Iraq is the willingness of other nations to contribute ground forces. The State Department has reported that as of July 11, 2007, 11,451 non-U.S. troops from 25 other nations are in Iraq, but has not released a nation-by-nation breakdown of these contributions. The United Kingdom is the largest other single contributor with about 7,000 troops; however the British government has announced that it will be withdrawing about 1,600 over the next few months. Denmark plans to withdraw its contingent this year, and Lithuania is considering doing so. The Republic of Georgia has announced that it will increase its contingent from 850 to over 2,000 during 2007. Nations currently contributing troops include Albania, Armenia, Australia, Azerbaijan, Bosnia-Herzegovina, Bulgaria, the Czech Republic, Denmark, El Salvador, Estonia, Republic of Georgia (Gruzia), Japan, Kazakhstan, Latvia, Lithuania, Macedonia, Moldova, Mongolia, Poland, Romania, Singapore, Slovakia, South Korea, and Ukraine. Most nations, however, have deployed relatively small numbers of troops, and questions have been raised about their operational capabilities.[25] Some nations that the United States initially approached for assistance (e.g., Turkey, Pakistan, India) indicated that their participation would be dependent upon, at a minimum, a United Nations resolution authorizing operations in Iraq. However, after the United Nations Security Council passed such a resolution, there still has been no enthusiasm for contributing military forces. For these and other nations, significant domestic political resistance to participation in Iraq operations remains a consideration. For example, 2005 national elections in Spain resulted in a new government that withdrew the Spanish contingent from Iraq immediately. The contingents from Honduras and the Dominican Republic, which were dependent upon Spanish forces for command and logistic support, also withdrew. Other countries that have withdrawn all or some of their ground forces from Iraq, or have announced intentions to do so in 2007, include Italy, Japan, Denmark, and the Netherlands.

Though many NATO nations have unilaterally contributed troops, the Bush Administration's efforts to obtain an institutional NATO commitment to providing combat troops have proven unsuccessful. However, in January 2006, NATO announced that all member nations are contributing to the training of Iraqi security forces. The nature of the contributions vary by nation from the purely monetary to training missions on-site in Iraq. NATO officials have noted that the ongoing operations in Afghanistan, where it commands the International Security Assistance Force, remain its primary focus.

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Chapter 5

IRAQ: SUMMARY OF U.S. CASUALTIES*

JoAnne O'Bryant

ABSTRACT

The following casualty data was compiled by the Department of Defense (DOD), as tallied from the agency's press releases. Table 1 provides statistics on fatalities during Operation Iraqi Freedom, which began on March 19, 2003, and is ongoing, as well as on the number of fatalities since May 1, 2003, plus statistics on those wounded, but not killed, since March 19, 2003. Statistics may be revised as circumstances are investigated and as all records are processed through the U.S. military's casualty system. More frequent updates are available at DOD's website at [http://www.defenselink.mil/ news/] under "OIF/OEF Casualty Update."

A detailed casualty summary that includes data on deaths by cause, as well as statistics on soldiers wounded in action, is available at the following DOD website: [http://siadapp.dmdc.osd.mil/personnel/CASUALTY/castop.htm].

**Table 1. Operation Iraqi Freedom, U.S. Fatalities and
Wounded as of July 12, 2007, 10 a.m. EST**

Fatalities	March 19, 2003, to the Present	May 1, 2003, to the Present	Wounded	March 19, 2003, to the Present
Hostile	2,967	2,852	In action[a]	26,695
Non-hostile	644	613	Not Returned to Duty	12,014
Total	3,611	3,465	-	-

Source: DOD press releases.

Note: The President's statement about combat operations in Iraq having ended can be found in the *Weekly Compilation of Presidential Documents*, May 1, 2003, p. 516.

a. Includes the "Not Returned to Duty" figure.

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* Excerpted from CRS Report RS21578, dated July 12, 2007

Chapter 6

U.S. EMBASSY IN IRAQ[*]

Susan B. Epstein

ABSTRACT

Concerns about the U.S. Embassy in Iraq have surfaced regarding the quality of construction and reported assertions of trafficking-like labor practices by First Kuwaiti General Trade and Contracting Company, the primary builder of the U.S. embassy in Baghdad.

The Bush Administration's FY2008 budget request includes $65 million for base funding for operations in Iraq. In addition, the Administration requested $823.9 million for mission operations in an FY2007 supplemental request and another $1.9 million for mission operations in an FY2008 emergency request. On May 24, 2007, Congress passed a compromise supplemental appropriation (H.R. 2206), which the President signed into law (P.L. 110-28) on May 25. The enacted law included $750 million for State Department operations in Iraq.

A previous emergency supplemental appropriation (H.R. 1268/P.L. 109-13), signed into law on May 11, 2005, included $592 million for embassy construction — all that is needed for construction of the U.S. Embassy in Baghdad, according to the Department of State. Completion of the embassy is expected by the end of the 2007 summer.

BACKGROUND

From July 17, 1979, when Saddam Hussein first came to power in Iraq, until just prior to the beginning of Operation Desert Storm in January 1991, the United States had full diplomatic relations with Saddam Hussein's government. On January 12, 1991, four days before Operation Desert Storm, the United States closed its embassy doors in Baghdad. At the time of its closing, the U.S. Embassy in Baghdad maintained a staff of approximately 50 and an annual budget of $3.5 million. From 1991 until 2004, the United States did not have diplomatic relations with Iraq.

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[*] Excerpted from CRS Report RS21867, dated July 13, 2007

With Saddam Hussein removed from power and the United States and its partners militarily occupying the country, the Bush Administration handed over government self-rule to the Iraqis on June 28, 2004. Part of the transition toward self-rule for Iraq is also a transition for the United States from being a military occupier to reestablishing normal diplomatic ties with an independent Iraq.

ORGANIZATIONAL STRUCTURE

The U.S. Ambassador to Iraq (Ambassador Ryan Crocker) has full authority for the American presence in Iraq with two exceptions: 1 — military and security matters which are under the authority of General Patraeus, the U.S. Commander of the Multinational Force-Iraq (MNF-I), and 2 — staff working for international organizations. In areas where diplomacy, military, and/or security activities overlap, the Ambassador and the U.S. commander continue cooperating to provide co-equal authority regarding what's best for America and its interests in Iraq.

The U.S. Embassy in Baghdad is among the largest American embassies in both staff size and budget. According to the State Department, the U.S. Mission in Baghdad is staffed with about 1,000 Americans representing various U.S. government agencies and between 200 and 300 direct hires and locally engaged staff (LES, formerly referred to as foreign service nationals, or FSN).

Americans representing about 12 government agencies are providing the face of America in the embassy and regional offices in Iraq. The agencies include the Departments of State (DOS), Defense (DOD), Agriculture (USDA), Commerce (DoC), Homeland Security (DHS), Health and Human Services (HHS), Justice (DoJ), Labor (DoL), Transportation (DoT), Treasury, and the Agency for International Development (USAID). Agencies that did not recommend staff for an Iraq presence include Departments of Energy, the Interior, and Veterans Affairs, as well as NASA, Peace Corps, Secret Service, and Social Security.

The United States has a number of experts from the various agencies on the ground in Iraq working as teams (Provincial Reconstruction Teams — PRTs) to determine such needs as security, skills, expenditures, contracting and logistics, communications/ information technology, and real estate. The State Department is in the process of adding 10 Embedded PRTs (EPRTs). Additionally, the United States has consultants from the agencies working in an ongoing basis with the various Iraqi ministries such as the Iraqi Health Ministry, Education Ministry, Foreign Ministry, Ministry of Oil, etc. to help Iraq gain a strong foothold on democracy and administrative skills.

In addition to the current level of U.S. personnel in Iraq, the Bush Administration announced its intention of establishing a Civilian Reserve Corps of skilled civilians to send overseas. According to Secretary Rice's testimony before the House Foreign Affairs Committee on February 7, 2007, the President's plan includes sending a "surge" of another 350 civilians to Iraq. Secretary Rice went on to say that DOD has agreed to fill many of those positions with Reservists until the State Department can recruit civilians for the long-term Civilian Response [Reserve] Corps.

LOCATION, SECURITY, AND THE ROLE OF U.S. DIPLOMATIC POSTS IN IRAQ

The State Department has been using three sites for embassy-related needs. The sites are the Chancery, formerly a Baathist residence which was later occupied by the U.S. Army; the Annex (the Republican Palace) previously used by the CPA; and the Ambassador's residence, once occupied by Ambassadors Bremer, Negoponte, and Khalilzad. The U.S. government is not paying Iraq for the use of property and buildings, according to the State Department. The Iraqi government has reportedly requested that these facilities be returned to it, with improvements, which State Department officials say will happen when the New Embassy Compound (NEC) is completed in 2007. On October 31, 2004, the United States and Iraqi Ministry of Foreign Affairs signed an agreement on diplomatic and consular property. Among other things, this agreement transferred to the United States title to a site for the new American Embassy compound and future consulate sites in Basra and Mosul. State's Overseas Buildings Operations (OBO) identified a 104-acre site for a NEC on a site adjacent to the Tigris River in the Green Zone. OBO claims that the NEC is on schedule to open in late summer, 2007.

First Kuwaiti General Trading and Contracting Company (a Kuwaiti company with ties to Kellogg, Brown, and Root [KBR] in some Defense Department activities) was selected through a competitive bidding process to build the U.S. embassy in Baghdad, according to State Department officials. Current controversy with the embassy construction involves news accounts of First Kuwaiti using improper labor practices and possibly trafficking in people to build the embassy. According to a State Department official, a recent Inspector General report determined that reports of improper labor practices by First Kuwaiti are unfounded.[1]

Regional teams are located in Mosul, Kirkuk, Basrah, and Hillah; each consists of limited staff representing DOS, as well as other agencies and contractors in designated locations. Altogether, about 46 people are spread among the regional offices. Each regional team's mission is primarily advising and coordinating with local officials and interacting with citizens to better understand the attitudes of the Iraqi people toward America. Both in Baghdad and in the regional offices, American Foreign Service Officers will be conducting public diplomacy — promoting American values and policies in Iraq.

Beyond the official consulate posts in Iraq, the Department of State has Foreign Service Officers embedded in major U.S. military commands located outside of Baghdad. DOS and DOD civilian employees also are at these locations. The State Department reportedly plans on having a total of 50 personnel in the Iraq provinces, including diplomatic security personnel.

Security is key to establishing diplomatic relations. The current facilities used by DOS in Baghdad have been subject to attacks, some of which have injured and killed Americans. According to the Department of State, Diplomatic Security (DS) has responsibility for embassy security. Overall security in the country, however, will continue to be the responsibility of the commander of the multinational forces. DOD and contractors will continue to be major contributors to a secure atmosphere. Regarding funding of security activities, the Administration has determined that security for the embassy will come from a combination of DOD's budget, as well as State's Diplomatic Security funds.

FUNDING

For embassy construction: Congress authorized $20 million (P.L. 108-287) for housing and other expenses incurred prior to construction of the new compound in Baghdad and $592 million (P.L. 109-13) for construction of the NEC on the 104-acre site. Department of State officials say that the funding is sufficient and the NEC is on track to being completed on time — by the end of summer, 2007.

For U.S. operations in Iraq: The FY2008 budget request includes $65 million for regular funding for operations in Iraq. In addition, the Bush Administration requested $823.9 million in its FY2007 supplemental request for operations in Iraq and in the FY2008 emergency request the Administration is seeking an additional $1.9 billion for operations in Iraq. If Congress were to approve all three requests, it would provide a total of about $2.8 billion for U.S. State Department operations in Iraq within a year.

Congress passed its FY2007 supplemental appropriation (H.R. 2206) with $750 million for State Department operations in Iraq, $73.9 million less than requested. The funding is for mission security, logistics support, overhead security (reinforcing roofs and ceilings to protect against bombs), and information technology. Congress has not yet considered the FY2008 supplemental request. Some funding for State Department operations in Iraq also is included in the State, Foreign Operations Appropriation for FY2008 (H.R. 2764, H. Rept.110-197, S. Rept 110-128).

CONGRESSIONAL RESPONSIBILITIES

While conducting foreign policy is the prerogative of the President, Congress maintains three important responsibilities with respect to U.S. foreign policy: 1) confirmation of political appointees (held by the Senate), 2) appropriations, and 3) oversight. Congressional opportunities to have input on U.S. diplomatic relations with Iraq and the embassy can occur within the nomination confirmation process, the annual State Department appropriation legislation, and biennial foreign relations authorization.

The position of Ambassador to Iraq was initially filled by John Negroponte, who served from May 2004 to March 2005. Zalmay Khalilzad (formerly the Ambassador to Afghanistan) is the current U.S. Ambassador to Iraq. Ryan Crocker has been nominated to replace Ambassador Khalilzad. The Senate Foreign Relations Committee held a nomination hearing for him on February 15, 2007. He has not yet been confirmed.

Appropriations for the new U.S. Mission in Iraq have come from a variety of sources. To date, no funds for either the interim buildings or new embassy construction have come from the regular appropriations process, according to the Department of State. The initial phase of establishing the U.S. post in Baghdad involved the Administration finding funds without specific appropriations for the embassy. Subsequently, much of the total required funding appeared in emergency supplemental requests, CPA funds, and DOD appropriations rather than in the regular budget. Many have had difficulty in discerning exactly what the Administration has already received and what is still needed; what has been spent and what is in the pipeline; what is available for operational activities of the Mission versus activities related to construction of the new compound.

Oversight includes congressional monitoring of how the embassy represents American foreign policy, cultural and commercial interests. While the 108th Congress was criticized in the media for doing too little oversight in general, and specifically with transferring of supplemental funds from Afghanistan to Iraq, construction of the new embassy in Iraq has been a high priority for some Members. Congress can provide the State Department with authority and direction to implement new programs or new emphasis on existing programs, and can set reporting requirements on spending or conducting such activities.

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Chapter 7

IRAQ: REGIONAL PERSPECTIVES AND U.S. POLICY[*]

Christopher M. Blanchard, Kenneth Katzman, Carol Migdalovitz, Alfred Prados and Jeremy M. Sharp

ABSTRACT

Iraq's neighbors have influenced events in Iraq since the fall of the Saddam Hussein regime in 2003, and developments in Iraq have had political, economic, and security implications for Iraq's neighbors and the broader Middle East. Ongoing insurgency and sectarian violence in Iraq and discussion of options for modifying

U.S. policy toward Iraq are fueling intense consideration of Iraq's future and the current and potential policies of Iraq's neighbors. Policymakers and observers are considering a number of different "Iraq scenarios," ranging from the resolution of outstanding Iraqi political disputes and the successful consolidation of Iraq's government and security forces, to greater escalation of sectarian violence into nationwide civil war and the potential for greater intervention by Iraq's neighbors.

Understanding regional perspectives on Iraq and the potential nature and likelihood of regional responses to various scenarios will be essential for Members of the 110th Congress as they consider proposed changes to U.S. policy, including the recommendations of the Iraq Study Group (ISG), new Administration initiatives, and annual appropriations and authorization legislation. Proposals for more robust

U.S. diplomatic engagement with Iraq's neighbors, including currently problematic parties such as Iran and Syria, may be of particular interest to Members during the first session of the 110th Congress: the Iraq Study Group report asserted that Iraqis will not be able to achieve security and national reconciliation goals necessary to prevent a wider conflict without regional and international support. Press reports suggest that the Administration plans to strengthen security cooperation with some of Iraq's neighbors and that new arms sales and security assistance authorization and appropriations requests may be submitted to Congress to support these plans during 2007.

This article provides information about the current perspectives and policies of Iraq's neighbors; analyzes potential regional responses to continued insurgency, wider sectarian or ethnic violence, and long-term stabilization; discusses shared concerns and U.S. long-

term regional interests; and reviews U.S. policy options for responding to various contingencies.

Regional perspectives on the conflict in Iraq and the nature of potential responses by Iraq's neighbors will be relevant to Members of the 110th Congress as they consider the recommendations of the Iraq Study Group, new Administration policy proposals, a possible FY2007 supplemental, and annual appropriations and authorization legislation. Principal current concerns include alleged Iranian political, financial, and military support for various Iraqi Shiite political parties and militia groups; Turkish apprehension about the future of northern Iraq's Kurdish and Turkomen populations and a potential bid for Kurdish independence; and Sunni Arab states' anxiety about the fate of Iraq's minority Sunni Arab population and the growth of Iran's regional influence. Longer term concerns focus on the challenges likely to arise during the reintegration of a deeply changed Iraq into the region's strategic military balance and global economic and energy markets.

Iraq and other regional security problems, such as the Israeli-Palestinian conflict, the enduring threat of transnational terrorism, Iran's nuclear program, and the ongoing political crisis in Lebanon, are becoming increasingly intertwined. Some observers believe that, in order for the United States and its allies to reach a sustainable reconciliation and find a lasting solution in Iraq, related regional crises also must be addressed. Others contend that lasting resolutions to these problems can only be secured according to their own time-lines and that efforts to link them to the stabilization of Iraq are unlikely to produce desirable results. The Iraq Study Group and other have argued that if Iraqis are unable to resolve their differences and rein in armed groups, then Iraq could continue to descend into violence, and Iraq's neighbors might intervene to defend their perceived national interests. Should Iraq stabilize, Iraq's neighbors are expected to deepen their economic and political re-engagement with Iraqis while seeking to minimize the potential for the post-Saddam Iraq to threaten their security or regional standing.

COMMON QUESTIONS, UNIQUE CONCERNS

The United States, Iraq's neighbors, and Iraqi political groups have distinct views and interests with regard to a common set of policy questions about Iraq's future. As observers of and participants in Iraqi affairs, Iraq's neighbors are seeking to understand and influence changes in the following five areas:

- the regional strategic balance;
- prospects for sectarian and ethnic violence (in Iraq and elsewhere);
- the strength of Iraq-based transnational terrorist groups;
- the status of Iraqi refugees and internally displaced persons; and
- the emergence of viable long term economic opportunities.

The manner in which the United States and regional parties prioritize and pursue their interests in these areas will determine whether greater cooperation or confrontation define Iraq's future and its long-term relations with its neighbors.

The Regional Strategic Balance and Political Stability

The removal of the Saddam Hussein regime upset the tenuous political and economic balance that had existed in the Persian Gulf region since the end of the 1991 Gulf War. In political and military terms, the regime's fall and the subsequent dismantling of Iraq's armed forces removed a potential military threat to the Arab Gulf states but also eliminated the region's principal strategic counterweight to Iran. Subsequent elections have installed a Shiite-dominated government, some of whose members are friendly to Iranian interests. In economic terms, the termination of the U.N. sanctions on Iraq created new trade and investment opportunities that have contributed to regional economic growth but remain limited by ongoing violence. Other trends that have defined the postwar environment in Iraq are reflected elsewhere in the region and are creating significant concern among regional powers: the mobilization of populations along ethnic or sectarian lines and the emboldening of politically affiliated, armed non-state actors have upended established patterns of rule and created challenges to central government authority.[1]

From the U.S. perspective, regime change in Iraq brought an end to the need for a policy of containment toward Iraq and the attendant U.S. military posture that had supported it since the end of the 1991 Gulf War. Stabilization and training efforts in Iraq, regional counterterrorism activities, and the potential for confrontation with Iran have replaced containment of Saddam's Iraq as the principal strategic drivers of the U.S. military presence in the region. Subsequent developments in Iraq and the region will affect future consideration of U.S. basing, access, and pre-positioning needs and, by extension, bilateral relations between the United States and a number of regional governments.[2] Containment of violence in Iraq and potential Iranian threats to neighboring countries or international shipping in the Persian Gulf may emerge as strategic concerns that could require significant changes to U.S. policy and military presence in the region.

Sectarian and Ethnic Politics and Violence

The hardening of sectarian and ethnic identities in Iraq has created significant anxiety among Iraq's neighbors, many of whom also have religiously and ethnically diverse populations. Sunni Arab governments and religious figures have characterized the empowerment of Iraq's Shiite Arabs and close relationships between the Iranian government and some Iraqi and non-Iraqi Shiite political parties and armed groups as evidence of an emerging and potentially hostile "Shiite crescent." Sunni Arabs in Saudi Arabia, Jordan, and Egypt also have accused Iraqi Shiite militia groups and Shiite-dominated Iraqi security forces of targeting Sunni Arab civilians. Similarly, Shiites outside of Iraq have expressed alarm about the targeting of Iraqi Shiite civilians by Sunni Arab-led insurgent and terrorist groups and the potential for Sunni Arab-led governments to intervene in Iraqi affairs to the detriment of Iraqi Shiites. Turkish concerns about Kurdish separatism and the fate of Iraq's ethnically-Turkish Turkoman minority group are well documented and drive Turkish policy regarding Iraq.

The post-Saddam strengthening of Iraqi Shiite political parties and the Shiite *hawza*, or religious establishment in An Najaf also have regional implications. Both phenomena contribute to concern in Saudi Arabia and Bahrain that indigenous Shiite Arabs may become

more politically active or hostile, based on the example of Iraq's empowered Shiite population or in response to future pronouncements from Iraq-based clerics. Sectarian tension continues to characterize Bahrain's domestic politics, and Saudi Arabia's minority Shiite population has come under renewed scrutiny from some Sunni Saudis in spite of a recent trend toward rapprochement. Iran, the traditional target of Sunni Arab concerns about Shiite interference, also may harbor concerns that clerics in An Najaf could challenge or undermine the religious authority of the hawza in the Iranian city of Qom.

Transnational and Nationalist Terrorism

The United States and Iraq's neighbors have expressed concern about the establishment and growth of various transnational terrorist organizations in Iraq since the fall of the Saddam Hussein regime. Ongoing conflict and the unreliable state of Iraq's security forces create the potential for a chaotic Iraq to serve as an ungoverned space that terrorist organizations can exploit. Under the late Jordanian terrorist leader Abu Musab al Zarqawi, Al Qaeda in Iraq grew to embody these fears by creating a sophisticated Iraqi and regional terrorist network that claimed responsibility for deadly attacks in neighboring Jordan. Ethnic nationalist terrorist organizations such as the Mojahedine Khalq (MEK/MKO), the Party for Freedom and Life in Kurdistan, and the Kurdistan Workers' Party (PKK) pose similar transnational threats to Turkey and Iran. From a U.S. perspective, these groups may contribute to regional instability if their activities provoke hostile responses by Iraq's neighbors.[3]

Broader international concerns focus on the foreign fighters who continue to travel to Iraq. Although the overall numbers of volunteers reportedly remain limited and their survival rates are reported to be quite low, the foreign fighter phenomenon has led many observers to suspect that non-Iraqi fighters who survive their experiences in Iraq may attempt to follow the example of the so-called "Afghan Arab" veterans of the anti-Soviet war in Afghanistan by returning to their countries of origin or traveling to other conflict zones and helping to ignite and sustain insurgencies and terrorist campaigns. Recent research has determined that experienced "Afghan Arab" fighters and their recent trainees formed the core cadre of Al Qaeda in the Arabian Peninsula and contributed to the group's lethality and resilience in the face of Saudi counter-terrorism efforts.[4] Coordination between the United States, regional governments, and the wider international community may be required to effectively stem any eventual reverse flow of volunteers from Iraq.

