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Iraqi Compliance With Cease-Fire Agreements

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Iraqi Compliance with Cease-Fire Agreements

SUMMARY

In recent years, the United States has been unable to maintain an international consensus for strict enforcement of all applicable U.N. Security Council resolutions on Iraq, but it succeeded, at least partly, in preventing Iraq from reemerging as a strategic threat to the region. During 1991-1998, despite Iraqi obstructions, a U.N. Special Commission on Iraq (UNSCOM) made considerable progress in dismantling and monitoring of Iraqi mass destruction weapons programs but was unable to finish verifying Iraq's claim that it has destroyed all its weapons of mass destruction or related equipment. Iraq's refusal of full cooperation with UNSCOM eventually prompted U.S.-British military action in December 1998; all inspectors withdrew, and Iraq has been uninspected and unmonitored since.

On November 10, 1994, as required, Iraq accepted the U.N.-designated land border with Kuwait, (confirmed by Resolution 833) as well as Kuwaiti sovereignty. Iraq has pledged to live up to the requirement to help locate Kuwaitis missing since the 1991 war, but there has been very little progress on this issue over the past few years, or on the return of Kuwaiti property. Iraq rejected a 1991 U.N.-sponsored "oil-for-food" program to address humanitarian needs, but it later accepted a revised version of that plan, which became operational in December 1996.

Iraq's compliance in other areas, especially human rights issues, is still unsatisfactory to the international community. A U.S.-led no-fly zone has provided some protection to Kurdish northern Iraq since April 1991. Since August 1992, a no-fly zone has been enforced over southern Iraq, where historically repressed Iraqi Shiites are concentrated. The zone was expanded in 1996, but Iraq nonetheless maintains a substantial presence of ground troops and security forces in the south. Iraq began openly challenging both no-fly zones in late December 1998, and, since then, U.S. aircraft have flown strike missions against Iraqi air defense targets in response to over 700 Iraqi violations of the zones.

In late 1998, the Clinton Administration publicly added a major new dimension to U.S. policy – openly promoting a change of regime in Iraq. Accomplishing this additional U.S. objective is considered risky and difficult, and not supported publicly by many other governments. Statements and actions by Bush Administration officials indicate they will build largely on the policy framework on Iraq, but they will also attempt to step up military containment and military sanctions. However, some Arab governments and several members of the U.N. Security Council have begun to openly back Iraq's attempts to erode the sanctions regime. The opening of a diplomatic dialogue with Baghdad (the United States suspended relations with Iraq in January 1991) has not been under consideration, although Iraq has sought talks with the United States.

MOST RECENT DEVELOPMENTS

On February 16, the United States and Britain conducted airstrikes on upgraded Iraqi air defense networks just north of the southern no-fly zone, installations that were being enhanced with help from Chinese firms. During February 23-27, Secretary of State Powell visited the Middle East, winning support for a U.S. plan to ease restrictions on exports to Iraq of purely civilian technology in exchange for a regional crackdown on illicit trade with Iraq. U.N.-Iraq talks during February 26-27 on a possible restart of weapons inspections resulted only in an agreement for further talks.

BACKGROUND AND ANALYSIS

In forty reviews (at 60-day intervals) of Iraqi compliance from the end of the Gulf war in 1991 until August 20, 1998, the U.N. Security Council maintained comprehensive international sanctions on Iraq's imports and exports. The primary ceasefire resolution is 687 (April 3, 1991), requiring Iraq to abandon its weapons of mass destruction programs, recognize Kuwait and return Kuwaitis and Kuwaiti property, and end support for international terrorism. Iraq is required by Resolution 688 (April 5, 1991) to end repression of its people. (See also CRS Report RL30472, *Iraq: Oil-for-Food Program*; CRS Report 98-179, *Iraq's Opposition Movements*; CRS Report RL30728, *Persian Gulf: Issues for U.S. Policy, 2000*; and CRS Report 98-386, *Iraq: Post War Challenges and U.S. Responses, 1991-1998*.)

Weapons of Mass Destruction (WMD)

A U.N. Special Commission (UNSCOM), chaired during July 1, 1997 - June 30, 1999 by Australian disarmament official Richard Butler (succeeding Rolf Ekeus), and the International Atomic Energy Agency (IAEA) attempted to verify that Iraq had ended all its prohibited WMD programs and to establish a long-term monitoring program to ensure that Iraq remains free of WMD (Resolution 715, October 11, 1991). The monitoring program, accepted by Iraq in November 1993, consisted of visitations and technical surveillance of about 300 sites. Under Resolution 1051 (March 27, 1996), UNSCOM conducted inspections (at point of entry and at end-use destination) of Iraqi imports of any dual use items.

Confrontations over access to suspected WMD sites began almost as soon as UNSCOM began operations in April 1991, prompting adoption of Resolution 707 (August 15, 1991), which required unfettered access to all sites and disclosure by Iraq of all its WMD suppliers. During March 1996 - October 1997, Iraq impeded inspectors from entering Iraqi security service and military facilities, and it interfered with some UNSCOM flights. These actions prompted Resolution 1060 (June 12, 1996) and other Council statements (such as on June 13, 1997) demanding Iraqi cooperation. Resolution 1115 (June 21, 1997) threatened travel restrictions against Iraqi officials committing the infractions. Resolution 1134 (October 23, 1997) again threatened a travel ban and suspended sanctions reviews until April 1998. (France, Russia, China, Egypt, and Kenya abstained.)

1997-1998 Crises. Six days after that vote, Iraq barred American UNSCOM personnel from conducting inspections and, on November 13, 1997, expelled the Americans. Resolution 1137 (adopted unanimously November 12, 1997), imposed travel restrictions on Iraqi officials. (On November 13, 1997, the House adopted H.Res. 322, backing unilateral U.S. military action as a last resort. The Senate did not act on a similar resolution, S.Con.Res. 71, because some Senators wanted it to call for the United States to overthrow Saddam Husayn.) In November 1997 and February 1998, Russia and U.N. Secretary General Kofi Annan, respectively, brokered temporary compromises that enabled UNSCOM to resume full operations in Iraq. The February 23, 1998 U.N.-Iraq agreement provided for access to eight “presidential sites” by a “special group” of UNSCOM inspectors and diplomatic observers. Security Council Resolution 1154 (March 2, 1998) accepted the U.N.-Iraq agreement, threatening “the severest consequences” if Iraq reneged. Iraq allowed presidential site inspections (1,058 buildings) during March 26-April 3, 1998, and the United States agreed to lift the travel ban on Iraqi officials and to resume sanctions reviews.

Cooperation again broke down when Iraq refused to implement an UNSCOM plan for completing its work. On August 5, 1998, Iraq barred UNSCOM from inspecting new facilities, while permitting long-term monitoring. The Senate and House passed a resolution, S.J.Res. 54 (P.L. 105-235, signed August 14, 1998), declaring Iraq in “material breach” of the ceasefire. On September 9, 1998, the Security Council unanimously adopted Resolution 1194, suspending sanctions reviews. On October 30, 1998, the Security Council offered Iraq a “comprehensive review” that offered to lift sanctions if Iraq fulfilled WMD and other outstanding requirements, but Iraq demanded an immediate end to sanctions and ended cooperation with UNSCOM (but not the IAEA). The U.N. Security Council unanimously adopted Resolution 1205 (November 5, 1998), deeming the Iraqi action a “flagrant violation” of the February 1998 U.N.-Iraq agreement. On November 14, 1998, with the United States about to launch airstrikes, Iraq pledged to resume cooperation, narrowly averting U.S. air strikes but prompting President Clinton to openly declare a U.S. policy of regime change.

Operation Desert Fox and Aftermath. After a month of testing Iraq’s cooperation, UNSCOM said on December 15, 1998 that Iraq refused to yield known WMD-related documents and that it was obstructing inspections, although the IAEA did not make similar complaints. All inspectors withdrew and the United States and Britain conducted a 70-hour bombing campaign (Operation Desert Fox, December 16-19, 1998) against Iraqi WMD-capable industrial facilities and military and security targets. The United States claimed success in degrading Iraq’s WMD production capabilities.

Lacking a consensus on how to restart inspections, in January 1999 the Security Council established three panels to review: (1) WMD dismantlement; (2) the humanitarian situation; and (3) missing Kuwaitis and Kuwaiti property. Their recommendations formed the basis of U.N. Security Council Resolution 1284 – adopted December 17, 1999, by a vote of 11-0 (Russia, France, China, and Malaysia abstained). It formed a new WMD inspection body (UNMOVIC, U.N. Monitoring, Verification and Inspection Commission) and offered to “suspend” sanctions if Iraq fully cooperated with UNMOVIC, although Iraq’s revenues would remain subject to undefined “effective financial and operational controls.” Exports of dual use items to Iraq would require U.N. approval and arms exports would remain banned.