Refugees and Internally Displaced Persons

The conflict in Iraq has produced a serious humanitarian situation for millions of Iraqis who have become internally displaced or have fled Iraq to other regional countries. Non-Iraqi refugees within Iraq also have suffered. Iraq's neighbors are faced with the dual pressures of responding to the steady flows of displaced Iraqis reaching their borders as well as to the needs of Iraqis and non-Iraqis displaced within Iraq. At the popular level, strong religious charitable imperatives and the bonds of ethnicity and sectarian concern have produced calls for greater involvement, while, in some countries, the massive influx of Iraqi refugees has created economic and political disruptions. The United Nations continues to call on the

countries of the region and the international community to coordinate a more effective relief response. In the event of wider or more lasting conflict, those needs could increase substantially.

Table 1. Refugees and Internally Displaced Persons (IDPs)

Refugees and IDPs in Iraq	
Refugees in Iraq	50,000
(Palestinian, Syrian, Iranian, Turkish, Sudanese, etc.)	
Returnees in Iraq (2003-2006)	300,000
Internally Displaced Persons in Iraq	1,600,000
(# of new IDPs Oct'06)	(425,000)
Stateless ("Bidoons," etc.)a	130,000
Total	2,080,000
Iraqi Refugees in the Region	
Jordan	500,000-700,000
Syria	500,000-1,000,000
Lebanon	25,000-40,000
Iran	54,000
Egypt	80,000
Total	up to 1,874,000

Source: United Nations High Commissioner for Refugees (UNHCR), Update on the Iraq Situation, Nov. 2006; and, Supplementary Appeal - Iraq Situation Response, Jan. 2007.

a. The term "bidoon" refers to Bedouin Arabs and others who do not hold or have not been granted citizenship in any of the region's countries.

Economic Opportunities

Iraq's vast energy resources, its large consumer market, and its position as a geographic crossroads make it an attractive economic partner for its neighbors and the international community. However, since 2003, the lingering effects of over a decade of international sanctions and continuing postwar violence have created conditions that limit the ability of Iraq's neighbors to expand trade with and investment in Iraq to its full potential. Bilateral and intra-regional trade levels have increased from the Saddam era, especially with regard to regional demand for Iraq's energy resources. However, ongoing violence has limited the extent to which entities and individuals in the region have been willing and able to invest and conduct business in Iraq. Over the medium to long term, the rehabilitation of Iraq's oil production infrastructure and the expansion of exploration and production are expected to increase the availability of oil and refined petroleum products in the region, but may also create production quota competition within OPEC and affect prices and consumption patterns in global energy markets.

Iraq's Future

The diversity of political actors in Iraq and the confluence of regional and international policy problems with Iraqi affairs complicate efforts to predict the course of events in Iraq. As

U.S. policy and circumstances in Iraq and the region have changed since 2003, the perspectives and policies of Iraq's neighbors have evolved. Looking forward, Iraq's neighbors can be expected to react differently to different scenarios and U.S. policy choices. The following discussion uses a scenario-based framework to illustrate challenges that may confront the United States and Iraq's neighbors during the term of the 110th Congress and beyond.[5]

Continued Insurgency and Disorder?

From mid-2003 through early 2006, the foremost concerns of U.S. policymakers and the new Iraqi government were the Sunni-led insurgency against coalition and Iraqi forces, the presence of foreign terrorist operatives in Iraq, and the growth of organized criminal activitysuch as kidnaping, extortion, and drug trafficking. These problems remain serious and will need to be addressed by U.S., Iraqi, and regional policy makers over the short term. Iran and Turkey have engaged directly with Iraq's Kurdish and Shiite Arab populations, respectively, in order to secure their interests and guard against some of the potentially negative implications of these problems. However, Iran's intervention on behalf of Iraq's Shiites may be contributing to the persistence of Sunni-led resistance activities and Iraq's Kurds remain wary of Turkish intentions.

Relations between Iraq and its Sunni Arab neighbors remain characterized by limited diplomatic engagement, limited investment and trade, and a Sunni Arab general reluctance to embrace the new Iraqi government. In much of the Arab world, governments and citizens remain divided on the question of whether the U.S. military presence in Iraq is an ultimately stabilizing or aggravating factor. Most Arab governments fear a general failure of the new Iraqi government and the prospect of chaos that could leave Iraq's minority Sunni Arab population vulnerable or create opportunities for terrorist elements to prosper. Many Arab citizens oppose the continuing U.S. military presence in Iraq, and some view the current Iraqi government as an illegitimate outgrowth of U.S. occupation. Reconciling these differences of opinion is likely to remain difficult and could complicate efforts to secure the cooperation of Iraq's Arab neighbors with new stabilization initiatives.

Sectarian or Ethnic Civil War?

In addition to responding to the security threats that have persisted since 2003, U.S. policy makers also are now engaged in efforts to prevent further escalation of sectarian and ethnic violence, which is jeopardizing security goals and preventing the emergence of a stable Iraqi government. The bombing of an important Shiite mosque in the Iraqi city of Al Samarra in February 2006 sparked a cycle of retaliatory sectarian attacks between Sunnis and Shiites that continues, leading many observers to characterize the ongoing violence between rival communities and militias as the beginnings of a civil war.[6] The further escalation of sectarian violence would likely increase domestic pressure on the governments of Iraq's neighbors to intervene on behalf of members of specific sects or ethnic groups. Wider conflict and outside intervention in turn could exacerbate humanitarian crises inside Iraq and speed

the flow of Iraqi refugees to neighboring countries. Members of Congress may be asked to consider U.S. responses to intervention by Iraq's neighbors in any wider sectarian or ethnic conflict.

A Stable Iraq?

To many observers, current levels of violence make the prospect of stability and political reconciliation in Iraq appear unlikely in the near future. In considering longer term possibilities for Iraq's stability and unity, the United States and Iraq's neighbors are seeking to determine and influence "which Iraq" will emerge from the current chaotic situation. Faced with the prospect of destabilizing violence in Iraq or terrorist threats from Iraq-based entities, such as Al Qaeda and the Kurdistan Workers' Party (PKK), Iraq's neighbors may welcome the long term consolidation of strong central government control in Iraq as opposed to federal arrangements that leave local security responsibilities in the hands of weaker or less responsive regional governments. On the other hand, some analysts have argued that the "demonstration effect" of a united, democratic Iraq in which Islamist political parties, Shiites, and ethnic minority groups are represented in government and are allowed to participate freely creates political pressure on neighboring countries, where similar parties and groups do not enjoy comparable opportunities.[7]

A stable Iraq, its neighbors, and the United States also will need to reconcile several outstanding differences in order to define the new Iraqi government's role in the region's economic and strategic environment. Long term questions about key issues remain unresolved and could prove to be divisive, such as:

- Iraq's participation in OPEC and the Gulf Cooperation Council;[8]
- Iraq's future ability to project military force beyond its borders;
- the presence in Iraq of U.S. or other military bases or personnel; and
- the new Iraq's sovereign economic, political, and military relations with regional powers such as Iran and Syria and with global powers such as China and Russia.

IRAQ'S NEIGHBORS: PERSPECTIVES AND POLICIES

Official policystatements and independent sources of analysis are available that help to illustrate regional governments' perspectives and policies on Iraq. Nevertheless, there remain inherent limits on the ability of outside observers to fully understand and describe the priorities, perspectives, and policies of foreign governments, particularly on an issue of such fluidity and importance. The influence of broader regional and international issues such as the Arab-Israeli peace process and Iran's nuclear program further complicate analysis. With these limits in mind, the profiles below seek to define the key interests of Iraq's neighbors, review their diplomatic engagement and trade with post-Saddam Iraq, and discuss their perspectives on Iraq's future in light of the issues and scenarios outlined above.

Source: Map Resources. Adapted by CRS. (1/2007).

Figure 1. Iraq and its Neighbors.

Iran[9]

Perspectives and Interests

Iran's interests in Iraq reflect its longstanding regional ambitions as well as its desire to affect its ongoing dispute with the United States over nuclear technology development and the Arab-Israeli conflict. Iran views Iraq's majority Shiite Arab population as a potential strategic asset in light of these interests, and thus, Iran's overall goals in Iraq have differed little from the main emphasis of U.S. policy — establishing a democratic process that reflects majority preferences and thereby empowers potential Shiite allies. Iran sees continued control by Iraq's diverse Shiite parties as providing Iran with "strategic depth" and ensuring that Iraq remains pliable and attentive to Iran's interests. However, in 2006, Iran's reputed aid to some Iraqi Shiite parties and their militias has contributed to escalating sectarian violence that is undermining U.S. stabilization efforts and threatening U.S. efforts to strengthen the central government.

Policy Priorities

In the first three years after the fall of Saddam Hussein, Iran's leaders and diplomats worked to persuade all Shiite Islamist factions in Iraq to work together through the U.S.-orchestrated political process, because the number of Shiites in Iraq (roughly 60% of the population) virtually ensures Shiite predominance of government. Iran's strategy bore fruit with victory by a Shiite Islamist bloc (the "United Iraqi Alliance" or UIA) in the two National Assembly elections in 2005. The UIA bloc, which won 128 of the 275 Assembly seats in the December 15, 2005 election, includes Iran's primary Shiite Islamist proteges in Iraq — the Supreme Council for the Islamic Revolution in Iraq (SCIRI) and the Dawa (Islamic Call) party. Also in the UIA bloc is the faction of Moqtada al Sadr, whose ties to Iran are less well developed, largely because Sadr and his family remained in Iraq during Saddam's reign rather than fleeing to Iran or elsewhere. Like his predecessor as Prime Minister, Ibrahim al Jafari, the current Prime Minister Nouri al Maliki is from the Dawa Party. Al Maliki spent most of his exile in Syria. Most SCIRI leaders spent their years of exile in Iran, and the organization is considered to be the most pro-Iranian of Iraq's Shiite political groups.

Over the past year, U.S. and allied officials have emphasized the adverse aspects of Iranian policy — its purported financial and materiel support to the Shiite militias discussed above. On several occasions over the past year, former Secretary of Defense Rumsfeld and senior U.S. and allied military officials and policymakers have asserted that U.S. forces have found Iranian-supplied explosives (reportedly including highly lethal, military grade plastic explosives) in Iraq. These officials did not specify whether the weapons shipments had formal Iranian government approval or for which Iraqi faction(s) they were intended.[10] In September 2006 Commander of U.S. Central Command (CENTCOM) Gen. John Abizaid said the Iran-supported Lebanese Hezbollah organization was conducting training activity in Iran and its members could also be training Iraqi Shiite militiamen, but that "[these linkages are] very, very hard to pin down with precision."[11]

In supporting these reported activities, Iran might be seeking to develop a broader range of options in Iraq that include sponsoring sectarian violence to pressure U.S. and British forces to leave Iraq or to deter the United States from action against Iran to curb its purported nuclear ambitions. On the other hand, Iran might not necessarily want to support attacks on U.S. forces because a U.S. departure from Iraq, if that were the result, might leave pro-Iranian factions vulnerable to the well-organized and well-trained Sunni insurgents, many of whom were officers in the former Iraqi military. Shiite militia attacks on Sunni Arab civilians also could produce unrest that would undermine an Iraqi government that is dominated by pro-Iranian factions. Those who take this view tend to believe that Iran is aiding Shiite militias not to instigate attacks on the United States but instead as a means of increasing its influence over the Iraqi Shiite factions that field these forces.

In an effort to limit opportunities for Iran to act against U.S. interests in Iraq, in November 2005 U.S. Ambassador to Iraq Zalmay Khalilzad said that he had received approval from President Bush to begin a dialogue with Iranian officials on the issue of Iraqi stability and Iran's aid to Shiite militias. On March 17, 2006, Iranian officials publicly accepted talks on Iraq, but Iranian President Mahmoud Ahmadinejad said on April 25, 2006, that there was no need for U.S.-Iran talks because an Iraqi unity government was formed. No such talks have been held, but the issue of talks has revived in the context of recommendations by the Iraq Study Group that the United States open multilateral talks with both Iran and Syria to enlist their assistance in stabilizing Iraq. Other experts believe Iran is

neither willing nor necessarily able to assist U.S. policy in Iraq,[12] and, in an interview with journalists on December 14, 2006, U.S. Secretary of State Condoleezza Rice appeared to reject the Study Group recommendation by saying that the United States would not likely bargain with Iran to obtain its assistance in stabilizing Iraq.[13] Recent U.S. support for the passage of U.N. Security Council sanctions on Iran and the arrest of Iranian Revolutionary Guard officers and other officials by the U.S. military in Baghdad and Irbil could further limit chances of productive U.S.-Iran dialogue on Iraq.

Economic and Diplomatic Relations

At the same time, some aspects of Iran's civilian cooperation with Iraq do not appear to conflict with U.S. interests. Iran also reportedly has become Iraq's largest trading partner, and the two now do an estimated $3 billion per year in bilateral trade.[14] During a defense ministerial exchange in July 2005, the two countries signed military cooperation agreements, as well as agreements to open diplomatic facilities in Basra and Karbala (two major cities in Iraq's mostly Shiite south) and agreements on new transportation and energy links, including oil swaps and possibly future oil pipeline connections. Iran offered Iraq a $1 billion credit line as well, some of which is to be used to build a new airport near An Najaf. The two are also developing a "free trade zone" at the southern Iraqi city of Basra. In May 2006, Iran upgraded its diplomatic representation in Iraq, naming Hassan Kazemi-Qomi as ambassador.

Potential Responses

Although Iran appears to be benefitting from Iraq's current political structure, events in Iraq might possibly rebound to Iran's disadvantage. Should Iraq's Sunni neighbors intervene on behalf of Iraq's Sunni Arabs, Iranian leaders might decide to intervene militarily in Iraq to help preserve Shiite domination, particularly if Iran's Iraqi allies begin to suffer substantial losses that threaten a governmental collapse. Were a secular, strong Arab nationalist leader, whether Sunni or Shiite, to emerge from Iraq's turmoil, Iran might face a far less pliable Baghdad than it does now. Such a government might serve as an inspiration to Iran's Arab population (about 3% of the population), which is concentrated in Khuzestan Province (across the border from Basra). Iran has faced some antigovernment bombings and other unrest there in 2006, although not necessarily related to events in Iraq. A nationalist government in Iraq might also revive bilateral disputes that existing during Saddam's rule, such as the border demarcation along the Shatt al Arab waterway, the approximately 150 Iraqi combat aircraft still in Iran that were flown there after the start of the 1991 Gulf war, and the presence in Iraq of operatives of the Mojahedin-e Khalq (MEK/MKO) and the Party for Freedom and Life in Kurdistan.

Even if Iraq is stabilized under leadership similar to that now in power in Iraq, various alternative scenarios might not necessarily be beneficial to Iran. Some analysts believe that Iran's clerical leadership fears a successful non-cleric-led democracy in Iraq because that outcome would increase pressure for political liberalization in Iran — and maybe for an end to clerical rule there. Others feel that a stable Iraq would help the traditional center of Shiite theology, An Najaf, reassert itself to the detriment of Iran's holy city of Qom, which benefitted during Saddam's secular rule in Iraq. On the other hand, Iran's position might be enhanced if its main ally, SCIRI, succeeds in establishing a large Shiite region in southern Iraq. Such a region would presumably cooperate extensively with Iran on oil, electricity, and

road linkages, and facilitate and protect the flow of Iranian pilgrims to the Shiite holy sites at An Najaf and Karbala.

Turkey[15]

Perspectives and Interests

Turkey's bilateral relationship with Iraq since the 1991 Gulf war has been defined by Turkish fears about Kurdish separatism and ambiguity toward the regime of Saddam Hussein and the new Iraqi government. After the 1991 Gulf war, Turkey allowed U.S. and British planes flying from Incirlik Air Base to enforce a no-fly zone over northern Iraq (Operation Provide Comfort/Operation Northern Watch) to protect Iraq's Kurds from Saddam Hussein and to monitor Iraq's armed forces. Turkish leaders expressed a number of serious concerns about U.S. regime change plans in the run up to the 2003 invasion, and on March 1, 2003, the Turkish parliament refused to authorize the deployment of U.S. forces to Turkey for the purpose of opening a northern front against Iraq.

It is difficult to exaggerate Turkey's current concern about the situation in Iraq and its future. Turkish officials say that they want to see a stable, democratic, and unified Iraq emerge from the current chaotic environment. Foremost, they want Iraq to maintain its territorial integrity and view preventing the creation of ethnic/sectarian states in Iraq as key to regional stability. In addition, Turks care about the Iraqi Turkomen (or Turkmen), their ethnic kin, and about building economic ties with Iraq.

Policy Priorities

The high priority that Turkey puts on Iraq's territorial integrity stems from a desire to thwart the emergence of an independent Iraqi Kurdish state that could serve as a model for separatist Turkish Kurds and a staging site for anti-Turkish terror. From 1984 to 1999, Turkey fought a 15-year war costing more than 30,000 lives against the Kurdistan Workers Party (PKK), mainly in southeast Turkey. Some 4,000 to 5,000 Turkish Kurdish remnants of the PKK, which the U.S. State Department lists as a Foreign Terrorist Organization (FTO), have taken refuge in the Qandil (or Kandil) Mountains of northern Iraq. Turkish authorities blame the PKK and its offshoots for an an upsurge of terrorism in Turkey since 2004. Moreover, in 2006, there was a sharp rise in attacks against Turkish troops in southeastern Turkey, resulting in almost 100 deaths. Turkey has sought to have PKK leaders in northern Iraq arrested, camps that shelter the PKK there closed, and PKK offices in the country shut down permanently.[16] Turks have not been satisfied with

U.S. explanations that other Iraqi regions and issues have a higher priority or suggestions that other means of tackling the PKK, such as cutting off its financial sources, might be as effective in achieving Turkey's goals.

In the summer of 2006, Turkey built up its military forces on the border with Iraq to signal its impatience over the continuing PKK presence in northern Iraq, leading some observers to suggest that an incursion to attack the PKK was imminent. Yet, given the importance of U.S.-Turkish relations to Ankara, an incursion was probably unlikely and did not occur. The Bush Administration responded to Turkey's action by appointing retired General Joseph Ralston, former Vice Chairman of the Joint Chiefs of Staff and former NATO Supreme Allied Commander Europe (SACEUR), as Special Envoy for Countering the PKK.

His mission is to coordinate with the governments of Turkey and Iraq in order to eliminate the terrorist threat of the PKK and other terrorist groups operating across the border. The Turkish government viewed Ralston's appointment positively as an indication of high level

U.S. government interest and named retired General Edip Baser, former 2nd Army Commander, to be Ralston's counterpart. Thus far, however, Ralston's consultations with the Iraqi and Turkish governments have not mollified Turkish public opinion, which demands concrete steps: lack of U.S. action against the PKK continues to fuel growing Turkish anti-Americanism.[17]

The PKK issue also feeds Turkey's distrust of Iraqi President Jalal Talabani, a Kurd, and Iraqi Kurdish regional president Massoud Barzani.[18] The rhetoric of both leaders regarding Turkey and the PKK often dismays Turkish officials, who refuse to accord Barzani his title or deal with him in that capacity. Barzani, in particular, is believed to shelter and otherwise support the PKK and its leaders.[19]

The Iraqi Turkomen, a minority related to the Turks, reside alongside the Kurds in northern Iraq.[20] Ankara sympathizes with Turkomen complaints of being displaced and outnumbered by Iraqi Kurds returning to the north, after having been moved out of the region by Saddam. Although the Turkomen issue appeared less acute in Turkey after the Iraqi national elections in which Turkomen turnout was far less than the Turks had expected, it is getting increased attention because both Ankara and the Turkomen are concerned about Kirkuk, a multiethnic city claimed by the Iraqi Kurds situated in the heart of an oil-producing region.[21] Ankara advocates postponing a referendum scheduled for 2007 on the fate of Kirkuk, fearing that it could prove that the city is now predominantly Kurdish at the expense of Turkomen residents and that the oil resources on which the city sits could be used to finance an independent Iraqi Kurdish state. Turkish officials argue that Kirkuk and Iraq's natural resources must be equitably shared by all the Iraqi people. The Iraqi Kurds want the Kirkuk referendum to proceed. In a January2007 televised address, Turkish Prime Minister Recep Tayyip Erdogan said, "there are efforts to alter the demographic structure of Kirkuk. We cannot remain a bystander to such developments."[22]

Economic and Diplomatic Relations

Turks have taken advantage of economic opportunities offered in post-Saddam Iraq. Despite the chaos there, Turkey earned $2.7 billion from its exports to Iraq and $1.5 billion for work on infrastructure projects there in 2005.[23] Traffic at the single border gate at Habur is notoriously backed up, with trucks waiting days or weeks to cross. Stability/instability in Iraq will determine whether the Turkish goals of $10 to $12 billion in trade for 2007 and $15 billion for 2008 will be met.[24] As a sign of Iraq's importance to Turkey, Ankara has an ambassador in Baghdad, an ambassadorial level Special Representative to Iraq, and an ambassador based in Ankara responsible for reconstruction in Iraq and Afghanistan. The Turkish government has kept its embassy in Baghdad open despite a suicide bombing against it in 2003 and attacks on its diplomats. Turkey also has a consulate in the northern city of Mosul; but the consul has not taken up residence due to the security situation.

Potential Responses

Prime Minister Erdogan has warned that the division of Iraq would inflame a civil war, although he has also said that a civil war is already underway.[25] A unilateral declaration of

an independent Iraqi Kurdistan might trigger Turkish military intervention as might another sharp spike in terror within Turkey. For now, however, Turkish authorities accept the Iraqi Kurds' claim that independence is not their goal and say that they will respect decisions made by all of the Iraqi people. Ankara has reached out to other Iraqi ethnic groups, encouraging Sunni Arab participation in elections and establishing good relations with Shiite prime ministers in an effort to further Iraqi unity and bilateral relations. In recent years, Turkey also has improved ties with Iran and Syria and consults them regularly about Iraq. Kurdish media and some other reports have alleged that Turkish military forces have operated with Iranians against the PKK in northern Iraq or against Iranian Kurdish groups linked to the PKK, but these reports have not been independently confirmed. Turkey was pleased with the Iraq Study Group's emphasis on reaching out to Iraq's neighbors and believes that its constructive approach will resonate more in a regional format. Turkish officials insist that any multilateral contact groups include all of Iraq's neighbors, meaning Syria and Iran, and that they will not participate unless the others do so.

Saudi Arabia[26]

Perspectives and Interests

Saudi Arabia's relationship with Iraq has been tense historically, although periods of Saudi-Iraqi cooperation have occurred when supported by convergent interests, most notably during the Iran-Iraq war of the 1980s. Saudi Arabia publicly opposed the U.S.-led invasion of Iraq in 2003, but provided logistical support to U.S. forces,[27] and Saudi officials recently called on U.S. forces not to leave Iraq on an "uninvited" basis.[28] Saudi Arabia's principle interests with regard to the ongoing conflict in Iraq are — first, to prevent instability and conflict in Iraq from threatening Saudi Arabia's internal security and stability; second, to prevent the repression of Iraq's Sunnis by newly dominant Shiites; and, third, to limit the regional influence of a potentially hostile Iran.[29] Saudi Arabia's longer term interests include ensuring that the revival of Iraq's oil industry does not threaten Saudi preeminence and preferences in global energy markets and that Iraq does not re-emerge as a strategic military threat to the Arab Gulf states.