In January 2000, the Security Council agreed on former IAEA director Hans Blix to head UNMOVIC. His organizational plan was adopted on April 13, 2000, and he reported

on August 28, 2000, that UNMOVIC was ready to begin preliminary activities in Iraq. However, Iraq has refused to allow UNMOVIC to begin work in Iraq. During February 26-27, 2001, Iraq conducted talks with the U.N. Secretary General about restarting inspections, but the talks yielded only an agreement to continue discussions in a few months. In conjunction with the talks, the Bush Administration as well as UNMOVIC said that resuming inspection was a key goal, but that technical surveillance measures might be an acceptable substitute, at least in the interim. U.S. reports since 1999 note that Iraq is rebuilding facilities capable of producing WMD, while adding that there is no hard evidence that Iraq is reconstituting banned WMD programs at these facilities (see below).

The following sums up the status of disarmament efforts in Iraq and outstanding issues.

Nuclear Program

During 1991-1994, despite Iraq's initial declaration that it had no nuclear weapons facilities or unsafeguarded material, UNSCOM/IAEA uncovered and dismantled a previously-undeclared network of about 40 nuclear research facilities, including three clandestine uranium enrichment programs (electromagnetic, centrifuge, and chemical isotope separation) as well as laboratory-scale plutonium separation program. Inspectors found and dismantled (in 1992) Iraq's clandestine nuclear weapons development program, and they found evidence of development of a radiological weapon, which scatters nuclear material without an explosion. UNSCOM removed from Iraq all discovered nuclear reactor fuel, both fresh and irradiated. Following the defection of Husayn Kamil (Saddam's son-in-law and former WMD production czar) in August 1995, Iraq revealed it had launched a crash program in August 1990 to produce a nuclear weapon within one year, and that it had planned to divert fuel from its reactors for a nuclear weapon.

The IAEA, before it ceased work in Iraq, largely gave Iraq a "clean bill of health" on nuclear issues and claimed to have uncovered most of Iraq's nuclear suppliers. A May 15, 1998 Security Council statement reflected a U.S.-Russian agreement to close the nuclear file if Iraq cleared up outstanding issues (nuclear design drawings, documents, and the fate of some nuclear equipment). However, the IAEA report of July 27, 1998 indicated that there were still a few remaining questions, and the United States did not agree to close the file. In January 2000 and again in January 2001, as part of Iraq's commitments under the 1968 Nuclear Nonproliferation Treaty, IAEA inspectors verified that several tons of uranium remained sealed. However, in May 2000, the IAEA destroyed an Iraqi nuclear centrifuge that Iraq had stored in Jordan in 1991, and the IAEA said in an October 2000 report that the absence of a robust inspections program left substantial uncertainty about Iraqi nuclear activities. The United States believes that Iraq retains the expertise (about 7,000 scientists and engineers) and intends to rebuild its nuclear program.

Chemical Weapons

UNSCOM destroyed all chemical weapons materiel uncovered — 38,500 munitions, 690 tons of agents, 3,000 tons of precursor chemicals, and 426 pieces of production equipment items — and the destruction operation formally ended on June 14, 1994. However, the fate of about 31,600 chemical munitions, 550 mustard gas bombs, and 4,000 tons of chemical precursors, remains unknown. Iraq refused to yield an Air Force document, found in July 1998 by UNSCOM, that could explain their fate, although Iraq allowed UNSCOM to take

notes from it. In February 1998 UNSCOM discovered that shells taken from Iraq in 1996 contained 97% pure mustard gas, raising the possibility that it was freshly produced.

The primary remaining area of chemical weapons inquiry is production of VX nerve agent, which Iraq did not include in its initial postwar declarations and of which no stockpile was ever located. By 1995 UNSCOM had uncovered enough circumstantial evidence to force Iraq to admit to producing about 4 tons of VX, but UNSCOM believed that Iraq had imported enough precursor – about 600 tons – to produce 200 tons of the agent. In late June 1998, UNSCOM revealed that some unearthed missile warheads, tested in a U.S. Army lab, contained traces of VX, contradicting Iraq's assertions that it had not succeeded in stabilizing the agent. Separate French and Swiss tests did not find conclusive evidence of VX. About 170 chemical sites were under long-term monitoring. Iraq has not signed the Chemical Weapons Convention that took effect April 29, 1997. Recent U.S. government reports to Congress, including a Defense Department report in January 2001, have said Iraq has rebuilt some commercial chemical plants that could be easily converted to chemical weapons production. A *New York Times* report of January 22, 2001 cited a resumption of production at facilities that previously produced chemical and biological weapons, although the report said there is no firm evidence that the plants' products (pesticides, herbicides, and chlorine) are being used for WMD.