Policy Priorities

The Saudi Arabian government has refrained from overt political or military intervention in Iraq since 2003, in spite of the threat that instability in Iraq has posed to Saudi Arabia's national security. To date, Saudi policy initiatives have sought to meet the humanitarian needs of Iraqis displaced by ongoing violence; to promote political and religious reconciliation among Iraqis by hosting and participating in various regional conferences; and, to take preventive security measures to limit the spread of violence into Saudi Arabia. Some analysts believe that Saudi Arabia has not fulfilled pledges of aid to Iraq because it does not want to support an Iraqi government that many Saudis believe has a Shiite sectarian agenda.

The willingness of influential Saudi clerics, wealthy Saudi individuals, and young Saudi citizens to offer rhetorical,[30] financial,[31] or materiel support to various combatants in Iraq remains a persistent challenge. In particular, the phenomenon of Saudis traveling to Iraq to fight alongside other foreign fighters has created a long term security risk: Saudi veterans of conflicts in Afghanistan, Bosnia, Chechnya, and other regions constituted the hard core of the

Al Qaeda-affiliated group responsible for the series of successful and attempted terrorist attacks that occurred in the kingdom from late 2002 through early 2006. Estimates of the number of Saudis who have traveled to Iraq to fight remain imprecise and difficult to verify. In November 2006, a U.S. military spokesman stated that of the approximately 1,100 foreign fighters killed or captured in Iraq over the past year, 12% were Saudi nationals.[32] To help prevent the return of Saudi volunteers or the flow of other combatants and materiel from Iraq into Saudi Arabia, Saudi officials have strengthened their border control efforts and reportedly are planning to implement a significant border security infrastructure improvement program beginning in 2007.[33]

Saudi official and public views of Iraq also reflect concern about the empowerment of Iraq's Shiite Arab population and the growth of Iranian influence in the Persian Gulf region and broader Middle East. During a well publicized speech in New York in September 2005, Saudi Foreign Minister Prince Saud al Faisal commented that "we are handing the whole country [Iraq] over to Iran without reason," and warned of increased Sunni-Shiite violence.[34] Recent reports indicate these fears continue to shape Saudi policy debates and may have created disagreements between prominent royal family members (see "Potential Responses," below). The tense relationship between Saudi Arabia's Sunni Arab majority and Shiite Arab minority further compounds the situation: many Saudi Shiites have welcomed the empowerment of Iraq's Shiite Arabs and recognize Iraq-based Shiite clerics as their religious leaders; in turn, many conservative Sunni Saudis regard the Shiite minority as religiously aberrant and potentially politically disloyal.[35]

Economic and Diplomatic Relations

Sectarian and strategic anxieties complicate Saudi efforts to engage the Shiite-led Iraqi government, to establish strong trade links, and to discourage and prevent Saudi clerics and individuals from supporting Sunni Arab combatants in Iraq. Saudi leaders maintain regular contact with prominent Iraqi government officials, clerics, and political figures, although Saudi Arabia has not named an ambassador to Iraq. The Saudi government has pledged $500 million from the Saudi Development Fund to sponsor Iraqi government-requested development projects, along with $500 million to finance potential bilateral trade and close to $90 million in humanitarian relief assistance.[36]

However, since 2003, trade between Iraq and Saudi Arabia has remained very limited. According to the Saudi Ministry of Commerce and Industry, the total value of Iraqi-Saudi trade in 2005 was equal to $5.32 million.[37]

Debt forgiveness remains a key outstanding issue in Iraqi-Saudi relations. As of January 2004, Iraq reportedly owed the Saudi government $9 billion for debt incurred under the Saddam Hussein regime (mostly during the Iran-Iraq war of the 1980s), while private Saudi firms and banks hold about $19 billion in Iraqi debt.[38] Questions have been raised about whether Iraq's debt to Saudi Arabia should be subject to interest payments, and both parties have agreed to discuss the matter further. U.S. officials have encouraged Saudi Arabia and Kuwait to forgive Iraq's outstanding debt to support Iraqi reconstruction and economic recovery efforts, and the Iraq Study Group report speculated that Saudi Arabia could agree to cancel the outstanding debt as part of a regional effort to support and stabilize Iraq.[39]

Potential Responses

The Saudi Arabian government's restraint from overt involvement in the Iraq conflict stands in contrast to the reported pattern of private Saudi support for anti-coalition and anti-Iraqi government activity. In the face of continued Sunni Arab-led insurgency in Iraq, the Saudi regime is likely to continue to refrain from providing direct support for insurgent forces in order to avoid confrontation with the United States and out of fear that the collapse of Iraq's government could strengthen Iraq-based transnational terrorist elements hostile to the Al Saud family. However, the escalation of sectarian violence in Iraq since February 2006 and more assertive Iranian foreign policies appear to be undermining domestic support for this policy of restraint among Saudis. Influential figures and religious scholars in Saudi Arabia are now calling for their government and fellow citizens to provide direct political and security assistance to Iraq's Sunni Arab community and to confront what they perceive as Iranian-led Shiite ascendance in the region.

One prominent example of this trend appeared in a dramatically-worded opinion published in the *Washington Post* on November 29, 2006.[40] The author, Nawaf Obaid, is a well known Saudi security analyst and was then a consultant to the Saudi government. The editorial created an instant debate about Saudi Arabia's intentions toward Iraq, in spite of an attached disclaimer indicating that its conclusions did not represent Saudi policy. Its conclusion drew particular attention:

> To turn a blind eye to the massacre of Iraqi Sunnis would be to abandon the principles upon which the kingdom [of Saudi Arabia] was founded. It would undermine Saudi Arabia's credibility in the Sunni world and would be a capitulation to Iran's militarist actions in the region. To be sure, Saudi engagement in Iraq carries great risks — it could spark a regional war. So be it: The consequences of inaction are far worse.

Although Saudi officials have repeatedly denied that the editorial represents Saudi policy and severed Obaid's advisory relationship with the Saudi embassy in Washington, many U.S. observers have interpreted the episode (including Prince Turki's subsequent resignation as ambassador and reports of visits to Washington by former ambassador Prince Bandar bin Sultan) as an indication of impatience and disagreement among elements of the Saudi national security establishment over the kingdom's Iraq and Iran policies.[41] Others have speculated that the editorial was part of an orchestrated series of warnings that an end to the Saudi policy of restraint could be forthcoming: Saudi and U.S. officials denied press reports that such a warning was given to Vice President Cheney in private during his November 2006 trip to Riyadh.

Similar views have been evident in Saudi religious circles since 2003, where a number of Saudi clerics have encouraged support for insurgents and Iraq's Sunni Arab minority. In December 2006, leading cleric Salman al Awdah called "honest resistance [in Iraq] ... one of the legitimate types of *jihad*," and an October 2006 petition signed by 38 prominent religious figures called on Sunnis everywhere to oppose a joint "crusader [U.S.], Safavid [Iranian] and Rafidi [Shiite] scheme" to target Iraq's Sunni Arab population.[42] Anti-Shiite sectarian rhetoric has been a consistent feature of statements on Iraq from other Saudi clerics, including Nasser al Omar and Safar al Hawali.[43] Confrontation with these religious figures over their remarks and activities poses political challenges for the Saudi government, since some of them, such as Al Awdah and Al Hawali, have supported government efforts to de-legitimize

terrorism inside the kingdom and have sponsored or participated in efforts to religiously re-educate former Saudi combatants.

Reconciliation and long term stability in Iraq could ease Saudi fears of creeping instability, but could also create new challenges. Saudi Arabia's immediate concern in a post-conflict environment would be the reintegration or elimination of returning Saudi militants. The outcome of reconciliation or conflict in Iraq and the leadership and character of Iraq's government will determine whether Saudi fears about the empowerment of Shiite Arabs and the growth of Iranian influence persist or diminish. Future Iraqi choices in key areas such as energy and military policy will have important implications for Iraqi-Saudi relations over the long term.[44]

Syria[45]

Perspectives and Interests

For many years, Syria and Iraq had an uneven and often troubled relationship, stemming from political disputes, border tensions, demographic differences, and personal animosity between the two countries' late leaders: Syrian President Hafiz al Asad and Iraqi President Saddam Hussein. Moreover, the two countries were governed by rival wings of the pan-Arab Baath Party. In the late 1990s bilateral relations improved markedly, primarily in the economic sphere. Syria opposed the U.S. decision to launch Operation Iraqi Freedom which overthrew the regime of Saddam Hussein. Since then, the United States has accused Syria of instigating or allowing the transfer of weaponry through Syria to Iraq and permitting foreign fighters to transit Syria to Iraq to join the anti-U.S. insurgency. Syria also is accused of harboring Baathist ex-regime officials. Syrian officials maintain that, despite their efforts, they have found it difficult to secure the porous 375-mile Syrian-Iraqi border and say they have increased border patrols and barriers to block border crossings. As of the end of 2006, Syria seemed to be walking a somewhat delicate path in handling its relations with Iraq; on the one hand, Syria has reestablished diplomatic relations with Iraq for the first time since the early 1980s, while on the other hand, it has maintained relationships with a variety of groups seeking to disrupt U.S. attempts at Iraqi institution building.

Policy Priorities

These apparent inconsistencies may reflect to some degree Syria's ambivalent views of Iraq and the U.S.-supported Iraqi regime. The Syrian regime sees Iraq as an important neighboring state with which it shares many affinities but which it regards as a potential threat and a rival for leadership in the Arab world. Syrian concerns over Iraq are heightened by the ethnic-sectarian divisions which dominate both societies. More than 70% of Syria's population is Sunni Muslim; however, the country is governed by the minority Alawite sect which comprises some 12% of the population and is primarily committed to maintaining its grip on power. Syria has virtually no Shiite Muslims,[46] although like Iraq it has a Kurdish minority. Syria's Alawite leadership does not necessarily have a favorite among Iraq's Sunnis, Shiites, and Kurds, but is anxious that Iraq's leadership be amenable to Syrian regional goals. Also, given Syria's long-standing reliance on Iran for regional political support, Syrian leaders are likely to accept and support a degree of Iranian influence over the

already Shiite dominated Iraqi government, especially given parallel Syrian and Iranian goals in Lebanon. By the same token, Syria is inclined to support the goals of the radical Lebanese Shiite fundamentalist organization Hezbollah not only in Lebanon but in Iraq as well.

Economic and Diplomatic Relations

Economic relations between Syria and Iraq are built on a variety of largely unofficial contacts, including illicit trade, smuggling, and influx of refugees. A partial rapprochement between the two countries began in the late 1990s with the resumption of oil shipments on the order of 200,000 barrels per day from Iraq to Syria; these shipments were halted by allied coalition forces after the overthrow of Saddam Hussein in April 2003, but commercial ties continued in other sectors, particularly through traditional barter and low level trade between tribal groups straddling the Syrian-Iraqi border. In 2005, Iraq's imports from Syria were worth $2.987 billion and Iraq's exports to Syria were worth $500 million.[47]

In a related vein, the large-scale disruption of the Iraqi economy and mounting security threats following the overthrow of Saddam Hussein have created a new dimension to Syrian-Iraqi economic relations in the form of a mass movement of Iraqi refugees seeking to escape privation and insecurity, particularly to Syria and Jordan. Syrian officials reportedly estimate that as many as a million Iraqi refugees have settled at least temporarily in the Damascus suburbs, changing the character of entire neighborhoods and creating strains on the Syrian domestic economy in the form of rising rents, housing demands, and impending water and electricity shortages.[48] So far, Syrian authorities have kept an open door policy regarding these new arrivals; however, there are increasing concerns that the ethnic/sectarian and political factional disputes among Iraqis could be transferred to the Iraqi refugee communities in Syria.

Potential Responses

The development of future Syrian policy toward Iraq depends on a number of complex variables, including the stability and orientation of the Syrian regime itself and the course of events in Iraq. Syrian goals in Iraq are in some ways obscure, and there are significant differences among outside observers over what the present Syrian regime is seeking and what type of outcome a future Syrian regime might want to see. Some commentators believe that neither Syria nor Iran want to see Iraq fragment along the lines of Lebanon during its 15-year civil war, with Sunnis and Shiites locked in continued and apparently open-ended fighting. Others counter that Syria seems inclined to continue fomenting strife in Iraq in an effort to tie down U.S. resources, while gaining a free hand to recoup ground it lost in Lebanon over the past two years.[49] However, Syria's ability to affect the balance of power in the region is constrained by its limited military capabilities, which are adequate to maintain internal security but suffer from poor training and obsolescent equipment. There is also a possibility that significant differences over Iraq exist within the Syrian policy-making community and that the young and relatively inexperienced Syrian president, Dr. Bashar al Asad, is vacillating among various policy options, giving the impression of a contradictory approach to Syria's Iraq policy. A drastic change in the regime governing Syria could have significant effects on Syria's view of Iraq and the policies it might adopt toward the Iraqi leadership.

The emergence of alternative scenarios in Baghdad may precipitate a range of responses by Syrian leaders. Prolonging the current situation in Iraq, while possibly welcomed by Syrians seeking to disrupt U.S. regional plans, might also keep Syria off balance and

complicate its efforts to adopt a consistent policy toward Iraq. Syria, working through Iran, may follow equivocal policies, trying to exert control over Iraqi groups who share Syria's predisposition to reject U.S. policy lines while avoiding serious provocation of the United States. In particular, Syria is likely to make only limited efforts to control its border with Iraq, arguing that the volume of Iraqi refugees entering and residing in Syria makes it unrealistic for Syria to curtail the movement of people across the border.

As noted above, there are divergent views among U.S. commentators regarding whether Syria would best be served by disorder or stability in Iraq. Should Iraq slide into full-fledged civil war, however, Syria would face intricate decisions. Foremost among these would be whether to support the Sunni-led insurgency or to support more extremist elements of the Shiite militia, particularly strongly pro-Iranian groups and militants such as the hard line Shiite leader Muqtada al Sadr. An attempt by Syria to cultivate both Sunnis and Shiites would be difficult and could jeopardize the pre-eminent position of President Bashar al Asad's Alawite sect within Syria. Another complication would be the question of dealing with Syria's Sunni-based Muslim Brotherhood, a fundamentalist organization that has been outlawed by the secular Syrian regime for over 25 years but retains a following among some segments of the Syrian population and elsewhere in the region.

Should Iraq stabilize, an Iraqi regime that appeared to be making progress toward containing the insurgency and establishing a measure of control over much of Iraq would confront Syria with its most intricate challenge of all. On one hand, a move toward stability in Iraq could deprive the Syrian regime of an important lever in dealing with the United States on Lebanon and other issues; however, given President Asad's periodic espousal of stability in Iraq it would be difficult for him to appear to reject this goal.[50] Under any or all of these scenarios, Recommendations 9 and 12 of the Iraq Study Group report might be relevant. The two recommendations call, variously, for engagement with Syria to enlist its support for constructive policies in Iraq and the region, to encourage Syria to control its border with Iraq, to establish hot lines between Syria and Iraq, and to increase bilateral political and economic cooperation. Critics of the Iraq Study Group recommendations argue that the concessions necessary to convince Syria to adopt a more cooperative strategy remain undefined and could prove too costly in light of other U.S. interests.

Jordan[51]

Perspectives and Interests

Jordan's relations with Iraq during the Saddam Hussein era were strong. In 2003, Jordan publicly opposed military action against Iraq, but it informally and quietly provided logistical support to the U.S.-led campaign to oust Saddam Hussein. Since 2003, Jordanians have repeatedly criticized what they perceive to be the political marginalization of Iraq's Sunni Arab population. Unlike Iraq's other neighbors, Jordan has a limited ability to intervene in Iraq's affairs at present, and, since 2003, Jordanian leaders have been far more concerned with Iraq's influence on the kingdom's own politics, trade, and internal security. The Jordanian government's principal interests with regard to Iraq include managing Jordanian Islamist opposition movements in light of the empowerment of Islamist groups in Iraq; preventing the creation of safe-havens for terrorists in western Iraq that could threaten

Jordan's internal security; and limiting the growth of Iran's regional influence as a means of preventing the development of serious strategic threat to Jordan.

Looking forward, Jordan would prefer the emergence of a stable Iraq under Sunni Arab control. As this scenario appears unlikely given current circumstances, Jordan seems committed both to supporting the continued presence of U.S. troops in Iraq and the fledgling Iraqi government so long as the latter makes an effort to reintegrate Sunni Arab Iraqis into the military and government and does not become a vehicle for destabilizing Iranian initiatives. Over the long term, the Jordanian government has serious concerns regarding Iraq's future and the potential deleterious consequences that may arise from wider sectarian warfare within Iraq.

Policy Priorities

Although Jordan always has been dependent on foreign patrons, King Abdullah has brought Jordanian policy closer to that of the United States since his ascension to the throne in 1999 than at any previous point in the kingdom's history. Since mid-2003, Jordan has made modest contributions to Iraq's stability that have been widely interpreted as symbolic attempts to cooperate with U.S. rebuilding efforts and to minimize the negative consequences for Jordan of instability in Iraq. The centerpiece of Jordan's stabilization efforts remains the Jordan International Police Training Center (JIPTC) located outside of the capital city of Amman, which has prepared more than 30,000 Iraqi cadets since 2003 with the support of approximately $100 million in annual U.S. funding. According to allied coalition officials, Jordan also has donated military and police equipment to support the new Iraqi security forces.[52]

While the pursuit of these policies has brought tangible benefits to Jordan, such as increased U.S. trade and foreign assistance, Jordan's close ties to the United States make it an easy target for the king's opponents, especially Jordanian Islamists who are largely opposed to U.S. policy in the region. Some Jordanians fear that, like the 2006 Hamas victory in Palestinian Authority elections, the political participation of Islamist parties in Iraq is accelerating a growing pattern of Islamist political ascendance in the Arab and Muslim worlds. Although many believe that Arab regimes deliberately stoke Western fears of a growing Islamist radicalism to justify the repression of domestic opposition, the potential for Jordanian groups to emulate Iraqi Islamists cannot be wholly dismissed and is viewed with great consternation by Jordan's royal family and its allies.

Potential threats from transnational terrorism and increased Iranian influence also dominate Jordan's Iraq policy agenda. Despite the killing of Jordanian terrorist mastermind Abu Musab al Zarqawi in June 2006 by U.S. and Iraqi forces (reportedly with assistance from Jordanian intelligence), the threat of Al Qaeda-affiliated or inspired terrorists using Iraq's predominately Sunni Al Anbar Province as a launching pad to destabilize Jordan remains high. On November 9, 2005, near simultaneous explosions at three Western-owned hotels in Amman killed 58 persons and seriously wounded approximately 100 others. Al Qaeda in Iraq claimed responsibility for the attacks. In December 2006, Jordan and Iraq signed an agreement to coordinate intelligence on Al Qaeda and other terrorist groups. Overall, Jordanian Islamists have stressed their loyalty to the monarchy in the face of the terrorist threat, although four Islamist parliamentarians were arrested in the summer of 2006 for praising Al Zarqawi by calling him a "martyr."

In 2004, King Abdullah warned that Iran was seeking to create "a Shiite crescent" in the Middle East, which alarms not only Jordan, but its oil-rich Sunni-led Gulf allies upon whom it relies for political and financial support. Iran's ability to further inflame the Israeli-Palestinian conflict through the use of radical proxy groups, such as the Lebanese Shiite Hezbollah organization and the Palestinian Hamas and Islamic Jihad groups, could have potentially adverse effects on Jordan's security, a fact also recognized by Jordan's Sunni Islamists.[53]

Economic and Diplomatic Relations

International efforts to rebuild Iraq have reverberated throughout various sectors of Jordan's economy. Since 2003, many observers have dubbed Jordan as the "gateway to Iraq," as thousands of contractors, businessmen, and foreign officials have used Jordan as a base for their Iraq operations.[54] Iraqi-Jordanian trade has yet to return to pre-2003 levels, but has recovered since 2003, reaching an estimated $834 million in total trade in 2005.[55]

Iraqis have perceived Jordan as an escape from violence, as some foreign officials estimate that 700,000 to 1 million Iraqis have fled to Jordan over the last three years. For a small, poor country such as Jordan, this population influx is creating profound changes in Jordan's economy and society. Jordan's banking and real estate sectors are soaring with the increased demand for housing and the influx of capital from middle class expatriate Iraqis. On the other hand, inflation is rapidly rising,[56] and there have been anecdotal reports of increased tension between Jordanian citizens and Iraqi refugees due to the strains placed on social services by a near 20% increase in the country's population in a short period of time.[57] At this time, it is unclear whether displaced Iraqis will become a permanent fixture in Jordan or will return to Iraq if or when violence subsides.

In August 2006, Jordanian diplomat Ahmed al Lozi became the first accredited Arab ambassador to serve in Iraq since the 2003 U.S. invasion. Iraq reciprocated by announcing shortly thereafter its intention to re-establish direct oil shipments to oil-deprived Jordan at preferential market prices.[58] Some of Iraq's new Shiite leaders view with suspicion Jordan's former close ties to the Saddam Hussein regime and continuing strong relations with Iraq's Sunni Arabs. Frictions between Jordan and Iraq continue over the future status of Saddam Hussein's relatives and former Baath Party officials residing in Jordan as guests of the government.[59] Jordan has hosted and facilitated meetings between U.S. officials and Iraqi leaders aimed at resolving these and other political disputes, including the highly publicized summit in Amman between President Bush and Iraqi Prime Minister Nouri al Maliki in December 2006. Recent reports also suggest that Jordan has facilitated meetings between members of the Sunni Arab-led insurgency and U.S. representatives at the Iraqi Embassy in Amman.[60]

Potential Responses

As a country with a limited ability to project political or military power in Iraq, it is doubtful that Jordan alone could bring about a compromise solution to Iraq's sectarian violence and insurgency. Nevertheless, should the Administration heed the main recommendations of the Iraq Study Group report and pursue an all out push for Iraqi national reconciliation, Jordan could be useful in serving as one of several symbolic bridges to Iraq's Sunni community. The ISG report argues that Jordan has the professional capability to train

and equip Iraqi military and security forces, and Iraqi-Jordanian tribal ties may facilitate this process should more Sunni Iraqis join Iraq's army.

Under the more grave scenario of a nationwide civil war that draws Iraq's neighbors into the ongoing conflict, it is extremely unlikely that the Jordanian government would provide support to Sunni militias with possible ties to Al Qaeda. On the other hand, it is plausible that Jordan, along with neighboring Saudi Arabia and other states, could provide financing and materiel support to other elements of Iraq's Sunni Arab population, including tribally-led and -organized groups or, more controversially, to Iraqis formerly associated with the military, intelligence, or security services of the Saddam Hussein regime. In the event of continuing or widened conflict in Iraq, Jordan also could move to seal its border with Iraq or establish a security zone inside western Iraq in order to insulate itself from any spillover of violence or destabilizing refugee flows.