Biological Weapons

Iraq did not declare any biological materials, weapons, research, or facilities in its initial declaration to UNSCOM in April 1991, and no biological stockpile was ever uncovered. UNSCOM focused initially on the major research and development site at Salman Pak (gutted and partially buried by Iraq shortly before the first inspection began) and later on the Al Hakam facility south of Baghdad (dismantled by UNSCOM June 20, 1996). In August 1991, Iraq admitted that it had a biological weapons research program. In July 1995, Iraq modified its admission by acknowledging it had an offensive biological weapons program and that it had produced 19,000 liters of botulinum, 8,400 liters of anthrax, and 2,000 liters of aflatoxin and clostridium. In August 1995, Iraq confessed to having produced 191 biological bombs, of which 25 were missile warheads, loaded with anthrax, botulinum, and aflatoxin for use in the Gulf war. Iraq claims to have destroyed the bombs after the Gulf conflict. UNSCOM monitored 86 biological sites during 1994 - 1998.

UNSCOM's position was that Iraq's biological declarations were not credible or verifiable. According to UNSCOM, Iraq imported a total of 34 tons of growth media for producing biological agents during the 1980s, of which 4 tons remain unaccounted for. UNSCOM still lacked information on Iraq's development of drop tanks and aerosol generators for biological dissemination, as well as the fate of the biological bombs noted above.

Ballistic Missiles

U.N. Security Council Resolution 687 requires the destruction of all Iraqi ballistic missiles with a range greater than 150 kilometers. UNSCOM accounted for 817 of 819 Soviet-supplied Scud missiles, 130 of which survived the Gulf war, as well as all 14 declared mobile launchers and 60 fixed launch pads. U.S. and British analysts, contrary to UNSCOM's assessments, believe Iraq might be concealing 10 to 12 Russian-supplied Scud-

type missiles. UNSCOM's last regular report (October 1998) said it had been able to account for at least 43 of the 45 chemical and biological (CBW) warheads Iraq said it unilaterally destroyed in 1991. (The warheads were unearthed in mid-1998.) An additional 30 chemical warheads were previously destroyed under UNSCOM supervision. UNSCOM also accounted for all but 50 conventional Scud warheads, and said it had made progress toward establishing a material balance for Scud engine components. Unresolved issues include accounting for missile program documentation, 300 tons of special missile propellant, and indigenous missile production (30 indigenously-made warheads and 7 missiles).

In December 1995, after Jordan reported seizing 115 Russian-made missile guidance components allegedly bound for Iraq, UNSCOM said Iraq had procured some missile components since 1991, a clear violation of sanctions, and that it had covertly developed and tested prohibited missiles. (In December 1995, UNSCOM retrieved prohibited missile guidance gyroscopes — suitable for a 2,000 mile range missile — from Iraq's Tigris River, apparently procured from persons with connections to Russia's defense-industrial establishment.) UNSCOM also had evidence that Iraq, after the Gulf war, conducted secret flight tests and conducted research on missiles of prohibited ranges. Iraq is continuing to develop permitted-range (under 150 km) missiles (Ababil and Samoud missile programs), and, prior to Desert Fox, UNSCOM had been monitoring about 63 missile sites and 159 items of equipment, as well as 2,000 permitted missiles. U.S. military officials said after Desert Fox that the bombing had set back Iraq's missile program by two years, damaging short-range missile production facilities including Taji, Ibn al-Haythim, Al Kindi, and Al Karama. However, this assessment came under question when the *New York Times* reported on July 1, 2000, that Iraq had resumed flight tests of the Samoud missile as of May 1999.

Humanitarian and Protective Efforts/Aid Programs

U.S. and U.N. human rights reports since the Gulf war have repeatedly described Iraq as a gross violator of human rights. In 1994, the Administration said it might, at some point, present a case against Iraq to the International Court of Justice under the 1948 Genocide Convention. U.N. Rapporteur for Iraq Max Van der Stoep's February 1994 report said that Convention might be violated by Iraq's abuses against the Shiite "Marsh Arabs" in southern Iraq, including drainage of the marshes where they live. (See CRS Report 94-320, *Iraq: Marsh Arabs and U.S. Policy*) In National Assembly elections on March 27, 2000, all 165 Ba'th Party candidates won (including Saddam's elder son, Uday), as did 55 independents.

War Crimes Trial. U.N. Security Council Resolution 674 (October 29, 1990) calls on all states or organizations with substantiated information of Iraqi atrocities to provide such information to the United Nations. The Foreign Relations Authorization Act for FY1992, (P.L. 102-138, October 28, 1991, section 301) stated the sense of Congress that the President should propose to the U.N. Security Council a war crimes tribunal for Saddam Husayn. H.Con.Res. 137, calling for the President to push for a war crimes tribunal for Saddam and his associates, passed the House on November 13, 1997. A similar resolution, S.Con.Res. 78, passed the Senate on March 13, 1998, and the Iraq Liberation Act (P.L. 105-338) also recommends a war crimes prosecution.

In the aftermath of the Persian Gulf war, the U.S. Army conducted research into possible war crimes; the report was released on March 19, 1993, after Clinton took office. Since April 1997, the Administration has supported INDICT, a non-governmental organization that

publicizes alleged Iraqi war crimes and seeks the arrest of 12 alleged Iraqi war criminals. Although apparently lacking international support, in August 2000, U.S. Ambassador-At-Large for War Crimes David Scheffer said that the United States wanted to see an Iraq war crimes tribunal established within six months, focusing on “nine major criminal episodes.” These include: the use of chemical weapons against Kurdish civilians at Halabja (March 16, 1988, killing 5,000 Kurds) and the forced relocation of Kurds in the “Anfal” campaign (February 1988, in which an estimated 50,000 to 182,000 Kurds died); the use of chemical weapons use against Iran; post-war crimes against humanity (the Kurds and the Marsh Arabs); war crimes against Kuwait (oil fires, for example) and coalition forces; and other allegations. On December 1, 2000, the European Parliament adopted a resolution calling for an Iraq war crimes tribunal. (For more information on funds appropriated to research and publicize alleged Iraqi crimes, see CRS Report 98-179, *Iraq’s Opposition Movements*.)

U.N./U.S. Efforts in Iraq

The United States and United Nations are engaged in operations to provide humanitarian relief to the Iraqi people and a measure of protection for Iraq’s Kurdish minority and other objects of regime repression.

Kurds/Operation Northern Watch (ONW). In April 1991, to protect the Kurds in northern Iraq, the allied coalition set up a “no fly zone” north of the 36th parallel. The no fly zone enforcement operation (“Northern Watch”) is in support of – but not specifically authorized by – Resolution 688 and 687, the latter of which was passed under Chapter VII (peace and security) of the U.N. Charter. Humanitarian aspects of ONW were ended after the September 1996 Iraqi incursion into northern Iraq, as was France’s participation in the air patrols. On December 17 2000, Turkey renewed for six months basing rights at Incirlik Air Base for the 24 American aircraft and about 1,300 U.S. forces (plus allied forces). However, Turkey fears that ONW protects the anti-Turkish Kurdistan Workers’ Party (PKK), which takes refuge in parts of northern Iraq, and press reports in January 2001 indicated that Turkey, which appointed an Ambassador to Iraq that month, might press the United States to end ONW. Turkey has made repeated attacks against the PKK there since May 1997.

The two leading Iraqi Kurdish parties, the KDP led by Mas’ud Barzani and the Patriotic Union of Kurdistan (PUK) led by Jalal Talabani, agreed in May 1992 to share power after parliamentary and executive elections. In May 1994, tensions between them flared into clashes, and the KDP turned to Baghdad for backing. In August 1996, Iraqi forces helped the KDP capture Irbil, seat of the Kurdish regional government. With U.S. mediation, the Kurdish parties agreed on October 23, 1996, to a cease-fire and the establishment of a 400-man peace monitoring force composed mainly of Turkomens (75% of the force). The United States funded the force with FY1997 funds of \$3 million for peacekeeping (Section 451 of the Foreign Assistance Act), plus about \$4 million in DoD drawdowns for vehicles and communications gear (Section 552 of the FAA). Also set up was a peace supervisory group consisting of the United States, Britain, Turkey, the PUK, the KDP, and Iraqi Turkomens. A tenuous cease-fire has held since November 1997 and the KDP and PUK leaders signed an agreement in Washington in September 1998 to work toward resolving the main outstanding issues (sharing of revenues and control over the Kurdish regional government). Despite some progress and occasional meetings between the two party leaders, substantial tensions remain. Both parties are represented in the opposition umbrella Iraqi National Congress, but both also maintain ties to Baghdad. In mid-December 2000, Iraqi troops briefly took up

positions just inside the Kurdish enclave, but did not launch an attack. (See CRS Report 96-739, *Iraq: Attack on Kurdish Enclave and the U.S. Response.*)