OTHER REGIONAL GOVERNMENTS

The Gulf States[61]

Prior to the U.S. intervention in Iraq, the Sunni Arab-led governments of the Gulf Cooperation Council had predicted that removing the Saddam Hussein regime would not necessarily produce stability in Iraq, and several were reluctant to support U.S. military operations. For the most part, Gulf leaders publicly indicated that they would only support a U.S. attack if such action were authorized by the United Nations and had broad international support. Two of the Gulf states, Kuwait and Qatar, were more openly supportive of U.S. plans.[62]

The fall of the Saddam Hussein regime initially generated a sense of relief by removing the principal conventional threat to the Gulf states' security. However, instability and violence in Iraq, coupled with Arab perceptions of an emboldened and potentially hostile Iran, have created new shared fears among Gulf leaders. Specifically, Gulf leaders fear that escalating sectarian violence in Iraq could draw in Iraq's neighbors and bring them into conflict with Iran. The rise of Shiite Islamist factions in post-Saddam Iraq has compounded these threat perceptions. Several of the Gulf states have substantial Shiite populations but most Gulf Shiite communities consider themselves to be under-represented in government and to lack key economic opportunities. Gulf governments also generally believe that parts of Iraq could become a safe-haven for terrorists if the Iraqi government were to collapse or the United States were to withdraw militarily from Iraq. In response to these and other concerns, the Gulf states and the United States have renewed security discussions under the framework of so-called "GCC plus two" (GCC plus Egypt and Jordan) consultations and a new Gulf Security Initiative, which may generate U.S. arms sale requests in 2007.[63] On January 10, President Bush announced plans to deploy an additional aircraft carrier strike group and Patriot air defense systems to the Middle East and to expand intelligence-sharing with U.S. allies.

Egypt[64]

Iraq is not Egypt's highest foreign policy priority in the Middle East, but Iraq's stability and unity greatly affect Egypt's position as a regional power. Egypt identifies itself as part of the "moderate" bloc of Sunni Arab governments which are partially aligned with U.S. interests in the region (e.g., peace with Israel, regional stability) and opposed to Iran and its regional ambitions. Iranian foreign policy runs counter to Egyptian interests in the Middle East in that Iran has provided support to terrorist groups seeking to disrupt the Israeli-Palestinian peace process. From an ideological standpoint, radical Sunni Islamists in Egypt have seized upon the Iranian revolution as a model in their own attempts to overthrow the secular Mubarak regime. Thus, for Egypt, Iraq is a battleground of sorts in which Iranian influence must be checked. In an April 2006 interview with *Al Arabiya* television, President Hosni Mubarak accused Shiites in Iraq and elsewhere of being loyal to Iran, remarking that, "there are Shiites in all these countries of the region, significant percentages, and Shiites are mostly always loyal to Iran and not the countries where they live.... Naturally Iran has an influence over Shiites who make up 65 percent of Iraq's population."

The Egyptian public's opposition to the Iraq war precluded the government from publicly supporting the United States. Nevertheless, Egypt expedited the passage of U.S. warships through the Suez Canal prior to (and during) Operation Iraqi Freedom in 2003, allowed U.S. overflights en route to the Persian Gulf, and has provided some training for Iraq's security forces in Egypt. Egypt's envoy to Iraq, who was expected to become the first ambassador to Iraq named by an Arab government, was kidnaped and murdered in July 2005. Significant numbers of Egyptians have traveled to Iraq to fight U.S. and Iraqi forces, raising concern about their eventual return to Egypt.[65] Should the situation in Iraq spiral out of control and sectarian violence attract outside intervention, Egypt could extend some support to anti-Iranian elements in Iraq. However, in all likelihood, Egypt would remain mainly on the sidelines, but support the policies of Arab Gulf states such as Saudi Arabia which have a more direct stake in Iraq's stability.

Israel[66]

On November 22, 2006, Israeli Prime Minister Ehud Olmert claimed, "Iraq without Saddam Hussein is so much better for the security and safety of the State of Israel," and praised President Bush for his leadership.[67] Olmert later added that the removal of Saddam was a "major, major contribution to stability in our part of the world."[68] Yet, Israeli officials had not viewed Iraq as a great threat after the first Gulf war and have been skeptical about the U.S. goal of bringing democracy to the region via the second war. Now, many in Israel are very concerned about the possible emergence of an arc of Shiite enemies of Israel, to include Iran, a Shiite-led Iraq, Alawite-led Syria, and a Hezbollah-dominated Lebanon. To interrupt this geographical/ideological/sectarian formation, some maintain that a permanently weak Iraq would be in Israel's interest. In addition, Israel is said to want access to northern Iraq in order to spy on Iran, its number one threat. Decentralization or partition of Iraq might help accomplish these goals, and there have been repeated reports that Israelis are training the Iraqi Kurdish militia (*peshmerga*) and that Israelis of Kurdish origin have been establishing economic ties in northern Iraq. Iraqi Kurdish leaders have denied these reports.[69]

Olmert disagrees strongly with the conclusions of the Iraq Study Group that the Israeli-Arab peace process is linked to achieving a positive outcome in Iraq. Israel has long preferred to negotiate separately with each of its Arab neighbors because its strength is greater one-on-one than against a bloc. If Israel has to negotiate with a combined group of its neighbors, then it might not be as likely to achieve its goals. Olmert specifically rejected the suggestion of engaging with Syria in order to get its help regarding Iraq before Damascus meets conditions he has set out and that Syria end support for Palestinian terrorist groups and the Lebanese Hezbollah. However, perhaps in order to counter the perceived emergence of a "Shiite crescent," the Prime

Minister has begun to reach out to moderate Sunni states with which Israel has no ties. This was evident in his reference in a November 26, 2006 speech to "positive parts" of the 2002 Saudi peace initiative. (There also were reports, officially denied by both sides, that Olmert had met with a high level Saudi official in September.)[70] In addition, some in Israel have expressed concern that Israel might be left alone to face an Iranian nuclear threat if the Bush Administration follows the Iraq Study Group's advice to engage Iran over Iraq and those talks involve acceptance of Iran's nuclear ambitions.[71] In early January 2007, Deputy Defense Minister Ephraim Sneh expressed concern about Iraq's stability and described Iraq as a "volcano of terror" that could threaten Jordan and Israel.[72]

ISSUES FOR CONGRESS

The divergent interests and policies of Iraq's neighbors and the United States' need to reconcile its policy in Iraq with the pursuit of wider regional interests create a challenging context for U.S. policy makers and Members of Congress. During the first session of the 110th Congress, Members will consider policy proposals designed to modify U.S. policy in Iraq and to ensure comprehensive regional and international support for Iraq's stabilization. The following section reviews stated U.S. objectives in Iraq and the region and outlines how Congress may influence the Administration's use of various instruments of national power to pursue them.

U.S. Regional Interests and Concerns

Maintaining Political Stability and Energy Security

The security and stability of the Persian Gulf region and its energy resources are of critical strategic and economic importance to the United States and the wider international community. Insurgency and sectarian violence in Iraq have created unique political challenges and security threats for Iraq's neighbors, contributing to regional uncertainty and insecurity. Disputes between Iran and the United States over Iraq, Iran's nuclear program, and Iranian support for terrorist groups opposed to peace with Israel also heighten regional tension. The U.S. military presence in Iraq and elsewhere in the Middle East remains politically unpopular in the region in spite of a measure of support from Sunni Arab-led governments and Sunni citizens' fears of terrorist threats and possible Iranian ambitions. Insurgent attacks on Iraqi oil infrastructure continue and similar attacks have been attempted

by terrorist organizations in Saudi Arabia and Yemen. Greater coordination between the United States and its regional allies may improve U.S. chances of meeting and overcoming these challenges. However, local political developments will continue to affect U.S. efforts to shape the region's strategic landscape.

Eliminating Transnational Terrorist Threats

The success of U.S. efforts to contain terrorist elements within Iraq and reduce the flow of foreign fighters to and from Iraq remains largely dependent on cooperation from Iraqi political parties and regional governments. The concern over potential Iraqi government cooperation with terrorist groups that drove U.S. policy toward Iraq in 2002 and early 2003 has given way to a wider concern that instability in Iraq has created safe-havens for expanded operations by Al Qaeda and regional terrorist entities such as the PKK. The Iraq Study Group report concluded that although Al Qaeda's presence in Iraq remains relatively small, its organization there could grow in an atmosphere of instability or if a prompt withdrawal of U.S. forces provided it with a propaganda victory. Coalition and Iraqi military forces are continuing their efforts to eliminate foreign Al Qaeda operatives and to separate nationalist Iraqi insurgent elements and tribal groups from terrorist organizations.

Managing the Rise of Iran

Iran's role in the strategic balance of the Persian Gulf region has been a central policy concern for the United States since the Second World War. The removal of the Saddam Hussein regime and the disbanding of Iraq's armed forces removed the region's principal military counterweight to Iran. The subsequent political successes of Iraq's Shiite Arab majority has created new opportunities for the expansion of Iran's political influence. However, some built-in barriers to the spread of Iranian influence in the region persist, such as political divisions among Iraq's Shiite Arab population, Arab-Persian ethnic and linguistic differences, and policy coordination mechanisms such as the GCC, the Arab League, and the new U.S.-sponsored Gulf Security Initiative. Israel and the Sunni Arab-led governments of the region largely share U.S. apprehension about Iran's regional ambitions, its nuclear program, and the potential consequences of armed confrontation with Iran. Political sensitivities and the priorities of individual governments will continue to complicate U.S. consultations and cooperation with these countries and their citizens with regard to Iran.

Promoting Political and Economic Reform

The Bush Administration has made the advancement of political and economic reform a centerpiece of its Middle East policy agenda. In some countries, governments and interest groups have carried out parallel reform efforts to increase political participation and broaden economic development, fueled by shared concerns about the potential for political dissatisfaction and limited economic prospects among young, growing populations. Reformers and their opponents have closely monitored the course of the U.S.-led intervention in Iraq and the establishment of the democratically elected, yet politically divided Iraqi government. Some observers have suggested that events in Iraq have encouraged Islamist parties, opposition groups, and minorities to push for greater representation and reform, while others warn that Iraq's instability and political paralysis have tarnished the image of groups promoting political and economic change. In the event of continuing or widening conflict in Iraq, regional governments and their citizens may begin to favor steps that promote short term

stability and security at the expense of reforms designed to meet long term development goals and requirements.

Policy Options

Of the policy options currently under review by the Administration and Congress, proposals for greater diplomatic engagement, efforts to contain the negative effects of conflict to Iraq, and potential responses to hostile regional intervention are the most relevant to congressional consideration of U.S. policy toward Iraq's neighbors and other regional governments. For Members of the 110th Congress, consideration of annual appropriations and authorization legislation, as well as ongoing oversight activities and outreach efforts by individual members and committees will provide opportunities to discuss these and other proposals and recommendations and to influence their implementation.

Regional Diplomatic Engagement

Since early 2003, the United States has engaged regularly with Iraq's neighbors on Iraq-related issues of common concern, with the exception of Syria and Iran.[73] U.S.-supported diplomatic efforts include the international conference on Iraq that was held in November 2004, in Sharm al Shaykh, Egypt, which included high level representatives from Iraq, its key neighbors (including Iran and Syria), the G-8, the United Nations, the European Union, the Arab League, and the Organization of the Islamic Conference.[74] Select multilateral fora, such as the meetings of the U.N.-sponsored International Compact for Iraq, have provided more recent opportunities for U.S. officials to hear from and potentially interact with Iraq's neighbors, including their Iranian and Syrian counterparts. Iraqi leaders and political figures continue to conduct high-level discussions of their own with neighboring governments, including those of Iran and Syria. Current U.S. engagement efforts have focused on the so-called "GCC plus two" group, which includes the six members of the Gulf Cooperation Council plus Jordan and Egypt.

Iraqis generally have welcomed regional mediation initiatives since 2003, but recent efforts, such as an October 2006 religious dialogue conference in Mecca, Saudi Arabia,[75] have suffered from a lack of direct participation by some key Iraqi religious scholars and political figures.[76] The Arab League's Special Committee on Iraq has been attempting to convene a regionally supported national reconciliation conference for Iraqis since late 2005, when prominent Iraqis met in Cairo and adopted a common statement recognizing "resistance" as a "legitimate right" distinct from terrorism and calling for a timetable for U.S. withdrawal.[77] In early December 2006, Iraqi Prime Minister Nouri al Maliki told reporters that his government wants "a regional or international conference on Iraq to be convened, but not on the premise that it finds solutions on its own, but in light of what the national unity government wants."[78]

Many of the Iraq Study Group's recommendations propose increased regional, multi-lateral, and international diplomacy, beyond steps already taken by the Administration. The unifying theme of the Group's regional diplomacy recommendations (Recommendations 1 through 18) is a "diplomatic offensive to deal with the problems of Iraq and of the region." As a complement to this "offensive," the Iraq Study Group recommends the creation of a

"Support Group" made up of Iraq, its immediate neighbors, key regional states such as Egypt and the Arab Gulf states; the five permanent members of the United Nations Security Council; the European Union; and other interested countries. Many observers have noted that such a group has begun to coalesce in the form of the United Nations-sponsored International Compact for Iraq. Similar ideas were included in several resolutions introduced in the 109th Congress, including S.J.Res. 36, S.Res. 470, S.J.Res. 33, and S. 1993, although several of these bills also provided for timetables for a U.S. withdrawal.[79] The Iraq Study Group departed from existing initiatives and Administration policies in its recommendations for direct U.S. engagement with Syria and Iran (Recommendations 9 through 12), and recommendations for the resolution of outstanding Arab-Israeli and Israeli-Palestinian disputes as part of a comprehensive regional peace initiative (Recommendations 13 through 17).

The key questions with regard to diplomatic outreach proposals remain: how much political and material support will Iraq's neighbors be willing to provide to sustain the implementation of future reconciliation arrangements; and which Iraqis will be willing to cooperate with regionally supported initiatives? Statements agreed to and commitments made by Iraqis and their neighbors in regional conferences held since 2003 generally have not been implemented. Critics of a new expanded diplomatic approach argue that Iraq's neighbors are unlikely to abandon the pursuit of their individual national interests in favor of a collective settlement, and that Iraq's constituent political and ethnic groups are unlikely to give up their pursuit of parochial interests in favor of national unity.[80] In particular, many critics argue that Iran and Syria, strengthened by the difficulties faced by the U.S. military in Iraq and cognizant of the need to carefully manage their respective confrontations with the United States over Lebanon and nuclear technology development, are unlikely to cooperate with a comprehensive U.S.-led diplomatic initiative on Iraq.

Containment Strategies

The ability of the Iraqi people and their leaders to resolve outstanding political differences and to eliminate security threats from militias, insurgents, terrorists, and criminal organizations may remain chronically limited or deteriorate significantly. In the event that greater international engagement and support or enhanced U.S. stabilization and training efforts fail to produce reconciliation and renewed security, U.S. efforts to contain the negative effects of continued insurgency, civil conflict, and criminality in Iraq may become necessary in order to preserve wider regional interests. Policy proposals in support of "containment strategies" may require congressional authorization, new appropriations, or expanded oversight, and could include:

- appropriation and authorization requests for increased levels of military and counterterrorism assistance for some of Iraq's neighbors;
- border security cooperation and/or joint efforts to target transnational groups of primary concern to the U.S. and Iraq's neighbors, such as the Kurdistan Worker's Party (PKK) and Al Qaeda in Iraq;
- initiatives to limit the illicit sale of Iraqi oil;
- modification of sanctions laws targeting Iran, Syria, or introduction of new sanctions legislation targeting other governments;

- efforts to restrict the reverse flow of foreign fighters and other combatants from Iraq; or
- the provision of emergency support for humanitarian operations.

Responding to Hostile Regional Intervention

In his January 10 address, President Bush stated that the United States would act to "interrupt the flow of support" to militias and terrorist groups in Iraq from Iran and Syria, and "seek out and destroy the networks providing advanced weaponry and training to our enemies in Iraq." These statements have led to speculation that new efforts to confront elements of the Iranian and Syrian governments that may be supporting problematic elements in Iraq may be forthcoming. Most observers believe that continued violence in Iraq is less likely to spark a conventional war between Iraq's neighbors than it is to lead Iraq's neighbors to intervene and potentially confront each other in the future via unconventionally supported Iraqi proxies. Turkish military intervention in northern Iraq, increased Iranian materiel and intelligence support for Shiite militias, or new Sunni Arab support to Sunni insurgent groups or tribal militias would each challenge the Congress and the Administration. The status of U.S. relations with Iraq's neighbors could change drastically based on the conduct of Iraqi government forces during any overt interventions, the content and amounts of provided support, and the behavior of proxy elements. For Members of Congress, weighing these factors when considering bilateral relationships may prove difficult: observers of past regional conflicts that have featured external interventions (i.e. Lebanon's civil war and the anti-Soviet conflict in Afghanistan) emphasize that support for proxy groups rarely translates to direct control over proxies' activities and can have unintended and unexpected consequences over the long term.

REFERENCES

[1] For a discussion of these trends, see Graham Fuller, "The Hizballah-Iran Connection: Model for Sunni Resistance," *Washington Quarterly*, Vol. 30, No. 1, Winter 2006-2007.

[2] See Dr. W. Andrew Terrill, Regional Fears of Western Primacy and the Future of U.S. Middle Eastern Basing Policy, U.S. Army War College, Dec. 15, 2006.

[3] The MEK is designated by the U.S. government as a Foreign Terrorist Organization (FTO). The U.S. military and U.S. intelligence services took action to disarm and screen MEK personnel present in Iraq after the fall of Saddam Hussein. The U.S. Army continues to guard an MEK facility northeast of Baghdad known as Camp Ashraf where over 3,000 MEK members have been granted "protected persons" status under the Geneva Conventions.

[4] See Thomas Hegghammer, "Terrorist Recruitment and Radicalization in Saudi Arabia," *Middle East Policy*, Volume XIII, Winter 2006, Number 4.

[5] See Alan Schwartz, *Scenarios for the Insurgency in Iraq*, United States Institute of Peace (USIP), Special Report No. 174, Oct. 2006; and, Neil King Jr. and Greg Jaffe, "Widening War? If Iraq Worsens, Allies See 'Nightmare' Case," *Wall Street Journal*, Jan. 9, 2007.

[6]   The Al Askari Mosque in Al Samarra was bombed on February 22, 2006.

[7]   See Joseph McMillan, "Saudi Arabia and Iraq: Oil, Religion, and an Enduring Rivalry," USIP, Special Report No. 157, January 2006.

[8]   The GCC members are Saudi Arabia, Kuwait, the UAE, Qatar, Bahrain, and Oman.

[9]   Prepared by Kenneth Katzman, Specialist in Middle East Affairs. See also CRS Report RS22323, *Iran's Influence in Iraq*, by Kenneth Katzman.

[10]   Rowan Scarborough, "Rumsfeld Says Iran 'Allowing' Weapons Into Iraq," *Washington Times*, Aug. 10, 2005.

[11]   "New Weapons From Iran Turning Up on Mideast Battlefields: Abizaid," *Agence France Presse*, Sept. 19, 2006.

[12]   Kenneth Pollack, "Don't Count on Iran to Pick Up the Pieces," *New York Times*, Dec. 8, 2006.

[13]   Glenn Kessler,"Rice Rejects Overture to Iran and Syria," *Washington Post*, Dec. 15, 2006.

[14]   *Azzaman* (Iraq), "Iraq, Iran Set up Free-trade Zone," Sept. 4, 2006.

[15]   Prepared by Carol Migdalovitz, Specialist in Middle Eastern Affairs.

[16]   Turkish officials contend that the PKK usually has opened new offices or offices under different front names after closures. Interview with an official of the Turkish Embassy in Washington, D.C. December 8, 2006.

[17]   See German Marshall Fund, *Transatlantic Trends 2006*, available at [http://www.transatlantictrends.org].

[18]   On June 12, 2005, Barzani was named "President of Kurdistan" by the 111-seat Kurdish regional assembly that was elected in January 2005. Articles 63 to 67 of the Iraqi constitution set general rules for the creation of executive authority by regional governments.

[19]   See Soner Cagaptay, "The Iraq Study Group Report and the PKK: Dealing with an American Problem," Washington Institute for Near East Policy, *Policy Watch* #1174, Dec. 12, 2006, available at [http://www.washingtoninstitute.org/template C05.php?CID=2543].

[20]   Before the Iraq war, the Turkish government and Turkomen leaders claimed that there were 3 million Turkomen in Iraq out of a total population of about 25 million. Sources suggest, however, that this number is highly inflated and estimate that Turkomen number about 330,000 and that they have assimilated with other Iraqi groups for years. See Colbert C. Held, *Middle East Patterns: Places, Peoples, and Politics*, Boulder, Colorado, Westview Press, 2000; according to the author, there are about 1.5 million Turkomen in the Middle East, residing in Iraq, Iran, and Turkey.

[21]   The electoral slate of the Iraqi Turkomen Front won 3 seats in the January 2005 Iraqi parliamentary election, but only 1 out of 275 total seats in the December 2005 election in which Sunnis also ran.

[22]   "Turkish PM warns Iraqi Kurds over Kirkuk," *Reuters*, Jan. 9, 2007.

[23]   Figures from the Foreign Economic Relation Board of Turkey via the U.S. Representative Office of the Turkish Industrialists' and Businessmen's Association, December 2006.

[24]   "Turkey and Iraq Sign KEK Protocol," *Turkish Daily News*, November 15, 2006.

[25]   *Anatolia*, BBC Monitoring European, Dec. 5, 2006; and, *The News Hour,* Dec. 19, 2006.

[26] Prepared by Christopher M. Blanchard, Analyst in Middle Eastern Affairs.

[27] See CRS Report RL33533 for a full discussion of Saudi support for U.S. combat efforts. See also "U.S. And Saudis Agree On Cooperation," *Washington Post*, Feb. 26, 2003; and John Solomon, "Saudis had wider role in war," *Associated Press*, Apr. 26, 2004.

[28] In October 2006, and repeatedly thereafter, then-Saudi Ambassador to the United States Prince Turki al Faisal argued that, "The kingdom's position has always been that since the United States came into Iraq uninvited, they shouldn't leave uninvited." Arshad Mohammed, "Saudi envoy warns US against abrupt Iraq withdrawal," *Reuters*, Oct. 30, 2006.

[29] For the Saudi cabinet's statement of its key principles for Iraq, see *Saudi Press Agency* (Riyadh), "King Abdullah Chairs Cabinet's Session," Nov. 20, 2006.

[30] More recently, a group of 38 clerics urged Sunni Arabs in harsh sectarian terms to support Sunni Iraqis against Shiite ascendence and violence. "Saudi Arabian Clerics Issue Statement Backing Iraq's Sunni Muslims," Open Source Center (OSC) Document GMP20061211837002, Dec. 10, 2006.

[31] Saudi officials generally deny that Saudi citizens provide financial support for Iraqi combatants, and little specific information is publicly available to corroborate claims to the contrary. Nevertheless, a number of press reports citing unnamed U.S. officials allege that such support exists and the Iraq Study Group report (p. 25) stated that, "funding for the Sunni insurgency comes from private individuals within Saudi Arabia and the Gulf States."

[32] In a February 13, 2006, interview, Prince Turki al Faisal said that as of mid-2005 approximately 10% of captured foreign fighters held in Iraq were Saudis. See Mark Huband and William Wallis, "Saudi Arabia Fears Attacks from Insurgents Battle-hardened in Iraq," *Financial Times* (London), Dec. 20, 2004; "U.S. Faults Saudi Efforts on Terrorism," *Los Angeles Times*, Jan. 15, 2006; and, Remarks by Major General William Caldwell, Spokesman, Multinational Force-Iraq, Defense Department News Briefing, Nov. 20, 2006.

[33] According to press reports, Saudi Arabia is considering plans to construct a high-tech system of fences and detection systems along its entire 900 kilometer border with Iraq, but some Saudi officials have stated that the structures will be targeted to certain key areas rather than stretching along the entire border. The Saudi government claims to have spent $1.8 billion on strengthening the border with Iraq since 2004. See P.K. Abdul Ghafour, "Work on Iraq Border Fence Starts in 2007," *Arab News*, Nov. 15, 2006 ; and, Raid Qusti, "Kingdom Denies Plans to Build Fence on Border With Iraq," *Arab News*, Nov. 20, 2006.

[34] *Reuters*, "Saudi Says U.S. Policy Handing Iraq over to Iran," Sept. 20, 2005.

[35] See International Crisis Group, *The Shiite Question in Saudi Arabia*, Middle East Report No. 45, Sept. 19, 2005; and, John Solomon, "Saudi Arabia's Shiites and their Effect on the Kingdom's Stability," *Terrorism Monitor*, Volume 4, Issue 15, Jul. 27, 2006.

[36] Statement of Foreign Minister Prince Saud al Faisal to United Nations meeting on Iraq, Sept. 18, 2006. Available at [http://www.mofa.gov.sa/Detail.asp? InNewsItemID =55259].

[37] Sources: Kingdom of Saudi Arabia - Ministry of Commerce and Industry and International Monetary Fund Direction of Trade Statistics Quarterly, June 2006.

[38] For more information, see CRS Report RL33376 - *Iraq's Debt Relief: Procedure and Potential Implications for International Debt Relief*, by Martin A. Weiss; and Tom Everett-Heath, "Opposing Views of the Kingdom to Come," *Middle East Economic Digest*, Jan. 2329, 2004, p. 1.

[39] Mariam Karouny and Alister Bull, "Iraq Finance Minister Says Still no Deal on Gulf Debt," Reuters, Aug. 1, 2006; and Iraq Study Group Report, p. 35.

[40] Nawaf Obaid, "Stepping Into Iraq: Saudi Arabia Will Protect Sunnis if the U.S. Leaves," *Washington Post*, Nov. 29, 2006.

[41] Prince Saud al Faisal sought to reinforce this message in mid-December, stating, "Since the start of the crisis in Iraq ... the Kingdom has said it will stand at an equal distance from all Iraqi groups and does not describe itself as the guardian of any group or sect." *Arab News* (Jeddah), "Kingdom Won't Take Sides in Iraq, Says Saud," Dec. 20, 2006; and Robin Wright, "Royal Intrigue, Unpaid Bills Preceded Saudi Ambassador's Exit," *Washington Post*, Dec. 23, 2006.

[42] Al Awdah's comments were made at the "Conference for Supporting the Iraqi People" in Ankara, Turkey. OSC Document - GMP20061211837002, Dec. 10, 2006.

[43] Both clerics signed the October 2006 statement. Al Awdah did not: he has been outspoken in his criticism of Iranian intervention in Iraq, but has spoken out against Sunni-Shiite conflict on his website: [http://www.islamtoday.net/]. See "Saudi Shaykh Al-Awdah Warns of Sectarian War in Iraq, Holds US Responsible," OSC Document GMP20061107866002, Nov. 5, 2006.

[44] With regard to oil policy, there is a possibility, in the words of one analyst, that over the long term, "the Saudi interest in moderate prices and preserving market share will run afoul of the Iraqi need for maximum production at high prices to fund national reconstruction." See Joseph McMillan, *Saudi Arabia and Iraq: Oil, Religion, and an Enduring Rivalry*, USIP, Special Report No. 157, January 2006, p. 14.

[45] Prepared by Alfred B. Prados, Specialist in Middle Eastern Affairs.

[46] Some Middle East scholars believe the Alawite community is an offshoot of Shiite Islam. See, for example, Colbert C. Held, *Middle East Patterns*, Westview Press, pp. 98-100.

[47] International Monetary Fund Direction of Trade Statistics Yearbook 2006.

[48] Hassan M. Fattah, "Uneasy Exiles Await Those Who Flee the Chaos in Iraq," *New York Times*, Dec. 8, 2006; Chris Morris, "Iraq violence sparks exodus to Syria," *BBC News,* Dec. 13, 2006. In its *Background Note: Syria,* updated in October 2006, the U.S. State Department cites a much smaller figure of 100,000 Iraqi refugees in Syria.

[49] For further discussion, see Evan Thomas, "So Now What, Mr. President," *Newsweek*, Dec. 11, 2006, pp. 36-37.

[50] See recent comments by Asad in the Beirut newspaper *The Daily Star*, Dec. 18, 2006.

[51] Prepared by Jeremy M. Sharp, Analyst in Middle Eastern Affairs.

[52] Jordanian supplied equipment reportedly includes 250 Ukranian-built BTR-94 armored personnel carriers (APCs), 100 British Spartan APCs, and U.S. M113A1 APCs, along with 2 C-130BHercules transport aircraft and 16 UH-1H utility helicopters.

[53] In one recent press release, Hamzah Mansur, a leader of Jordan's main Islamist party, the Islamic Action Front (IAF), warned Iran to cease provoking sectarianism in Iraq,

stating, "If Iran's involvement in the bloodshed in Iraq is ascertained, then the Islamic movements will find themselves forced to reconsider their stand on Iran since its involvement in sectarian sedition would lead to serious consequences across the Islamic world." See, "Jordan: IAF Calls on Iranian President To End Sectarian Sedition in Iraq," *Al Arab Al Yawm*, OSC Document - GMP20061208641001, Dec. 8, 2006.

[54] See Scott Lasensky, *Jordan and Iraq: Between Cooperation and Crisis*, USIP, Special Report No. 178, Nov. 2006.

[55] Total trade is equal to exports plus imports. Iraq imports from Jordan during 2005 totaled $809 million, whereas Iraq exports totaled $25 million. In 2002, Iraq's exports to Jordan were worth $684 million and imports from Jordan were worth $664 million. Source: International Monetary Fund, Direction of Trade Statistics Yearbook, 2006.

[56] One foreign official noted that, "The impression of many Jordanians is that the Iraqis here are all wealthy ... and that they are the cause of the inflation and the rising cost of prices in Jordan." See "Iraqi Refugees Spill into Jordan, Driving Up Prices," *Christian Science Monitor*, Nov. 29, 2006.

[57] One report noted that Iraqi Shiite refugees in Jordan feel they are being unfairly targeted by police out of fear that Iraqi Shiite militias are trying to organize in Jordan. See, "Uneasy Havens Await Those Who Flee Iraq,"*New York Times*, Dec. 8, 2006.

[58] Reportedly, Jordan will receive approximately 10,000-30,000 barrels of oil per day (roughly 10%-30% of their daily consumption) from Iraq, at a price of $10 per barrel. This quantity would increase to 50,000 barrels at a later stage, based on the memorandum of understanding signed between the two countries.

[59] King Abdullah granted Saddam's eldest daughter, Raghdad, and her sister, Rana, asylum on humanitarian grounds after the start of U.S. military operations in 2003. The Iraqi government has placed Raghdad on a list of its 41 most wanted persons and demanded that Raghad be extradited to Iraq to stand trial. Iraqi officials have alleged that members of Saddam Hussein's family and inner circle currently in Jordan are providing financial and media support to the insurgency in Iraq in an effort to revitalize the Baath Party in Iraq.

[60] According to Saad al Hayani, Iraq's Ambassador to Jordan, "Two large meetings happened here in the embassy.... They included leaders from the last government, the Baathists, and the old Army. They were offered the opportunity to participate in the political situation if their hands were clean. The meetings were successful and necessary and beneficial." See "Quiet U.S. Bid to Talk to Iraqi Insurgents,"*Christian Science Monitor*, Dec. 7, 2006.

[61] Prepared by Christopher M. Blanchard, Analyst in Middle Eastern Affairs, and Kenneth Katzman, Specialist in Middle Eastern Affairs.

[62] Both governments hosted buildups of U.S. forces and equipment that were used in the offensive against Iraq. Kuwait, which wanted to see its former invader, Saddam Hussein, overthrown, hosted the bulk of the personnel and equipment used in the ground assault.

[63] *Inside the Pentagon*, "New Persian Gulf Security Effort Expected to Fuel Arms Sales in FY-07," Nov. 9, 2006; and, *Inside the Navy*, "State Department Promotes New Persian Gulf Security Architecture," Nov. 27, 2006

[64] Prepared by Jeremy M. Sharp, Analyst in Middle Eastern Affairs.

[65] Of the approximately 1,100 foreign fighters killed or captured by U.S. forces in Iraq over the prior twelve months year, over 20% were Egyptian nationals. Remarks by Major General William Caldwell, News Briefing, Nov. 20, 2006.

[66] Prepared by Carol Migdalovitz, Specialist in Middle Eastern Affairs.

[67] Speech to biennial national convention of the Union of Orthodox Jewish Congregations of American, in Jerusalem, cited in "Olmert: Israel Safer Post-Saddam and After Lebanon War," *Jerusalem Post*, Nov. 23, 2006.

[68] Remarks at annual meeting with Daily Newspaper Editors' Committee, Dec. 7, 2006, *BBC Monitoring Middle East*.

[69] See Seymour M. Hersh, "Plan B; Annals of National Security," *New Yorker*, Vol. 80, Issue 17, Jun. 28, 2004.

[70] Greg Myre, "Israeli Premier and Saudi Said to Hold Secret Meeting," *New York Times*, Sept. 26, 2006.

[71] "Israel Fears US Plans to Involve Syria, Iran in Iraq Diplomacy," *Voice of Israel*, BBC Monitoring Middle East, Dec. 6, 2006.

[72] Herb Keinon, "Barakei: US Acted Wrongly on Saddam," *Jerusalem Post*, Dec. 31, 2006.

[73] Then-Secretary of State Colin Powell traveled to Syria in May 2003 in an unsuccessful attempt to secure Syria's support for U.S. counterterrorism policy and U.S. efforts to stabilize Iraq. After the February 2005 assassination of former Lebanese Prime Minister Rafiq Hariri, widely blamed on Syrian agents, Secretary of State Rice recalled U.S. Ambassador Margaret Scobey to Washington for consultations. She has not been replaced.

[74] See *Agence France Presse*, "List of Participants at Iraq Conference," Nov. 22, 2004; "Egypt: Summit's Final Communique Reaffirms Iraqi Sovereignty, Unity," OSC Document GMP20041124000066, Nov. 24, 2004.

[75] See closing statement: [http://www.oic-oci.org/english/conf/iraq-meeting/makka-doc.htm].

[76] Key Sunni figures, such as Association of Muslim Scholars secretary general Harith al Dhari, and prominent Shiites, such as Supreme Council of the Islamic Revolution in Iraq (SCIRI) chairman Abd al Aziz al Hakim and Grand Ayatollah Sayyid Ali al Sistani, did not participate in the Mecca conference. Al Sistani and Al Dhari subsequently expressed their support for the effort, as did a number of other important regional clerics.

[77] Jonathan Wright, "Iraq's Arab Neighbors Meet, Afraid of Chaos," *Reuters*, Dec 5, 2006; and, "Closing Statement of Iraqi Meeting Calls For Supporting Iraqi Political Process" *Cairo Nile News TV*, OSC Document - GMP20051121710037, Nov., 21, 2005

[78] John O'Neil, "Maliki Urges Regional Meeting on Stabilizing Iraq," *New York Times,* Dec. 5, 2006.

[79] All four bills were read twice and referred to the Senate Committee on Foreign Relations.

[80] See Reuel Marc Gerecht, "Bartering with Nothing," *The Weekly Standard*, Volume 12, Issue 11, Nov. 27, 2006; and, Frederick W. Kagan, *Choosing Victory: A Plan for Success in Iraq - Phase I Report*, *American Enterprise Institute*, Jan. 5, 2007, pp. 40-2.

Chapter 8

THE KURDS IN POST-SADDAM IRAQ[*]

Kenneth Katzman and Alfred B. Prados

ABSTRACT

The Kurdish-inhabited regions of northern Iraq are relatively peaceful, development is proceeding there, and long-repressed Kurdish leaders now occupy senior positions, including the presidency. However, there are concerns that the Kurds are using their political strength to serve their own interests at the expense of a unified Iraq, in the process inflaming longstanding Turkish concerns about Iraqi Kurdish autonomy.

PRE-WAR BACKGROUND

The Kurds, a mountain-dwelling Indo-European people, comprise the fourth largest ethnic group in the Middle East. Although their origins are believed to go back more than two millenia, they have never obtained statehood. An initial peace settlement after World War I held out hopes of Kurdish independence, but under a subsequent treaty they were given minority status in their respective countries — Turkey, Iran, Iraq, and Syria — with smaller enclaves elsewhere in the region. (See dark gray area of map). Kurds now number between 20 and 25 million, with an estimated 4 to 4.5 million in Iraq, roughly 15 to 20 percent of the Iraqi population. With a few exceptions, Kurds are Muslims of the Sunni sect and speak a language (consisting of several dialects) akin to Persian.

To varying degrees, Kurds have been objects of discrimination and persecution in the countries where they reside. Some Kurds would settle for meaningful autonomy in their countries of residence, while others aspire to an independent state. In strictly legal terms, Kurds have enjoyed more national rights in Iraq than in any other host country. Successive Iraqi governments authorized limited use of the Kurdish language in elementary education (1931), recognized a %22Kurdish nationality%22 theoretically co-equal with %22Arab nationality%22 (1958), and implemented a limited program of autonomy for the Kurdish

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[*] Excerpted from CRS Report RS22079, dated June 12, 2007.

areas (1974). However, in practice, only those Kurds willing to accept direction from Baghdad were allowed to take part in the autonomous administration. For the three decades that preceded the U.S.-led expulsion of Iraqi forces from Kuwait in 1991, an intermittent insurgency by Iraqi Kurdish militia ("*peshmerga*") was met with increasingly harsh suppression, particularly by the Ba'thist government of Saddam Hussein.

For some years, Kurdish dissidence in Iraq was led by the Barzani tribe, based northeast of Mosul. Their storied chieftain, the late Mulla Mustafa Barzani, founded the Kurdish Democratic Party during a period of exile after World War II. He returned to Iraq in 1958, and soon became the focal point for the Kurdish rebellions against Baghdad. After some vacillation, he rejected the Iraqi government's declaration of Kurdish autonomy in 1974,[1] and launched a new revolt, which collapsed in 1975 when neighboring Iran withdrew its support for the Kurdish militia. Barzani, granted asylum in the United States, died in 1979, and leadership of his party ultimately passed to his son Masoud Barzani. In the meantime, some years earlier, a younger, more urban and left-leaning group under Jalal Talabani emerged, and it broke with Barzani in 1964. In 1975, Talabani founded a rival group, the Patriotic Union of Kurdistan (PUK). Since then, the KDP and the PUK have been the leading — although not the only — voices of the Iraqi Kurdish movement. Differences between the KDP and PUK center more on leadership than ideology. The KDP, generally more tribal and traditional, is strongest in the mountainous northern Kurdish areas. The PUK predominates in southern Kurdish areas. The two have differed over the degree to which they should accommodate the central government and over their relationships with Iran, sometimes swapping positions, but their biggest differences were over power and revenue sharing (see below).

Regional developments have further complicated the status of the Kurds in Iraq. During the first few years of the 1980-1988 Iraq-Iran war, the Iraqi government adopted a more conciliatory approach toward the Kurds to minimize domestic problems that would complicate the war effort. In 1984, Talabani's PUK agreed to cooperate with Baghdad, but Barzani and the KDP remained in opposition. During 1987-1989, the height of the Iran-Iraq war and its immediate aftermath, Iraq tried to set up a "cordon sanitaire" along the border with Iran, and it arbitrarily imprisoned, tortured, and forced resettlement of Kurds outside their area in a so-called "Anfal (Spoils) campaign," which some human rights organizations say killed as many as 100,000 Kurds. (Human Rights Watch report, [http://hrw.org/reports/1993/iraqanfal/ANFALINT.htm].) Iraqi forces launched at least two lethal gas attacks against Kurdish targets in 1988, including the town of Halabja (March 16, 1988, about 5,000 killed). Iraqis denied the reports or justified these actions as responses to Kurdish support for Iranian forces.

Three years later, the allied campaign against Iraq following its invasion of Kuwait gave the Kurds an opportunity to launch another insurrection, which Iraqi forces succeeded in suppressing. However, U.S. and allied forces in mid-1991 instituted a no-fly zone over the northern Kurdish areas, enabling the Kurds to establish a de facto autonomy. In 1991, Kurdish leaders joined the Iraqi National Congress (INC), a U.S .sponsored opposition group, and subsequently allowed the INC to establish a presence in Iraqi Kurdish territory. The Kurds supported several abortive coup attempts by the INC and other opposition groups against Saddam Hussein in the 1990s.

Freed temporarily from central governmental control, the Kurds of Iraq set up a rudimentary administration in their enclave and held elections for a 105-member provisional

parliament in 1992. The two principal Kurdish factions, the KDP and the PUK, each gained 50 seats, with the other five allocated to small Christian groups. No candidate received a clear majority in the concurrent presidential election, and Kurdish leaders subsequently agreed to rule jointly. On October 2, 1992, the Iraqi Kurdish parliament called for "the creation of a Federated State of Kurdistan in the liberated part of the country," although it added that "this federated state does not question the territorial integrity of Iraq. ..."[2] Iraqi leaders, however, feared that Kurdish demands for a federal system masked a quest for full independence, and adjacent states with large Kurdish populations such as Turkey, Iran, and Syria have shared this concern.

In early 1994, the uneasy power-sharing arrangement between the KDP and PUK collapsed with the outbreak of armed clashes between the two, initially over questions of land ownership but expanding to mutual accusations of theft of or refusal to share joint revenues. The nadir in PUK-KDP relations occurred in mid-1996, when the KDP briefly sought help from Saddam's regime in seizing Irbil, the seat of the regional Kurdish government, which the PUK had captured in 1994. The Kurdish provisional parliament became inactive and the Kurdish regional authority effectively split into KDP and PUK entities. However, the United States, supported by Britain and Turkey, spearheaded negotiations that culminated in a meeting in Washington D.C. between Barzani and Talabani in September 1998, at which the two leaders agreed on steps toward a reconciliation. The so-called "Washington Declaration" was endorsed at the first session of a reconvened Kurdish parliament on October 5, 2002.

By mid-2002, the Kurds, along with other Iraqi opposition groups, had begun to calculate that the Bush Administration would overthrow Saddam Hussein militarily, and positioned themselves to capitalize on this prospect. In February 2003, opposition groups met in Kurdish-controlled territory in northern Iraq to form a "transition preparation committee," although these groups were disappointed by a subsequent U.S. decision to set up an occupation authority to govern Iraq after the fall of the regime, rather than immediately turn over governance to Iraqis.

THE IMMEDIATE POST-SADDAM PERIOD

Contrary to some fears, northern Iraq remained stable during the major combat phase of Operation Iraqi Freedom (OIF) and the Kurds welcomed the fall of Saddam Hussein in April 2003. However, they lobbied the United States for the early return of Iraq's sovereignty and to grant broad advisory powers to a 25-person "Iraq Governing Council (IGC)"that was appointed in July 2003. On the IGC were Barzani and Talabani, along with three independent Kurdish leaders. A top Barzani aide, Hoshyar Zebari, served as "foreign minister" in the IGC-appointed "cabinet" that served from September 2003 until an interim government assumed sovereignty on June 28, 2004. In that government, Zebari remained Foreign Minister, and a top Talabani aide, Barham Salih, became deputy Prime Minister. The high-level Kurdish participation marked the first time in Iraq's history that the Kurds had entered national politics on an equal footing with Iraq's Arab majority.

This government operated under a March 8, 2004 "Transitional Administrative Law" (TAL) — essentially a provisional constitution — that laid out a political transition process and citizens' rights. Several provisions concerned the rights and privileges of the Kurds. Over

the objections of Iraq's Shiite Muslim leaders, the Kurds succeeded in inserting a provision into the TAL that allowed citizens of any three provinces to vote down, by a two-thirds majority, a permanent constitution that was put to a public referendum by October 15, 2005. The Kurds constitute an overwhelming majority in Dohuk, Irbil, and Sulaymaniyah provinces, assuring them of veto power in that referendum. In addition:[3]

- The Kurds maintain their autonomous "Kurdistan Regional Government" (KRG), but the TAL disallowed changes to the boundaries of Iraq's 18 provinces. This provision denied the Kurds immediate control of the city of Kirkuk, the capital of Tamim province, but the TAL allowed for a compensation process to resettle Kurds expelled from Kirkuk by Saddam. The Arabic and Kurdish languages were deemed "the two official languages of Iraq."
- The KRG was given powers to alter the application, in the Kurdish areas, of those Iraqi laws that do not relate to foreign policy, national security, national budgetary matters, and control of Iraq's natural resources, including power to "impose taxes and fees within the Kurdistan region." The KRG retained "regional control over police forces and internal security," thereby allowing the *peshmerga* to legally continue to operate.

At the same time, the approximately 75,000 total *peshmerga*, as the most pro-U.S. force in Iraq, have played a growing role in the coalition-trained Iraqi security forces. Although *peshmerga* fighters have been primarily deployed in Kurdish areas to ensure that the insurgency in Arab Iraq does not spill over into the north, the major Kurdish leaders have supported the entry of some *peshmerga* into the national Iraqi Security Forces (ISF). The exact number of *peshmerga* in the ISF is not known, although some have served in the 2007 "Baghdad security plan," and others continue to serve in the northern cities of Mosul, Tal Affar, and Kirkuk, that abut the Kurdish-controlled region. On May 30, 2007, formal security control over the three Kurdish provinces were handed from the U.S.-led coalition in Iraq to the ISF.

CURRENT MAJOR ISSUES

There are several major issues of concern to the Kurds — almost all are interrelated. The Kurds' greatly enhanced political strength in post-Saddam Iraq also poses challenges for stability in Iraq and in the region.

Participation in the Central Government

Although striving for maximum autonomy, the Kurds decided to participate in the central post-Saddam government, as noted above, in part to help them prevail on the major issues of Kurdish interest. In late 2004, the KDP and PUK decided to ally into a "Kurdistan Alliance" for the three major elections in 2005. The first was the January 30, 2005, national elections for a 275-seat transitional National Assembly (which chooses an executive); for a Kurdistan

regional assembly; and for provincial councils. The national government would be in place until the December 15, 2005, elections for a permanent government, and would, perhaps more importantly, play a major role in drafting the permanent constitution (voted on in an October 15, 2005, referendum). The Kurdistan Alliance won about 26% of the vote, earning 75 National Assembly seats; and it won 82 seats in the 111-seat Kurdish regional assembly. On that strength, the main Kurdish parties, in talks with the Shiite "United Iraqi Alliance" (UIA, 140 seats), engineered Talabani as President of Iraq. As discussed below, Kurdish political strength also won the Kurds a number of favorable provisions in the permanent constitution, which was adopted in the October 15, 2005, referendum despite Sunni opposition).[4] The Alliance showing in the December 2005 elections was not as strong as previously (53 seats), largely because Sunni Arabs participated. Nonetheless, Talabani remained President; Zebari remained Foreign Minister, and Salih became deputy Prime Minister. Opting to solidify his political base in the Kurdistan region rather than participate in national politics, Barzani, on June 12, 2005, was named "President of Kurdistan" by the Kurdish regional assembly. The "prime minister" of the KRG is Masoud Barzani's 41 year old nephew, Nechirvan.