Shiite Muslims/Operation Southern Watch. Shiites constitute a majority in Iraq but historically have been repressed. The U.S.-led coalition declared a no-fly zone over southern Iraq (south of the 32nd parallel) to protect the Shiites on August 26, 1992 (Operation Southern Watch), although the overflights primarily monitor the Iraqi military. The United States and the United Kingdom (but not France) expanded the zone up to the 33rd parallel on September 4, 1996, and France ended its participation entirely after Desert Fox. In response to Iraq's movement of troops toward Kuwait in October 1994, Security Council Resolution 949 (October 15, 1994) demanded Iraq not deploy forces to threaten its neighbors. According to the U.S. and British interpretation, military action is authorized if Iraq enhances (in numbers or quality of armament) its forces below the 32nd parallel.

Humanitarian Aid to the Iraqi People/"Oil-for-Food Program"

Although Iraq distorts the effect of international sanctions on its population, there is a growing consensus in the international community and the United States to minimize the effect of sanctions on the Iraqi people. Until September 1996, the United States provided humanitarian assistance to northern Iraq, and other donors channeled aid to the rest of Iraq through the United Nations and NGO's. Since then, the United States has relied on the "oil-for-food" program (see below) to aid the Iraqi people, making occasional additional contributions through international relief agencies. Iraq has consistently failed to make the required monthly statements to the U.N. or the IMF on its gold and foreign currency reserves. Iraq claims not to have the hard currency to pay its dues to OPEC and the United Nations, and it lost its General Assembly vote in 1994, but Resolution 1330 (December 5, 2000) allows the drawdown of \$15 million in oil-for-food revenues to bring Iraq's U.N. dues current. Iraq owes \$44 million in arrears to the IMF, but has never borrowed from it.

Prior to the "oil-for-food program," funds for civilian goods and the implementation of U.N. resolutions on Iraq were drawn from frozen Iraqi assets transferred — or direct contributions — to a U.N. escrow account pursuant to Resolution 778 (October 1992). Total U.S. transfers to the escrow account, which matched contributions from other countries, reached \$200 million — the maximum required of any state under Resolution 778. These transfers were being repaid from proceeds of the oil-for-food program, although Resolutions 1284 and 1302 (June 8, 2000) suspended reimbursements until the end of 2000. \$173 million is due back to the United States.

U.N. "Oil-for-Food" Program. The oil-for-food program, established by Resolution 986 (April 15, 1995) but in operation only since December 1996, has been progressively eased to try to alleviate human suffering. However, Iraq is seeking to skirt the programs' restrictions in some cases. On November 30, 2000, it ceased exporting oil when the United Nations and oil purchasers refused to meet its demand that purchasers pay 50 cents per barrel into a separate account that would be controlled by Iraq. Iraq appeared initially to back down from this demand, but there are continued reports that small oil trading companies are paying Iraq these surcharges. The United States and Britain have asked the United Nations to prevent this payment by restricting the allowed buyers of Iraqi oil to international energy companies that can be more easily monitored. A *New York Times* report of March 7, 2001 says Iraqi officials are demanding kickbacks in exchange for supply

contracts. Security Council Resolution 1330 provides a \$540 million U.N.-supervised cash component for the procurement in Iraq of oil industry repair and maintenance services, and it adds electricity and housing supplies to the list of imports no longer subject to strict Sanctions Committee scrutiny. The resolution did not immediately approve Iraq's request to add transportation and telecommunications equipment to the "fast track approval" lists. In a March 2, 2001 report on the program, the Secretary General criticized Iraq for insufficient procurement of medicine, children's nutrition supplies, sanitation supplies, and educational materials, as well as refusing to export as much oil as it is capable. His report also criticized the United States indirectly for placing "holds" on about \$3 billion worth of contracts for civilian infrastructure goods. For a discussion of the oil-for-food program, see CRS Report RL30472, *Iraq: Oil-For-Food Program*, updated November 29, 2000.)

Resettlement of Iraqi Refugees

Desert Storm and postwar rebellions against Saddam created a flood of Iraqi refugees, including 39,000 Iraqis in a camp in Saudi Arabia (Rafha). Of that pool, about 14,000 were ex-soldiers (and their family members) that participated in postwar rebellions or had surrendered to coalition forces. The Bush Administration (1989-1993) agreed to participate in a multinational resettlement recommended by UNHCR. As of March 2000, total U.S. admissions under the program were about 29,000 Iraqis, of which about 3,800 were ex-soldiers and their families. About 5,000 Iraqis remain in Saudi Arabia as refugees, and the United States is not expected to resettle any more Iraqis. The FY1994 defense authorization (P.L. 103-160) stated the sense of the Senate that there be no admissions of Iraqi ex-soldiers unless they are certified to have assisted coalition forces after defecting and have not committed any war crimes; the Administration says these criteria have been met. In the wake of the September 1996 northern Iraq crisis, 5,900 Kurds who worked for U.S. relief operations or U.S.-affiliated NGO's in northern Iraq, as well as 650 opposition activists, were resettled in the United States under the Attorney General's parole authority. (See CRS Report 93-893, *Iraq: Admission of Refugees into the United States*.)

Iraqi Support for International Terrorism

Resolution 687 required Iraq to end support for international terrorism and Iraq made a declaration to that effect to the U.N. Security Council. However, it remains on the U.S. list of state sponsors of terrorism and, according to the State Department's April 2000 report on international terrorism for 1999, continues to rebuild its terrorism network abroad. (See CRS Report RL30643, *Terrorism: Near Eastern Groups and State Sponsors*, 2000.)

Iraq-Kuwait Issues

Resolution 1284 requires reports on the issues discussed below. However, in contrast to Resolution 687, Resolution 1284 does not make the easing of any sanctions contingent upon Iraqi compliance on these Kuwait-related issues.

Border Delineation and Security/Kuwaiti Sovereignty

Resolution 687 required Iraq to annul its annexation of Kuwait, directed the U.N. Secretary-General to demarcate the Iraq-Kuwait border, and established a demilitarized zone 10 kilometers into Iraq and 5 kilometers into Kuwait. Resolution 773 (August 26, 1992) endorsed border decisions taken by the Iraq-Kuwait Boundary Demarcation Commission (established May 2, 1991), and on November 23, 1992, the Commission finished demarcating the Iraq-Kuwait border as described in an October 1963 agreement between Iraq and Kuwait. The border took effect January 15, 1993. The demarcation deprived Iraq of part of the port of Umm Qasr and a strip of the Rumaylah oil field, which straddles the border. On March 18, 1993, the Commission determined the sea border, allowing both countries access to the Gulf, and its final report was accepted by the U.N. Secretary General on May 20, 1993. Resolution 833 (May 27, 1993) demanded that Iraq and Kuwait accept the final border demarcation. On November 10, 1994, Iraq formally recognized Kuwait in a motion signed by Saddam Husayn, but Iraqi officials routinely make statements that Kuwait interprets as threatening.

The 32-nation U.N. Iraq-Kuwait Observer Mission (UNIKOM), established by Resolutions 687 and 689 April 9, 1991), continues to monitor border violations. The United States contributes 11 personnel to the 197 observers in UNIKOM, which is commanded (as of December 1, 1997) by an Irish officer and is considered a U.N. peacekeeping operation. Under Resolution 806 (February 5, 1993), passed after Iraqi incursions into the demilitarized zone in January 1993 (and other incidents), a 908-member Bengali troop contingent supplements the observer group. Kuwait furnishes two thirds of UNIKOM's \$51 million annual budget. In FY2000, the United States contributed about \$4.5 million to UNIKOM.

Return of Kuwaiti Missing Persons and Property

Security Council Resolutions 686 and 687 require Iraq to account for Kuwaiti and other nationals detained in Iraq during the Persian Gulf crisis. Of an initial 628 Kuwaiti cases, 608 are unresolved (ICRC figure as of May 2000), as are the cases of an additional 17 Saudi nationals. Iraq has admitted to having arrested and detained 126 Kuwaitis, but did not provide enough information to resolve their fate. Only three cases have been resolved since 1995. Since January 1995, Iraq and Kuwait were meeting every month on the Iraq-Kuwait border, along with U.S., British, French, and Saudi representatives, but Iraq stopped attending the meetings after Operation Desert Fox. In February 2000, retired Russian diplomat Yuli Vorontsov was appointed to a new post (created by Resolution 1284) of U.N. coordinator on the issue of missing Kuwaiti persons and unreturned property. Iraq has not yet allowed him to visit to Iraq, and in April, June, and August 2000, the Security Council has issued statements of concern about the lack of progress. H.Con.Res. 275, passed by the House on June 23, 2000, expressed the sense of Congress that the Administration should exert pressure within the U.N. Security Council to focus on the issue, as well as on the fate of U.S. airman Lt. Cdr. Michael Speicher, downed in Iraq the first day of the Gulf war.