Autonomy and Independence

The permanent constitution retained all the Kurdish autonomy provide in the TAL. The three Kurdish provinces of Dohuk, Irbil, and Sulaymaniyah are recognized as a legal region (Article 113) with substantial powers, including input on how to develop oil and gas resources from new fields. The regions also have the power to amend the application of national law on issues not specifically the purview of the national government; to maintain internal security forces; and to establish embassies abroad (Article 117). Arabic and Kurdish are official languages (Article 4).

Kurdish leaders — possibly at odds with mainstream Kurdish opinion — have said that, for now, they would not push for independence. As evidence of the popularity of independence among the Kurdish population, particularly the younger Kurds, a "referendum" was held at the margins of the January 30, 2005 national vote asking Kurdish voters if they backed Kurdish independence; about 95% of respondents said yes. The survey had been demanded by 1.7 million signers of a petition, circulated in 2004. The Kurdish leadership stance is likely to ease the concerns of Turkey, as well as Syria and Iran, which have substantial Kurdish populations, although Turkey, in particular, appears to distrust the intentions of the Iraqi Kurds.

Kirkuk

Kirkuk is considered an "explosive" issue because of the well-known Kurdish drive to incorporate the city (and surrounding Tamim Province) into the territory administered by the KRG. Turkey fears that affiliation of Kirkuk to the KRG would give the Kurds enough economic strength to support a drive for independence. Kirkuk purportedly sits on 10% of Iraq's overall proven oil reserves of about 112 billion barrels. In addition, there is a substantial Turkoman minority in Kirkuk who also claim a say about the city, and Turkey is said to be seeking to protect them.

The permanent constitution provides for a referendum to be conducted by December 31, 2007 (Article 140) to determine whether its citizens want to formally join the Kurdistan region. The Iraq Study Group report, issued December 6, 2006, says that, because of Kurdish attempts to gain control of Kirkuk, the situation there is "dangerous" and that "international arbitration is necessary to avert communal violence." Recommendation 30 adds that the referendum on Kirkuk should be delayed; the Kurds are insisting that the referendum go forward as planned, although some press reports say the Kurds might be willing to delay it in return for concessions in negotiations on the oil law (see below). As anticipated by analysts, communal violence appears to be increasing as the Kurds try to strengthen their position by settling Kurds in Kirkuk and attempting to expel the city's Arabs (both Sunni and Shiite) and Turkomans. There have been several major bombings and other violent sectarian incidents there in 2007.

Control Over Oil Resources/Oil Laws

Distrustful of central government control of Iraq's oil resources, the Kurdish parties have played a major role in negotiating the new oil laws under consideration in parliament (all are to be passed as a package). The Kurds grudgingly accepted the main oil law draft approved by the cabinet in February 2007 even though that law would essentially enable a federal body ("Federal Oil and Gas Council") to veto new oil exploration in individual regions. The Kurds moved to outright opposition of further progress on oil laws when a related law was drafted establishing the Iraqi National Oil Company. The Kurds say this draft would place 93% of Iraq's oil fields under state control, thereby "re-centralizing" the oil industry. The KRG has also signed exploration deals with several small European oil companies (Norway's DNO, Turkey's Genel; Canada's Western Zagros; Turkish-American PetPrime; and Turkey/U.S.'s A and T Energy) even before the oil law that will regulate foreign investment in Iraq's oil industry has been passed.

PKK Safehaven

Turkish concerns have been inflamed recently not by the potential for Kurdish independence but more so by the safe haven in northern Iraq for fighters from the Turkish Kurdish opposition Kurdistan Workers' Party (PKK). This issue has brought large numbers of Turkish forces to the border with northern Iraq, and in June 2007, erupted into a reported brief Turkish military incursion — or "hot pursuit" — as well as shelling, over the border (although U.S. officials denied that Turkey crossed the border). The military moves followed an indirect threat by Masoud Barzani that Iraq's Kurds could conduct attacks in Turkey's Kurdish cities if Turkey were to invade northern Iraq.

Source: Map Resources. Adapted by CRS. (K.Yancey 2/11/05)

Chapter 9

IRAN'S INFLUENCE IN IRAQ*

Kenneth Katzman

ABSTRACT

Iran is actively assisting the major Shiite Muslim political factions in Iraq, most of which have long-standing ideological, political, and religious sectarian ties to Tehran. A key U.S. concern is that Iran is purportedly arming the militias fielded by those factions - militias that are committing sectarian violence and, to some extent, attacking U.S. forces. Since December 2006, the Administration has tried to reverse Iranian influence in Iraq while also engaging Iran diplomatically on Iraq.

BACKGROUND

Iran's influence in Iraq is a significant issue not only because of the U.S. need to stabilize Iraq but also because of tensions between the United States and Iran over Iran's nuclear and regional ambitions. With the conventional military and weapons of mass destruction (WMD) threat from Saddam Hussein removed, the thrust of Iran's strategy in Iraq has been to perpetuate domination of Iraq's government by pro-Iranian Shiite Islamist leaders, as well as to obtain leverage against the United States to forestall a potential confrontation. Iran sees control of Iraq by friendly Shiite parties as providing Iran with "strategic depth," ensuring that Iraq remains pliable and attentive to Iran's interests. At the same time, Iran's aid to Iraqi Shiite parties and their militias is contributing to sectarian violence that has threatened the U.S. stabilization effort as well.

For the first two years after the fall of Saddam Hussein, Iran's leaders and diplomats sought to persuade all Iraqi Shiite Islamist factions in Iraq to work together through a U.S.-led political process, because the number of Shiites in Iraq (about 60% of the population) virtually ensures Shiite dominance of an elected government. To this extent, Iran's goals in Iraq differed little from the main emphasis of U.S. policy in Iraq, which was to set up a

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democratic process. Iran's strategy bore fruit with victory by a Shiite Islamist bloc ("United Iraqi Alliance") in the two parliamentary elections in 2005. The bloc, which includes the Supreme Islamic Council of Iraq (SICI),[1] the most pro-Iranian of the groups, and the Da'wa (Islamic Call) party, won 128 of the 275 seats in the December 15, 2005, election for parliament. Most SICI leaders spent their years of exile in Iran. Like his predecessor as Prime Minister, Ibrahim al-Jafari, Nuri al-Maliki is from the Da'wa Party, although Maliki spent most of his exile in Syria, not Iran. Also in the UIA is the faction of the 32-year-old Moqtada Al Sadr, whose ties to Iran are still developing because his family remained in Iraq during Saddam's rule. However, the Sadr clan has had ideological ties to Iran; Moqtada's great uncle, Mohammad Baqr Al Sadr, was a contemporary and ally of Iran's Ayatollah Ruhollah Khomeini and was hung by Saddam Hussein in 1980. Iran also sees Sadr's faction — which has 32 seats in parliament and a large and dedicated following, particularly among lower-class Iraqi Shiites, some of whom are able to receive medical treatment in Iran under Sadr's auspices — as a growing force in Iraqi politics.

Of greater concern to U.S. officials than the Iranian political support to Iraq's Shiite factions is Iranian material support to militias fielded by the major Shiite groupings. The militias are widely accused of the sectarian violence against Sunnis that is gripping Iraq and which has been repeatedly identified by U.S. officials as a leading security problem, although Iraqi Shiites say they are retaliating for Sunni violence against them. SICI controls a militia called the "Badr Brigades" (now renamed the "Badr Organization"), which numbers about 20,000 but which has now purportedly burrowed into the still-fledgling Iraqi Security Forces (ISF). The Badr Brigades were formed, trained, and equipped by Iran's Revolutionary Guard, politically aligned with Iran's hardliners, during the Iran-Iraq war. During that war, Badr guerrillas conducted forays from Iran into southern Iraq to attack Baath Party officials, although the Badr forays did not spark broad popular unrest against Saddam Hussein's regime.

Badr fighters in and outside the ISF have purportedly been involved in sectarian killings, although to a lesser extent than the "Mahdi Army" of Moqtada Al Sadr. The December 6, 2006, Iraq Study Group report says the Mahdi Army might now number about 60,000 fighters. The Mahdi Army's ties to Iran are less well-developed than are those of the Badr Brigades because the Mahdi Army was formed by Sadr in mid-2003, after the fall of Saddam Hussein. U.S. military operations put down Mahdi Army uprisings in April 2004 and August 2004 in "Sadr City" (a Sadr stronghold in Baghdad), Najaf, and other Shiite cities. In each case, fighting was ended with compromises under which Mahdi forces stopped fighting in exchange for amnesty for Sadr himself. Since August 2004, Mahdi fighters have patrolled Sadr City and challenged SICI, Iraqi government forces, and U.S. and British forces in Diwaniyah, Nassiryah, Basra, Amarah, Samawah, and other Shiite cities, enforcing conformity with Islamic and traditional behavior norms. In order not to become a target of the U.S. "troop surge" in Baghdad, Sadr himself has been in Iran for much of the time since March 2007.

Iranian leaders have also cultivated ties to Grand Ayatollah Ali al-Sistani, the 75year-old Iranian-born Shiite cleric who is de-facto leader of mainstream Shiite Islamists. However, Sistani has differed with Iran's doctrine of direct clerical involvement, and he has resisted political direction from Iran. Iran's interest in Sistani might be declining as Iran's Shiite community has become more radicalized and Sistani's influence over Iraqi Shiites has waned. Sistani has called on Shiites not to be drawn into civil conflict with the Sunnis, but many Iraqi

Shiites are turning to hard-line Shiites such as Sadr who are willing to combat Sunnis by any means available.

ASSERTIONS OF IRANIAN SUPPORT TO ARMED GROUPS

Iranian material support to armed factions in Iraq has added to U.S.-Iran tensions over Iran's nuclear program and regional ambitions, such as its aid to Lebanese Hezbollah. In providing such lethal weaponry, Iran might be seeking to develop a broad range of options in Iraq that includes pressuring U.S. and British forces to leave Iraq, or to bog down the United States militarily and thereby deter it from military or diplomatic action against Iran's nuclear program. On the other hand, Iran might not necessarily want attacks on U.S. forces because a U.S. departure from Iraq, if that were the result, might leave the pro-Iranian government in Baghdad vulnerable to collapse.

No firm information exists on how many representatives of the Iranian government or its institutions might be in Iraq. However, one press report said there are 150 Iranian Qods Forces and intelligence personnel in Iraq.[2] In December 2006, U.S. forces arrested two Qods Forces senior officers in the compound of SICI leader Hakim, where they were allegedly meeting with Badr Brigade leader (and member of parliament) Hadi al-Amiri; the two were later released under Iraqi government pressure. In January 2007, another five Iranian agents were arrested in a liaison office in the Kurdish city of Irbil, reportedly against the urging of Iraq's Kurdish leaders. They remain under arrest until at least October 2007 when their case will be reviewed. Iranian diplomats were allowed access to the five on July 7, 2007, and the Iranians reportedly were told that there are two other Iranian government employees held by U.S. forces. On April 3, 2007, an Iranian diplomat, Jalal Sharafi, arrested in Iraq by Iraqi gunmen under unclear circumstances on February 4, 2007, was released. There was speculation that the release was a gesture to promote the release of 15 British sailors seized by Iran on March 23, 2007 and held until April 5, 2007.

On several occasions over the past year, senior U.S. and allied military officials and policymakers have provided specific information on Iranian aid to Shiite militias.

- In March 2006, senior U.S. defense officials, including then-Commander of U.S. Central Command (CENTCOM) Gen. John Abizaid asserted that Iran's Revolutionary Guard — particularly its "Qods (Jerusalem) Forces" that conduct activities outside Iran in support of Shiite movements — is assisting armed factions in Iraq with explosives and weapons. The Qods Force is an arm of the Iranian government, but some experts believe it might sometimes undertake actions not fully vetted with senior leaders.
- On August 23, 2006, Brig. Gen. Michael Barbero, deputy chief of operations of the Joint Staff, said the Iranian government is training, funding, and equipping Shiite militiamen in Iraq. On September 28, 2006, Maj. Gen. Richard Zahner, deputy chief of staff for intelligence of the Multinational Force-Iraq (MNF-I), said that the labels on C-4 explosives found with Shiite militiamen in Iraq prove that the explosives came from Iran. He added that only the Iranian military apparatus controls access to such military-grade explosives.[3]

- On September 19, 2006, Gen. Abizaid said that U.S. forces had found weaponry in Iraq that likely came from Iran, including a dual-warhead rocket-propelled-grenade RPG-29, as well as Chinese-made rockets. He added that Lebanese Hezbollah members were conducting training in Iran and that they could also be training Iraqi Shiite militiamen but that "[these linkages are] very, very hard to pin down with precision."[4]
- On January 31, 2007, the commander of Multinational Corps-Iraq, Lt. Gen. Ray Odierno, said that the United States had traced back to Iran serial numbers of weapons captured in Iraq. The armaments included rocket-propelled grenades, roadside bombs, and Katyusha rockets.
- In a February 11, 2007, U.S. military briefers in Baghdad provided what they said was specific evidence that Iran had supplied armor-piercing "explosively forced projectiles" (EFPs) to Shiite militias. EFPs have been responsible for 170 U.S. combat deaths from 2003 until April 2007, although this is many times lower than the number of U.S. deaths at the hands of Sunni insurgents.
- On April 11, 2007, when U.S. military officials said they had found evidence that Iran might also be supplying Sunni insurgent factions, although without asserting Iranian government approval for the shipments. Some experts believe such shipments would not comport with Iranian government objectives because Sunni insurgents are fighting Iran's proteges and allies in Iraq.
- On July 2, 2007, Brig. Gen. Kevin Begner, in a briefing for journalists, said that the Qods Force is using Lebanese Hezbollah to train and channel weapons to Iraqi Shiite militia fighters, and that Iran is giving up to $3 million per month to its protege forces in Iraq. Bergner based his information on the March 2007 capture – in connection with a January 2007 attack on U.S. forces in Karbala – of former Sadr spokesman Qais Khazali and Lebanese Hezbollah operative Ali Musa Daqduq.

IRANIAN INFLUENCE OVER IRAQI POLITICAL LEADERS

Since the fall of Saddam Hussein, Iran has exercised substantial political and economic influence on the Iraqi government, although Iran's economic initiatives do not necessarily conflict with the U.S. goal of reconstructing Iraq. During exchanges of high-level visits in the summer of 2005, including a Iraqi delegation led by interim Prime Minister Ibrahim al-Jafari in July 2005, Iraqi officials took responsibility for starting the 1980-1988 Iran-Iraq war, and indirectly blamed Saddam Hussein for ordering the use of chemical weapons against Iranian forces during that conflict. During a defense ministerial exchange that month, the two countries signed military cooperation agreements, as well as agreements to open diplomatic facilities in Basra and Karbala (two major cities in Iraq's mostly Shiite south) and to begin transportation and energy links (oil swaps, provision of cooking fuels and 2 million liters per day of kerosene to Iraqis and future oil pipeline connections). Iran extended Iraq a $1 billion credit line as well, some of which is being used to build roads in the Kurdish north and a new airport near Najaf, a key entry point for the approximately 20,000 Iranian pilgrims visiting the Imam Ali Shrine there each month. The two countries have developed a free trade zone

around Basra, which buys electricity from Iran, and trade has increased to over $3 billion per year,[5] of which about one-third is between Iran and the Kurdish region in northern Iraq.

Shortly after the Maliki government took office on May 20, 2006, Iran's Foreign Minister Manuchehr Mottaki led a high-profile visit to Iraq. During that visit, Iraqi officials (Foreign Minister Hoshyar Zebari) supported Iran's right to pursue nuclear technology "for peaceful purposes," while also stating that Iraq does not want "any of [its] neighbors to have weapons of mass destruction."[6] Maliki visited Iran during September 13-14, 2006, meeting all major Iranian leaders and signing memoranda of understanding to facilitate cross border immigration, exchange intelligence, and expand commerce. During the visit, Maliki said that 3,400 members of the Iranian opposition group People's Mojahedin Organization of Iran (PMOI), who were based in Iraq during Saddam's rule and are now confined by U.S.-led forces to a camp near the Iranian border, would be expelled from Iraq. He reiterated the expulsion threat in February 2007, although U.S. officials say the fighters would not be expelled as long as U.S.-led forces have formal security responsibility in Iraq. In November 2006, Iraq's President Jalal Talabani, a Kurdish leader, visited Iran and met senior leaders. In a January 28, 2007, interview, Iran's Ambassador to Iraq, Hassan Kazemi Qomi (appointed in May 2006), said Iran planned several new initiatives, including opening Iranian banks in Iraq, and he reiterated the offer to help train and equip Iraqi security forces. Iraqi officials have previously said that any military cooperation would be limited to border security, landmine removal, and information sharing.

Some believe Iran's influence will fade over the long term. Iraq's post-Saddam constitution does not establish an Iranian-style theocracy, and rivalry between Iraq's Shiite clerics and those of Iran might increase if Najaf re-emerges as a key center of Shiite Islamic scholarship to rival Qom in Iran. Others note that most Iraqi Shiites generally stayed loyal to the Iraqi regime during the 1980-1988 Iran-Iraq war. Although exchanges of prisoners and remains from the Iran-Iraq war are mostly completed, Iran has not returned the 153 military and civilian aircraft flown to Iran at the start of the 1991 Gulf War, although it has allowed an Iraqi technical team to assess the condition of the aircraft (August 2005). On the other hand, bilateral territorial issues are mostly resolved as a result of an October 2000 bilateral re-commitment to recognize the *thalweg*, or median line of the Shatt al Arab waterway between them, as their waterway border. This was a provision of the 1975 Algiers Accords between the Shah of Iran and the Baathist government of Iraq. (Iraq abrogated that agreement prior to its September 1980 invasion of Iran.) However, the water border remains subject to interpretation, as demonstrated by differences over whether the 15 seized British sailors had violated Iran's waterway.

U.S. RESPONSES AND PROSPECTS

The Iraq Study Group final report's first recommendation is that the United States include Iran (and Syria) in multilateral efforts to stabilize Iraq. Even before the Study Group report, U.S. officials, eager to try to stabilize Iraq, had tried to engage Iran on the issue. In December 2005, then U.S. Ambassador to Iraq Zalmay Khalilzad stated that he had received President Bush's approval to undertake negotiations with Iranian counterparts in an effort to enlist Iranian cooperation in Iraq. The United States and Iran agreed to such talks in March

2006, but U.S. officials opposed Iran's efforts to expand such discussions to bilateral U.S.-Iran issues and no talks were held.

The Bush Administration did not initially endorse the Iraq Study Group recommendation on engaging Iran as part of a solution in Iraq, instead launching initiatives to limit Iran's influence there. In his January 10, 2007, speech announcing a U.S. troop buildup in Baghdad, President Bush stated that the United States would "interrupt the flow of support from Iran and Syria ... [and would] seek out and destroy the networks providing advanced weaponry and training to our enemies in Iraq." In that speech, he also announced deployment of an additional aircraft carrier group to the Persian Gulf and extended deployment of Patriot anti-missile batteries reportedly stationed in Kuwait and Qatar. However, in a shift that might have been caused by Administration assessments that pressure on Iran was increasing U.S. leverage, the United States supported and attended an Iraq-sponsored regional conference in Baghdad on March 10, 2007. Iran and Syria attended, as did the United States, with most participants terming the discussions "constructive." Both Secretary of State Rice and Iranian Foreign Minister Mottaki attended the follow up meeting in Egypt during May 3-4, 2007, but held no substantive bilateral discussions, according to both sides. U.S. Ambassador to Iraq Ryan Crocker attended the Egypt meeting and had some discussions with Mottaki's subordinates, and the two countries subsequently held a high profile meeting in Baghdad on May 28, 2007, hosted by Maliki and confined to the Iraq issue. U.S. officials said both sides presented similar visions of governance in Iraq, but U.S. officials said the dialogue would be evaluated by whether the United States saw evidence that Iran was ending some of the arming and training activity discussed earlier. Iranian officials said they would welcome another meeting; U.S. officials are noncommittal.

Despite the burgeoning U.S.-Iran diplomacy on Iraq, the Administration has continued to pressure Iran on Iraq issues. On March 24, 2007, the U.N. Security Council unanimously adopted Resolution 1747 on the Iran nuclear issue. However, the Resolution has a provision banning arms exports by Iran, a provision clearly directed at Iran's arms supplies to Iraq's Shiite militias as well as to other pro-Iranian movements such as Lebanese Hezbollah. The Resolution provides additional legitimacy for U.S. searches of truck or other traffic from Iran into Iraq under the umbrella of enforcing the Resolution.

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Chapter 10

POST-WAR IRAQ: FOREIGN CONTRIBUTIONS TO TRAINING, PEACEKEEPING, AND RECONSTRUCTION*

Jeremy M. Sharp and Christopher M. Blanchard

ABSTRACT

Securing and maintaining foreign contributions to the reconstruction and stabilization of Iraq has been a major priority for U.S. policymakers since the launch of Operation Iraqi Freedom in March 2003. This article tracks important changes in financial and personnel pledges from foreign governments since the August 19, 2003 bombing of the U.N. Headquarters in Baghdad and major events since the fall of Baghdad on April 9, 2003.

Currently, there are 25 countries with military forces participating in the coalition's stabilization effort. An additional 15 countries have withdrawn their troops from Iraq due to either the successful completion of their missions, domestic political pressure to withdraw their troops, or, in the case of the Philippines, the demands of terrorist kidnappers who threatened to kill foreign hostages unless their respective countries removed their troops from Iraq.

Most foreign pledges for reconstructing Iraq were made at a donors' conference in Madrid, Spain, in October 2003. Foreign donors pledged an estimated $13 billion in grants and loans for Iraq reconstruction but have only disbursed about $3 billion to the United Nations and World Bank trust funds for Iraq. The largest non-American pledges of grants have come from Japan, the United Kingdom, Canada, South Korea, and the United Arab Emirates. The World Bank, International Monetary Fund, Japan, and Saudi Arabia have pledged the most loans and export credits.

This article also discusses international efforts to train and equip the new Iraqi security forces. Since the fall of Saddam Hussein's regime in April 2003, several coalition, non-coalition, and North Atlantic Treaty Organization (NATO) countries have contributed personnel, equipment, and facilities to the training of Iraqi security and police forces. Some have expressed their willingness to contribute to future training operations within or outside of Iraq. Others have declined to participate in ongoing or planned training operations. Bush Administration officials have announced their intent to continue

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seeking international support for training and stability operations in Iraq in the coming months.

OVERVIEW

Securing foreign contributions to the reconstruction and stabilization of Iraq has been a major priority for U.S. policymakers since the launch of Operation Iraqi Freedom in March 2003. International participation has been sought to support peacekeeping operations, assist in efforts to train and equip Iraq's new security forces, and provide financial support to reconstruction efforts. For many countries, U.S. Security Council passage of Resolution 1511 on October 6, 2003, marked an important milestone in establishing the legitimacy of the post-war international presence in Iraq. Nevertheless, some countries remain wary of deploying or sustaining troops in Iraq.

Shortly after the passage of Resolution 1511, an international donors' conference for Iraq was held on October 23-24, 2003, in Madrid. The international community, excluding the United States, has pledged an estimated $16 billion to $20 billion in humanitarian and reconstruction assistance through the coalition, United Nations, and a new World Bank/United Nations administered trust fund, although estimates for the total cost needed to rebuild Iraq vary widely.

There have been few additional pledges of foreign troops beyond the increased commitments of existing contributors such as the United Kingdom. Ultimately, a foreign government's decision to send peacekeeping forces to Iraq may rest on a number of factors including the overall security situation; the domestic political environment in a donor country; legal restrictions these countries face in deploying troops in Iraq; the potential for foreign companies to invest in Iraq's economy; and specific bilateral arrangements between the United States and possible donors. The United States is currently subsidizing the military deployments of some coalition partners, most notably Poland. As of January 2007, over 14,000 foreign personnel from 25 countries are supporting post-war stabilization efforts in Iraq and in theater. The United Kingdom has the largest contingent of foreign forces (7,100), followed by South Korea (2,300). Both governments have announced plans to reduce their presence substantially during 2007.

This article provides the latest estimates for existing foreign contributions to peacekeeping operations and reconstruction efforts in Iraq, international contributions to training and equipping the new Iraqi security forces, and the latest diplomatic developments regarding potential future donations from foreign governments. This article is divided into three sections. The first section discusses the international training effort. The second section tracks major diplomatic developments in financial and personnel pledges from foreign governments since the August 19, 2003 bombing of the U.N. Headquarters in Baghdad and major events since the fall of Baghdad on April 9, 2003. The third section presents estimated pledges of personnel, monetary donations, and material resources in chart form. This information represents rough estimates as specific pledges remain in flux. Both sections will be updated as needed to reflect international developments.

COALITION MEMBER SUPPORT FOR TRAINING EFFORTS

Since the fall of Saddam Hussein's regime, members of the U.S.-led Multinational Force (MNF) in Iraq have made contributions to efforts to train and equip Iraqi security and police forces under the auspices of the Multinational Security Transition Command (MNSTC).[1] The MNSTC is divided into two sections: the Civilian Police Assistance Training Team (CPATT), which has primary responsibility for training Iraq's police, border, and non-military security services, and the Coalition Military Assistance Training Team (CMATT), which has primary responsibility for training members of Iraq's military.[2] U.S. Lieutenant General Martin Dempsey replaced Lt. Gen. David Petraeus as the commanding officer of the MNSTC on September 8, 2005.

A variety of training initiatives have been undertaken by the MNSTC that have involved various coalition partners working in concert with U.S. forces, Iraqi officials, and trainees. The training initiatives with the largest international components are those designed to train Iraqi police at locations in Jordan, United Arab Emirates, and Iraq (see below). Police instructors from Jordan, the United States, Canada, the United Kingdom, Australia, Sweden, Poland, the United Arab Emirates, Denmark, Austria, Iraq, Finland, the Czech Republic, Germany, Hungary, Slovenia, Slovakia, Singapore, and Belgium participate in various aspects of the police training programs. Other initiatives have been undertaken between individual coalition members and Iraqi personnel, such as the Royal Australian Navy's efforts to train Iraq's Coastal Defense Force. The Netherlands and the Czech Republic have also directed training programs for Iraqi security personnel. Poland signed a bilateral agreement with the Interim Iraqi Government in October 2004 to provide training services and equipment for the Iraqi military.

NATO Training Mission-Iraq (NTM-I)[3]

Efforts to enlist NATO support for the training of Iraqi security forces coalesced over the summer and fall of 2004. At the request of the Iraqi Interim Government, NATO member countries approved the creation of a security force training mission at the Istanbul summit in June 2004. The first personnel of the NATO Training Implementation Mission (NTIM) arrived in Baghdad in early August 2004 and have worked since then to identify training opportunities for Iraqi security officials, to train individuals and support staff at the headquarters of Iraq's security forces, and to develop an action plan for a full NATO supported training program within and outside of Iraq to be implemented in 2005. Under the auspices of the NTIM program, a small number of Iraqi military officers have undergone training at a NATO facility in Stavanger, Norway. Roughly 60 military personnel from Canada, Hungary, Norway, the Netherlands, and Italy participated in the initial NATO Training Implementation Mission and remain in Iraq under NATO command.

Based on the recommendations of the initial NATO mission staff, plans to expand the training program were considered and approved by NATO leaders in the fall of 2004. Although some NATO members declined to participate in the expanded initiative, the North Atlantic Council approved the expansion of NATO's Training Implementation Mission in Iraq on November 17, 2004, and issued a directive authorizing the expansion on December 9.

The activation order implementing the expansion and renaming the effort as the NATO Training Mission-Iraq (NTM-I) was issued on December 16. Under the approved expansion, the size of the NATO training mission in Iraq will grow from 60 to 300 personnel. As of January 2007, approximately 200 NATO personnel are assigned to NTM-I from 18 NATO countries and Ukraine. U.S. Lt. Gen. Martin Dempsey serves as the commander of the NTM-I program and the larger coalition MNSTC training programs (figure 1).

NATO officials opened a Joint Staff College at Ar Rustamiya, southeast of Baghdad on September 27, 2005.[4] A Training, Education, and Doctrine Center (TEDC) also has been created onsite. A Defense Language Institute was opened in February 2006 and was expected to reach full operating capability by the end of 2006. Joint Staff College trainers will continue to provide management and leadership training for Iraqi security officials with the support and protection of a sizeable staff and member nation security contingent. The NATO instructors will be joined by Iraqi graduates of ongoing "train the trainers" programs. Coalition and NATO representatives have approved the use of a private security firm to protect the facility.[5] Recruitment and preparation of new NATO support staff and trainers for the mission are ongoing. The NTM-I program target annual training goal is 1,500 Iraqi officers, both within and outside of Iraq. NTM-I trained 1,250 Iraqi Security Force officers in 2005, according to its figures.[6] Over 700 Iraqis have received training in nine countries under the NTM-I program.

Contributions

At a NATO meeting on February 22, 2005, all 26 NATO members agreed to contribute troops, financing, or equipment to support the NTM-I initiative. However, some NATO members (France, Belgium, Greece, Spain, Luxembourg, and Germany) remain reluctant to send troops into Iraq. Instead, they have agreed to provide financing or equipment in support of the NTM-I mission and to provide training and support to Iraqi forces outside of Iraq and outside of the NATO/NTM-I framework (see below). Table 1 shows NATO member contributions that have been announced in relation to the ongoing expansion.

Table 1. NATO Member Contributions to NTM-I Mission

NATO Member	Contribution (Trainers, Funding, Force Protection)
Belgium	Offered five to 10 military driving instructors for a German-led training mission for Iraqis in the United Arab Emirates. Will contribute $261,000 to a trust fund to help cover costs of the NATO mission.
Bulgaria	Pledged to send five instructors to Iraq, $40,000 in funding.
Canada	Offered up to 30 instructors to train outside Iraq, probably in Jordan, $810,000.
Czech Republic	Pledged to send five instructors and train up to 100 Iraqi military police in the Czech Republic during 2005. Announced donation of approximately $180,000 in April 2005.
Denmark	Offered 10 trainers and seven soldiers for force protection. Sent pistols, radios, binoculars and other equipment for Iraqi forces.
Estonia	One officer serving on NTM-I and has pledged $65,000 in support funds.
France	Will send one officer to help mission coordination at NATO headquarters in Belgium. Has offered to train 1,500 Iraqi military police in Qatar outside of the NATO NTM-I mission.
Germany	Offered to train Iraqi military personnel in United Arab Emirates and to contribute $652,000 to support program funding and airlift for Iraqi personnel. Iraqi security officers have received training under the auspices of NTM-I at a NATO military training facility in Oberammergau, Germany.

Table 1. (Continued)

NATO Member	Contribution (Trainers, Funding, Force Protection)
Greece	Has contributed approximately $376,000 in support funding.
Hungary	Sixteen officers currently in Iraq in support of NTM-I mission. Plans to supply 150 force protection troops for training facilities at Ar Rustamiya. Donated 77 refurbished Russian-made T72 tanks, 36 BMP armored personnel carriers, and 4 tank recovery vehicles in September 2005. Donated 100 troop transport and cargo trucks in June 2006.
Iceland	Public information officer will serve with NATO mission in Baghdad. Offered $196,000 to fund training outside the country and help transport equipment to Iraq.
Italy	Eight officers currently serving in support of NTM-I mission in Baghdad. Considering sending up to 16 more.
Latvia	Plans to host Iraqi soldiers for bomb disposal training. Contributing $65,000 to NTM-I trust fund. Sending equipment to Iraqi forces.
Lithuania	Two trainers serving in Iraq, two more expected. Also considering training Iraqi personnel in Lithuania.
Luxembourg	Offered $196,000 in support funds.
Netherlands	10 military police and 15 trainers currently serving on NTM-I mission. Considering sending more.
Norway	Sending 10 trainers to Iraq. Hosted training of 19 Iraqi officers at NATO Joint Warfare Center. $196,000 in funding.
Poland	Plans to send up to 10 trainers and a transport platoon of about 30. Considering sending force protection unit. Decision pending expiration of United Nations Security Council Resolution 1546 and elections scheduled for September 2005.
Portugal	Sending up to 10 soldiers to Iraq to support NTM-I mission.
Romania	Two instructors in Iraq, five more planned. Will take 25 Iraqi officers on training course in Romania in July, 25 additional expected later in 2005. Donated 6,000 AK-47 rifles.
Slovakia	Sending two instructors to Iraq, $53,000 in support funding.
Slovenia	Offered to support training outside Iraq, probably in Jordan. Offered $132,000 in support funding. Donated 17,000 AK-47 rifles and 10,000 helmets for Iraqi forces.
Spain	Plans to train groups of 25 Iraqis in mine clearance at a center outside Madrid. Pledged $530,000 in support funding.
Turkey	Two officers serving in Baghdad; offered to train Iraqis in Turkey. Pledged $125,000 in April 2005.
United Kingdom	Eleven soldiers now serving with NTM-I mission. Pledged $330,000 in support funding.
United States	Commands the operation under Lt. Gen. Martin Dempsey. 60 instructors and a force protection company with NTM-I mission in Baghdad. Providing logistics and airlift support. Pledged $500,000.

Source: *AP*, "Contributions to NATO's Training Mission for Iraqi Forces," Feb. 22, 2005; Brooks Tigner, "Iraqi Military Receives More Gear From NATO Countries," *Defense News*, Jan. 6, 2006.

Other Training Contributions

Other NATO and non-coalition countries such as Germany, Japan, the United Arab Emirates, Egypt, and Jordan (see below) have committed funding, personnel, and facilities for the training of Iraqi forces on a bilateral or multilateral basis.

Germany/Japan/United Arab Emirates

Although Germany has declined to send training personnel to Iraq in support of the NTM-I program, the German government has trained 420 Iraqi police officers in crime scene exploitation and police methodology in cooperation with Japan and the United Arab Emirates since late 2003. Officials from Japan, the Emirates' police forces, and Germany's Bundeskriminalamt, or federal criminal investigation office, have jointly administered the

training program, which aims to train 2,000 Iraqi police by the end of 2005. In December 2004, German officials announced that they would expand another UAE-based program that has trained 122 Iraqi military drivers and mechanics to use and service surplus German military trucks. Germany also reportedly plans to host, train, and equip new Iraqi engineering and explosive disposal personnel, as well as provide the Iraqi security services with ambulances and military hospital equipment in 2005.

Egypt

In late 2004 an Iraqi infantry company was invited to Egypt to participate in a joint training program with the Egyptian army. According to the Egyptian government, 134 soldiers from Iraq's 5th Infantry Division trained alongside Egypt's 3rd Infantry Division at the Mubarak Military City in northern Egypt. No plans for future joint Iraqi-Egyptian training exercises have been publicly announced, although Egyptian officials have expressed their willingness to expand their training program for Iraqi military officers.

Jordan[7]

Jordan has hosted the largest effort to train Iraqi police officers at its International Police Training Center in Muwaqqar, east of Amman. The U.S.-funded and Jordanian-hosted program has produced 11 classes of Iraqi police officers since training began in November 2003. Over 30,000 troops will be trained by the end of 2005 under the terms of an agreement reached by Jordan and the former Coalition
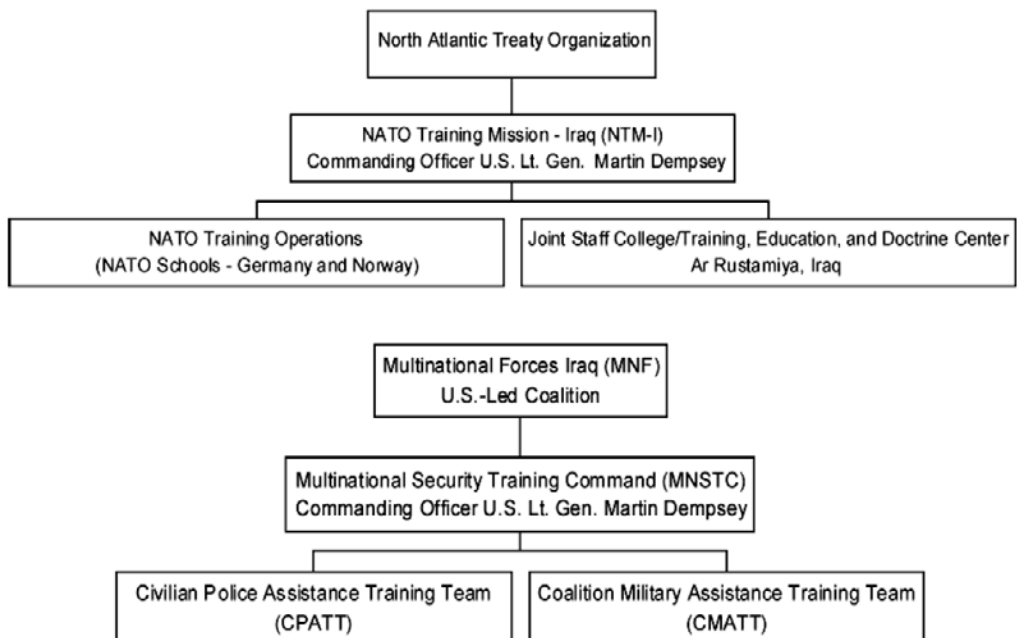
Figure 1. NATO and Coalition Training Efforts in Iraq.

Provisional Authority

As of mid-December 2004, over 8,000 Iraqi police officers had graduated from the firearms, self defense, and crowd control training programs offered at the center. The Jordanian military has also trained over 1,500 Iraqi army officers forces at its Zarqa Military College, along with a small group of Iraqi air force pilots and engineers.

CHRONOLOGY

Significant Coalition Support Events Since April 9, 2003

Mar. 15, 2007 Romania announced it will withdraw 100 of its troops in line with British withdrawal plans during 2007.

Feb. 28, 2007 South Korea reportedly plans to reduce the number of its troops in Iraq from the current 2,300 to 1,200 by the end of April 2007.

Jan.-Mar. 2007 British Army Lt. Gen. Graeme Lamb, deputy commander of Multi-National Force-Iraq, announced that British troops will remain in Iraq at least until the end of 2007. Press reports have claimed that the United Kingdom plans to reduce its current troop presence of 7,100. However, accounts differ on the timing and size of the reductions.

Jan. 9, 2007 Danish Prime Minister Anders Fogh Rasmussen reportedly told President Bush that he hoped Denmark would be able to reduce the number of Danish troops in Iraq during 2007 from the current number of 470.

Dec. 22, 2006 Polish President Lech Kaczynski extended the authorization of the Polish military presence in Iraq until the end of 2007.

Dec. 22, 2006 The South Korean National Assembly approved a bill extending the presence of South Korean troops in Iraq until the end of 2007. The bill requires a reduction in the number of troops serving in the northern Iraqi city of Irbil from 2,300 to 1,200 by April. The bill also requires the South Korean government to develop a plan for a full withdrawal.

December 2006 The final contingent of Italian troops was withdrawn from Iraq, fulfilling the campaign pledges of Italian Prime Minister Romano Prodi and his political allies.

October 2006 Albanian Defense Minister Fatmir Mediu announced that Albania's contingent of approximately 120 troops in Iraq will remain until U.S. forces are withdrawn.

June 30, 2006 Romanian Prime Minister Calin Popescu Tariceanu reiterated his support for withdrawing Romania's troops from Iraq. Romanian President Traian Basescu criticized the proposal. The Romanian Supreme Council of National Defense has postponed consideration of the Prime Minister's withdrawal resolution.

June 20, 2006 Japanese Prime Minister Junichiro Koizumi announced plans to withdraw Japan's 600 personnel from Iraq following the handover of security control to Iraqi forces in the southern province of Al Muthannah. 200 Japanese air force personnel remain deployed in Kuwait. — Australian Prime Minister John Howard announced that 460 Australian soldiers would redeploy within Iraq following the completion of their mission to provide security for the Japanese personnel in Samawah.

June 16, 2006 Italy announced plans to reduce its forces in Iraq to 1,600 by the end of June 2006 and to completely withdraw all forces by the end of 2006 in line with campaign pledges of newly elected Prime Minister Romano Prodi.

Dec. 31, 2005 South Korea's parliament approved a government plan to bring home one-third of the country's troops in Iraq but extended the overall deployment for a year.

Dec. 29, 2005 Polish President Lech Kaczynski approved a request from the conservative government to keep troops in Iraq until the end of 2006. Extending the mandate reverses the stand of the previous left-wing government that had announced Polish troops would be pulled out by the end of 2005.

Dec. 27, 2005 Bulgaria and the Ukraine completed the withdrawal of all their forces from Iraq.

Oct. 14, 2005 Norway announced that it planned to withdraw its troops from Iraq and from Afghanistan by January 2006.

Sep. 8, 2005 U.S. Lt. Gen Martin E. Dempsey replaced U.S. Lt. Gen. David H. Petraeus as the commanding officer of the coalition Multinational Security Transition Command (MNSTC) and the NATO Training Mission-Iraq (NTM-I).

Aug. 11, 2005 The UN Security Council renewed for one year the mandate of the United Nations Assistance Mission for Iraq (UNAMI).

July 19, 2005 The Fourth meeting of the International Reconstruction Fund Facility for Iraq (IRFFI) was held at the Dead Sea in Jordan. Donors committed an additional $235 million in new contributions to the IRFFI.

May 10, 2005 Italy's Foreign Minister Gianfranco Fini said his country would withdraw its 3,300-strong contingent of troops from Iraq by January or February 2006, at the latest. The withdrawal would be in conjunction with Iraq's anticipated general elections, now scheduled to take place by December 31, 2005. Fini also stated that Italy "will not choose a unilateral disengagement." — Japan's Defense Minister Yoshinori Ono stated, "we hope to turn over what the Self Defense Forces are doing, to the Iraqi people as soon as possible," adding to comments by other officials that Japan could scale back or withdraw its current 550strong non-combat humanitarian reconstruction mission in Samawah, Iraq by the end of 2005.

May 5, 2005 Bulgaria's outgoing parliament voted to pull all of its 462 troops out of Iraq by the end of 2005, with the first reduction down to 400 by June. The vote came just days after Bulgaria suffered its 10th military fatality in Iraq.

Apr. 27, 2005 Danish Foreign Minister Per Stig Moeller announced that the country would extend its troop mandate in Iraq for another eight months after its soldiers complete their current tour of duty at the beginning of June 2005.

Mar. 17, 2005 After initially announcing his intent to begin withdrawing Italian troops from Iraq in September 2005, Italian Prime Minister Silvio Berlusconi stated that there was no fixed date for an Italian withdrawal. Berlusconi's revised statement came just hours after a phone conversation with President Bush.

Feb. 22, 2005 NATO members issued a joint statement pledging troops, funding, and equipment in support of NATO Training Mission in Iraq (NTM-I).

Feb. 12, 2005 Portugal withdrew its contingent of 120-strong police forces from Iraq as scheduled.

Jan. 10, 2005 Ukraine announced that it was accelerating the withdrawal of its entire contingent of troops from Iraq in early 2005.

Dec. 24, 2004 The parliament of Armenia approved the deployment of 46 noncombat troops to Iraq. The deployment was scheduled for some time in early 2005.

Nov. 15, 2004 The parliament of Hungary voted against extending the mandate of keeping its troops in Iraq. Hungary withdrew its 300-man contingent from Iraq in December 2004.

Nov. 3-6, 2004 In a meeting in Brussels with Iraqi Prime Minister Ayad Allawi, the European Union pledged $38 million in new assistance for the upcoming Iraqi elections and vowed to open up trade talks with the Iraqi government. The EU also plans to train Iraqi police, judges, and prison directors.

Nov. 3, 2004 Hungary announced that it would withdraw its 300-man force from Iraq after the January 2005 Iraqi elections.

Oct. 15, 2004 Poland's Prime Minister announced that Poland will begin withdrawing its troops in January 2005 and will complete the entire withdrawal of its forces from Iraq by the end of 2005.

Oct.13-14, 2004 At a donor's meeting in Tokyo, Japan, the World Bank announced that it had only two projects underway in Iraq using funds from the international trust established over a year ago. Officials blamed the ongoing Iraqi insurgency for slowing down the reconstruction process. Iraqi officials urged the international community to accelerate the transfer of aid. Iran donated $10 million to the World Bank trust fund.

Oct. 4, 2004 Poland's Defense Minister announced that Poland would withdraw all of its troops from Iraq by the end of 2005. Other Polish officials later remarked that a withdrawal was only being considered.

Oct. 2, 2004 Italy's Deputy Premier remarked that Italy could pull its troops out of Iraq after the January 2005 Iraqi elections.

Sept. 24, 2004 The *Washington Post* reported that the former Soviet republic of Georgia is planning to send 800 additional troops to Iraq by the end of the year.

Sept. 9, 2004 The *New York Times* reported that Costa Rica asked the United States to remove it from a list of Iraq coalition partners after the country's Constitutional Court ruled that inclusion on the list violated Costa Rica's Constitution. Costa Rica had provided no assistance for Iraq's reconstruction.

July 12, 2004 Philippine Deputy Foreign Minister Rafael Seguis told Al-Jazeera that Manila was offering to withdraw its forces as soon as possible from Iraq to save a Filipino truck driver taken hostage by Iraqi militants.

July 4, 2004 The Kingdom of Tonga announced that its 45-member Marine contingent had arrived in Iraq.

June 29, 2004 At its summit in Istanbul, Turkey, NATO agreed to train Iraqi security forces.

June 28, 2004 The Coalition Provisional Authority disbanded, and sovereignty was transferred to a new Iraqi government.

June 11, 2004 The Dutch government extended the stay of its 1,400-member troop contingent in Iraq through March 2005.

Apr. 19, 2004 The Albanian government said it was prepared to send more noncombat troops to Iraq in a possible expansion of the 71-memberstrong contingent patrolling the northern city of Mosul under U.S. command. — Honduras announced that it would withdraw its 370 troops, which have been operating in Iraq as part of the Spanish contingent.

Honduras had planned to withdraw its troops in July but accelerated the timetable for their withdrawal after Spain confirmed its immediate removal of troops from Iraq.

Apr. 18, 2004 Spain's new Socialist prime minister, José Luis Rodríguez Zapatero, announced that he was ordering Spanish troops to leave Iraq "as soon as possible." Mr. Zapatero said he had made his decision because it was unlikely that the United Nations would be playing a leading role in Iraq any time soon, which had been his condition for keeping Spain's 1,300 troops in Iraq.

Mar. 18, 2004 According to South Korean defense officials, South Korea canceled plans to send troops to the northern Iraqi city of Kirkuk, citing U.S. pressure to participate in "offensive operations," but still plans to send ,3600 troops and personnel to help rebuild the country.

Mar. 15, 2004 In a news conference, Prime Minister-elect José Luis Rodriguez Zapatero promised to withdraw Spanish troops from Iraq. Spanish forces had been set to take control July 1 of the 9,000strong multinational force patrolling central and southern Iraq currently under Polish command.

Mar. 14, 2004 Spain's opposition Socialist Party defeated the center-right party of Prime Minister Jose Maria Aznar, as many Spanish voters were reportedly dissatisfied with the government's handling of the ongoing Madrid bombing investigation.

Mar. 11, 2004 Ten bombs exploded on commuter trains in Madrid, killing 200 people. Spanish authorities blamed the Basque terrorist group ETA, but other Spanish investigators found evidence linking the bombings to Islamist terrorists.

Feb. 13, 2004 South Korea's National Assembly approved the deployment of 3,000 troops to Iraq. The additional troops will be responsible for security and reconstruction around the northern Iraqi city of Kirkuk.

Feb. 9, 2004 Nicaragua canceled its second mission to Iraq after running short of funds to carry out the operation.

Feb. 4, 2004 Spanish Prime Minister Jose Maria Aznar told a joint meeting of Congress that Spain would remain committed to providing security in Iraq and to assisting with reconstruction efforts.

Jan. 31, 2004 Japan's lower house of parliament gave final approval to the deployment of 1,000 Japanese peacekeepers to Iraq. Japanese soldiers arrived in Iraq a few days later.

Jan. 30, 2004 Iraqi attackers fired two rocket-propelled grenades at the Dutch Embassy in Baghdad, hitting the roof and setting it on fire. There were no reports of injuries.

Dec. 17, 2003 Acting as a special presidential envoy, Secretary of State James A. Baker III obtained assurances from France, Germany, and Italy to reschedule Iraq's debt through Paris Club mechanisms. France, Germany, and the United States issued a joint statement on the agreement the day earlier.

Dec. 16, 2003 South Korea's Cabinet formally approved the dispatch of 3,000 combat and noncombat troops to Iraq. The measure must be formally ratified by South Korea's Parliament.

Dec. 12, 2003 The Spanish government announced that it would extend its mission in Iraq for an additional six months. Approximately 1,300 Spanish troops are serving in Iraq. — The Dutch parliament approved a measure to prolong its troop presence of about 1,100 marines for an additional six months.

Dec. 10, 2003 A directive issued by Deputy Secretary of Defense Wolfowitz announced a list of 63 countries eligible to bid for the 26 primary reconstruction contracts appropriated

under Public Law 108-106. P.L. 108-106 allocated $18.6 billion in appropriations for these contracts. Countries eligible to bid were identified as either Coalition partners or force contributing nations. Canada has threatened to withhold its aid pledges because it is barred from contracting. Russia indicated that it would be unwilling to reschedule Iraq's debt because of the contracting restrictions. To view the directive's list of countries eligible for contracts, refer to Table 2. — U.N. Secretary General Koffi Annan announced that the United Nations would operate its mission for Iraq, UNAMI, in either Jordan or Cyprus for the time being because it is too dangerous to return to Iraq full-time.

Dec. 9, 2003 The Japanese Cabinet approved a dispatch of up to 1,000 troops. Within the plan, 600 Ground Self-Defense Force troops would provide medical services and supply water in southeastern Iraq. Although no specific start date was set, the dispatch could occur anytime after December 15, 2003, and last from six months to one year.

Dec. 8, 2003 60 South Korean contract engineers and technicians left Iraq over security concerns. The incident represents the largest withdrawal by contractors because of security concerns and occurred a week after two of their colleagues were killed in an ambush. The contractors were fixing Iraq's electrical power grid as subcontractors for a U.S.-based construction firm.

Dec. 7, 2003 Although foreign donors pledged $3 billion in grants for short-term needs at the Madrid International Donors Conference on Iraq, the World Bank reported that only $685 million has been verified. Part of this shortfall results from a change in Japan's initial posture for providing immediate grant aid to providing medium-term grant assistance. Although some analysts have suggested that pledges may not materialize, the Bush Administration has stated that more grants will come forward once the joint U.N./World Bank administered trust fund is operational.

Dec. 6, 2003 Former Secretary of State James A. Baker III was appointed as a special presidential envoy to persuade other countries to reschedule or forgive Iraq's sovereign debt.

Nov. 30, 2003 Two South Korean engineers were killed on a road near Tikrit, north of Baghdad. Although South Korea's Foreign Minister Yoon Young-Kwan announced that the killings would not affect the government's proposal to send more troops to Iraq, any decision regarding the deployment of more troops requires approval by South Korea's parliament. The opposition party's boycott of proceedings from Nov. 26 - Dec. 3, 2003, has delayed parliamentary approval. This boycott stems from a matter unrelated to Iraq.

Nov. 29, 2003 Two Japanese diplomats were killed on their way to an aid conference in northern Iraq. Although Prime Minister Koizumi pledged that Japan would continue to support efforts in Iraq, the opposition party signaled that it would step up pressure to delay deployment of Japanese noncombat troops. Seven Spanish intelligence officers were killed in an ambush 100 km south of Baghdad. Spanish Prime Minister Anzar later affirmed Spain's commitment to remain in Iraq despite widespread popular opposition.

Nov. 28, 2003 An official Japanese SDF exploratory mission to Iraq concluded that the security situation in Samara, Iraq, was stable enough to send Japanese SDF troops there.

Nov. 21, 2003 The U.N. officially transferred administration of the multi-billion dollar Oil-For-Food Program (OFFP) over to the Coalition Provisional Authority. The remaining balance of funds held in the OFFP will be transferred to the CPA administered Development Fund for Iraq. Hence forth, U.N. humanitarian and reconstruction activities

will be financed by the March and June 2003 U.N. humanitarian appeals and bilateral donations to the World Bank/U.N. reconstruction trust fund.

Nov. 20, 2003 Taiwan pledged anreconstruction in Iraq. additional $8.5 million in aid for

Nov. 19, 2003 Guatemala's Defense Minister announced that Guatemala would be willing to supply troops to a U.N. peacekeeping force in Iraq.

Nov. 19, 2003 The Bush Administration indicated that it will seek an additional U.N. security resolution in mid-December to approve the time line and design for transferring sovereignty to an internationally recognized Iraqi government.

Nov. 17, 2003 An Italian official serving as a special counselor to the Coalition Provisional Authority resigned, accusing the CPA of inefficiency and failing to understand Iraqis.

Nov. 13, 2003 Japan and South Korea expressed hesitancy to send new troops in light of the recent suicide-bomb attack on the Italian headquarters in Nasiriya. Japan indicated that it would be unlikely to send troops until next year, and South Korea rebuffed requests to send more than 3,000 troops of unknown combat status to Iraq.

Nov. 12, 2003 A suicide-bomb attack on the Italian headquarters in Nasiriya killed 18 Italians, including 12 military police offices, 4 soldiers, and two civilians. Although the main Italian opposition party initially called for a withdrawal of troops, Italy sent 50 reinforcements two days later and pledged to remain in Iraq.

Nov. 8, 2003 The International Red Cross announced that it would temporarily close offices in Baghdad and Basra under growing security concerns. Operations will still continue in northern Iraq.

Nov. 7, 2003 Bosnia announced that it would be willing to send troops to Iraq to support the Polish-led multi-division forces and coalition. The country currently relies upon 12,000 NATO security forces to maintain its own internal security.

Nov. 7, 2003 The Turkish government officially rescinded its offer to provide troops to a multi-national coalition force in Iraq. On November 5, 2003, the Iraqi Governing Council announced that it would reject Turkey's offer to supply troops for stabilization and security details.

Nov. 4, 2003 Spain moved most of its Embassy's staff to Amman, Jordan under growing security concerns. Officials indicated that the Embassy would remain open with minimal staff. Spain is the third coalition partner to drastically reduce or close down Embassy operations in the past month due to security concerns.

Nov. 3, 2003 The Senate passed the FY2004 emergency supplemental appropriations request for Iraq and Afghanistan by a voice vote.

Nov. 2, 2003 15 American soldiers died in a helicopter crash west of Baghdad that was believed to be caused by a missile attack. The soldiers were on their way home for a two week leave. The attack was the deadliest single strike against U.S. soldiers since the war began on March 20, 2003.

Oct. 31, 2003 The House passed the FY2004 emergency supplemental request for Iraq and Afghanistan by a margin of 298-121. Within the $87.5 billion appropriations bill, approximately $18.7 billion in grants was designated for reconstruction in Iraq.

Oct. 28, 2003 Ukranian soldiers came under attack while on patrol 40 miles southeast of Baghdad. These attacks represent the first ambush on soldiers from countries that recently sent personnel to participate in the U.S. led coalition in Iraq.

Oct. 27, 2003 A suicide bombing at the International Red Cross Headquarters killed at least 12 individuals including two security guards. An explosive laden ambulance carrying the

Red Cross and Red Crescent insignia was used to detonate the explosion. Red Cross officials indicated that they would scale back their operations and remove remaining foreign staff.

Oct. 26, 2003 A rocket attack on the Al-Rashid Hotel, which houses coalition military and civilian officials, wounded at least 16 people and killed one American colonel. Deputy Defense Secretary Paul D. Wolfowitz was staying one floor above the blast, but was not injured in the explosion.

Oct. 24, 2003 New international pledges of grants and loans were submitted at the Madrid International Conference on Reconstruction in Iraq. Some of the largest previously unannounced pledges included Saudi Arabia - $500 million in loans and $500 million in export credits; Kuwait - $500 million in aid; the United Arab Emirates $215 million in aid. Other new pledges are reflected in Table 1.

Oct. 23, 2003 The Madrid International Conference on Reconstruction in Iraq opened in Madrid, Spain, with over 70 countries participating.

Oct. 22, 2003 The World Bank Board of Directors authorized the Bank's president to pledge between $3- 5 billion in loans to Iraq over the course of the next several years.

Oct. 18, 2003 South Korea announced it would commit an additional as yet unspecified number of troops to Iraq as well as contribute $200 million in aid over the next four years. That money is in addition to the $60 million already pledged and the exact details of the troop deployment will be determined after consultations with Washington.

Oct. 17, 2003 One week before the donor conference to be held in Madrid took place, Spain announced it would contribute $300 million in aid to help with the reconstruction of Iraq.

Oct. 16, 2003 The day before President Bush's visit, Japan announced it will contribute $1.5 billion in grants to Iraq next year, making it the second largest donor to Iraq after the United States. Japanese media is also reporting that the government is considering announcing at the international donors conference in Madrid contributions of up to $5 billion in loans over four years. — The U.N. Security Council adopted Resolution 1511 that calls for increases in troops and financial contributions to help with the stabilization of Iraq. Immediately after, France and Germany added that they would not be committing troops. — The United Nations and the World Bank announced plans to establish the Reconstruction Development Fund Facility as a vehicle for countries unwilling to donate to the U.S.-controlled program but that wish to contribute to Iraq's reconstruction.

Oct. 15, 2003 Eight Senators proposed a compromise to President Bush's $87 billion supplemental request that would turn half of the $20 billion grant earmarked for reconstruction into a loan to be repaid. That $10 billion loan would be forgiven if other countries forgave 90% of Iraq's outstanding debt, not including post-Gulf War reparations.

Oct. 14, 2003 A suicide car bomber struck outside of Turkey's Embassy in Baghdad. The driver and at least two staff members were killed in the explosion in addition to wounding thirteen bystanders. — The World Bank announced a plan to loan 3.4 billion to 4 billion dollars for Iraq over the next five years. The lending could start with $500 million for 2004 and another $500 million for 2005.

Oct. 9, 2003 Turkey's Parliament approved the Oct. 6, 2003, Cabinet decision to commit Turkish troops to the coalition's security forces in Iraq. Turkey is the first predominantly Muslim nation to offer such a contribution, though the exact nature of the commitment remains undecided. Iraq's Interim Governing Council responded by saying, "they do not

want soldiers from neighboring countries meddling in their affairs." — Violently marking the six-month anniversary of the fall of Baghdad, a Spanish intelligence officer was murdered near his home near Baghdad, a suicide bomber killed three Iraqi police and five civilians, and an American soldier died in an ambush.

Sept. 29, 2003 Jordan pledged to help train 30,000 Iraqi police and troops; one-third of the total indigenous force to be trained and deployed in post-war Iraq. It is also the first pledge of personnel support to the reconstruction effort from an Arab nation.

Sept. 23, 2003 President Bush went before the U.N. General Assembly to ask for military and financial support for the reconstruction of Iraq. Delegates responded cooly and voiced concerns about Iraqi domestic security, the continued U.S. presence, and the transfer of sovereignty to the Iraqi Governing Council.

Sept. 17, 2003 According to the *Los Angeles Times*, South Korea is considering committing upwards of 10,000 troops to the U.S. mission in Iraq. Troops may include special forces and would be the largest Korean deployment on behalf of the United States since the Korean War.

Sept. 12, 2003 U.S. officials tempered expectations of obtaining large numbers of additional foreign peacekeeping forces for Iraq, saying that significant help will not come in the short term. According to Senator Richard Lugar, chairman of the Senate Foreign Relations Committee, "those looking for a large number of personnel [from other countries] will probably be disappointed in the short run, but the need for a Security Council resolution to form the basis of cooperation remains very, very important."

Sept. 11, 2003 Prior to a meeting of the five permanent U.N. Security Council members' Foreign Ministers regarding international support for the U.S.-led reconstruction of Iraq, a joint French-German and a separate Russian amendment were each submitted to U.S. negotiators, offering the respective countries' support in exchange for limitations on U.S. control over multinational peacekeeping forces in Iraq. China said that it supports such proposals.

Sept. 8, 2003 Britain sent an additional 1,000 troops to Iraq, bringing total British strength to about 11,600. Defense Secretary Geoff Hoon suggested that even more British troops could be deployed in the future. — The Arab League unanimously agreed to offer Iraq's seat, vacant since the demise of the Hussein regime, to the US-supported Governing Council at an Arab League Ministerial Meeting. It is not clear if this is a formal recognition or a onetime gesture.

Sept. 7, 2003 President Bush delivered a national address asking Congress for an additional $87 billion to fund continuing military and reconstruction efforts in Afghanistan and Iraq. The request included up to $2.2 billion for coalition partners in Iraq, Afghanistan, and the U.S. led war on terrorism, and some of these funds would be used to subsidize the deployment of foreign personnel in Iraq.

Sept. 5, 2003 Australia announced that it will not send any additional peacekeepers to Iraq, even under the auspices of a U.N. mandate. Australia had contributed 2,000 troops to Operation Iraqi Freedom and maintains about 800 personnel in the region for reconstruction.

Sept. 4, 2003 The United States unveiled its draft proposal for increased international cooperation in Iraq. Although initial reactions were positive, France and Germany stated that the draft resolution "fell short" of their expectations.

Aug. 28, 2003 In a departure from previous policy, President Bush announced he would consider a U.N. peacekeeping mission in Iraq so long as any multinational force was led by the U.S. military.

Aug. 25, 2003 The final contingent of Polish peacekeepers arrived in Iraq, rounding out their forces to 2,400 and paving the way for Poland to take command of the 9,500 man international peacekeeping force.

Aug. 22, 2003 Concerned that it would be the only Muslim country to send troops to Iraq, Turkish officials reached out to Pakistani leaders in an effort to persuade Pakistan to commit its forces to the postwar effort.

Aug. 21, 2003 Religious elements in Pakistan warned Pakistani President Perez Musharraf not to consider U.S. requests to send peacekeepers to Iraq. Some Islamic parties have issued a religious edict, or *fatwa*, against support for U.S. efforts in Iraq.

Aug. 20, 2003 Shortly after the bombing of the U.N. headquarters in Baghdad, Japan announced that it was delaying its deployment of 1,000 Japanese peacekeepers to the Iraqi theater.

Aug. 19, 2003 A truck bomb exploded outside the Canal Hotel in Baghdad, the headquarters of the U.N. mission in Iraq, killing Chief U.N. Representative Sergio Vieira de Mello and twenty-one others.

Aug. 7, 2003 A truck bombed exploded outside of the Jordanian Embassy compound in Baghdad, killing at least 17 individuals.

July 13, 2003 The CPA announced the creation of the twenty-five member Governing Iraqi Council drawn from exiles, current Iraqi residents, and members of different ethnic and religious groups. The council would have the authority to appoint interim ministers and review laws and budgets.

July 7, 2003 The CPA chief administrator, Paul Bremer, announced a $6.1 billion budget for the rest of 2003 in Iraq.

May 22, 2003 The United Nations Security Council approved Resolution 1483 that called for a lifting of sanctions against Iraq and recognized the United States and the United Kingdom as occupying powers until an internationally recognized Iraqi government could be instituted in its place.

May 6, 2003 President Bush appointed L. Paul Bremer III to be the new top civilian administrator of reconstruction in Iraq. Bremer was ambassador at large for counter-terrorism during the Reagan Administration.

Apr. 12, 2003 Congress passed H.R. 1559 (P.L.108-11), the FY2003 Iraq Emergency Wartime Supplemental Appropriations Bill that included $2.85 billion for humanitarian relief and reconstruction in Iraq.

Apr. 9, 2003 U.S. and coalition forces take control of Baghdad; Saddam Hussein's Baathist regime is forced to flee the capital.

FOREIGN CONTRIBUTIONS TO RECONSTRUCTION AND STABILIZATION IN POSTWAR IRAQ

Table Information

Personnel includes individuals performing both stabilization and reconstruction roles in Iraq and in theater. Examples of these roles include but are not limited to peacekeepers, aid workers, soldiers, police and health workers, engineers, field and freight specialists. On the ground, individuals may be playing multiple, or non-traditional roles in the fields of stabilization, reconstruction, and humanitarian assistance. Source: Estimates obtained from major media sources, foreign embassies, and [http://www.globalsecurity.org].

Monetary Donations to the Coalition and U.N./World Bank Reconstruction Trust

includes a total figure for future pledges and actual funds already disbursed. Donations are a combination of both grants and loans to fund humanitarian and reconstruction efforts in post-war Iraq. Some pledges are for multiple years, while others may be just for 2004. Funds pledged includes money committed by governments bilaterally to U.N. agencies. These figures do not include contributions to the Oil for Food Program or for Iraqi debt relief. Some countries with donations below $1 million are not included. Individual EU members' donations do not include their contributions to the general EU pledge for Iraq. The figures do not reflect a financial estimate of in-kind assistance such as food aid and medical equipment. Source: Estimates obtained from major media sources, embassies, the Department of State's *Section 2207 Report to Congress* (Appendix II), and the Department of Defense (DOD).

Table 2. Foreign Contributions to Reconstruction and Stabilization in Postwar Iraq

Donor	Personnel (est.)	Monetary Donations to the Coalition and U.N./World Bank Trust Fund (Millions U.S. $)
Albania	120	-
Armenia	46	-
Australia	470	$120.0
Austria	-	$1.0
Azerbaijan	90	-
Belgium	-	$20.7
Bosnia	36	
Bulgaria	154 (withdrew 380 in December 2005)	-
Canada	-	$230.0
China	-	$25.0
Czech Republic	99	$69.0
Denmark	470 (will be reduced to 80)	$201.2 ($158.2 credits)
Dominican Republic	withdrew its forces	-
El Salvador	380	-

Table 2. (Continued).

Donor	Personnel (est.)	Monetary Donations to the Coalition and U.N./World Bank Trust Fund (Millions U.S. $)
Estonia	40	$1.1
European Union	-	$450.0-$490.0
Fiji (with U.N. mission)	150	-
Finland	-	$5.9
France	-	$10.7
Georgia	850	-
Germany	-	$155.0
Greece	-	$9.6
Honduras	withdrew its forces	-
Hungary	withdrew its forces	-
Iceland	-	$3.9
IMF	-	$2,500-$4,350 (in loans)
India	-	$30.0
Iran	-	$10.0
Ireland	-	$8.0
Italy	withdrew its forces	$270.0
Japan	200 withdrew its forces from Iraq, stationed in Kuwait	$5,000 ($3,500 in loans) ($1,500 in grants)
Kazakhstan	27	-
Kuwait	-	$1,500
Latvia	125	-
Lithuania	60 withdrawing its forces	-
Macedonia	35	-
Moldova	11	-
Mongolia	160	-
NATO	360 (trainers)	
Netherlands	15 mandate expires August 2006	$21.0
New Zealand	-withdrew its forces	$10.0
Nicaragua	-withdrew its forces	-
Norway	withdrew its forces	$30.0
Pakistan	-	$3.3
Philippines	-withdrew its forces	-
Poland	900	-
Portugal	-withdrew its forces	$17.4
Qatar	-	$100.0
Romania	605 (will likely withdraw 100)	-
Russia	-	$8.0
Saudi Arabia	-	$1,000 ($500 in loans and $500 in credits)
Singapore	-	$1.7
Slovakia	11 withdrew most of its forces	-

Table 2. (Continued).

Donor	Personnel (est.)	Monetary Donations to the Coalition and U.N./World Bank Trust Fund (Millions U.S. $)
South Korea	2,300 Parliament has required withdrawal plan by end of 2007. Will reduce to 1,200 by end of April 2007.	$260.0
Spain	withdrew its forces	$300.0
Sweden	-	$54.0
Switzerland	-	$11.0
Taiwan	-	$4.3
Thailand	withdrew its forces	-
Tonga	withdrew its forces	-
Turkey	-	$50.0
Ukraine	43 withdrew main forces	-
United Arab Emirates	-	$215.0
United Kingdom	7,100	$634.6
World Bank	-	$3,000-$5,000 (in loans)
Grand Total	12,992a in theater and in Iraq	$16 - $20 billionb (est.) In grants, loans, and credits

a. Estimates vary between media and embassy sources.

b. This estimate does not include the monetary value of donated good such as food aid or relief supplies. The U.N. estimates that international food aid donations for Iraq, excluding U.S. donations and funds generated through the Oil for Food program, total about $600 million dollars. Monetary estimates of the Oil for Food program total over 1 billion. Information obtained at [http://ocha.unog.ch/fts/reports/ report list.asp?section=CE and record_ID=605], accessed Oct. 2, 2003.

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INDEX

D

E

F

M

N

Q

R

S

T

U