U.N. Security Council Resolutions 686 and 687 require Iraq to return all property seized from Kuwait. In the first few years after the cease-fire, Iraq returned some Kuwaiti civilian and military equipment, including U.S.-made Improved Hawk air defense missiles. However, since 1994, U.S. officials have accused Iraq of returning to Kuwait some captured Iranian equipment that was never part of Kuwait's arsenal and of using Kuwaiti missiles and armored personnel carriers during Iraq's October 1994 troop move toward the Kuwait border. The

United Nations says Iraq has not returned extensive Kuwaiti state archives and museum pieces, eight Mirage fighter aircraft, and other military equipment. Iraq claims the materiel was left behind or destroyed when Iraq evacuated Kuwait. A June 2000 Secretary General report and a June 19, 2000 Security Council statement did note that Iraq had returned “a substantial amount of property.”

Compensation Claims

The U.N. Security Council has set up a mechanism for compensating the victims of Iraq’s invasion of Kuwait (individuals, governments, and corporations), using 30% of the proceeds from Iraqi oil sales. As of late January 2001, of a total asserted value of \$320 billion claims submitted, the Compensation Commission (UNCC) has thus far approved claims worth about \$32 billion. Following a January 25, 2001 payout of \$1.4 billion mostly to Kuwaiti corporations and the Kuwaiti government, the UNCC has paid out about \$11 billion and has finished compensating claimants who suffered injuries or whose spouse, child, or parent died as a result of the Iraqi invasion of Kuwait. The Commission has paid some corporate and governmental claims. In September 2000, the UNCC governing council approved an award to Kuwaiti of \$15.9 billion for oil revenues lost because of the Iraqi occupation and the aftermath of the war (burning oil wells), although current payment schedules will provide only a small fraction of that award (about \$50 million) until 2003. In exchange for Russian and French approval of the claim, the United States agreed to their proposal to reduce from 30% to 25% the percentage of Iraqi oil revenues devoted to reparations, effective as of Phase Nine of the oil-for-food program, as authorized by Resolution 1330. In January 2001, the UNCC took up Turkey’s claim for \$1.25 billion in revenues lost as a result of the closure of the Iraq-Turkey oil pipeline during 1990-1996.

Legislation to distribute Iraq’s frozen assets (about \$2.2 billion) in the United States (separate from the U.N. compensation process) has not been enacted, leaving the Iraqi assets still frozen. In the 106th Congress, H.R. 618 (introduced February 8, 1999), provided for the seizure of Iraq’s frozen assets in the United States and distribution to U.S. claimants, giving priority to U.S. armed forces personnel. H.R. 618 was incorporated into the House version of H.R. 2415, the State Department authorization bill, but the provision was ultimately dropped. (See CRS Report 98-240, *Iraq: Compensation and Assets Issues*.)

U.S. Policy and Enforcement of Sanctions

As international sympathy for the plight of the Iraqi people has grown, the United States has had increasing difficulty maintaining support for international sanctions, and U.S. sanctions have been modified somewhat to align them with the oil-for-food program and international sentiment. Of the Security Council permanent members, the United States has been the most reluctant to ease sanctions and has set the highest standards for full Iraqi compliance. The United States backed Resolution 1284, which provides incentive for Iraq to fully cooperate with UNMOVIC, in order to address the danger that Iraq can resume its WMD programs if no inspectors are present. The United States rules out dialogue with Iraq on the grounds that Iraq’s level of compliance does not justify direct talks. In confirmation hearings, Secretary of State Colin Powell said on December 16, 2000 that the United States needs to “re-energize” international sanctions on Iraq, but many believe he softened that

stance during his February 2001 trip to the Middle East, in which he appeared to garner regional support for a plan to facilitate exports of civilian equipment to Iraq in exchange for regional pledges not to help Iraq conduct illicit trade. In testimony before the House International Relations Committee (March 7) and the Senate Foreign Relations Committee (March 8), Secretary Powell said the policy amendments were necessary to rebuild regional support for U.S. efforts to ensure no militarily useful technology reaches Iraq.

Over the past few years, the differences within the Council on Iraq policy have sharpened. France, Russia, and China appear to believe that the U.S. objective is to keep sanctions on Iraq in order to promote regime change. These and other countries have been increasingly vocal in promoting an easing of Iraq sanctions, and they appear sympathetic to Iraq's charge that no amount of compliance will satisfy the United States, as long as Saddam remains in power. In February 2001, the Bush Administration protested to China about that country's apparent help in upgrading Iraq's air defense network, which would constitute a direct violation of U.N. sanctions. On February 16, 2001, the United States and Britain struck elements of that network north of the southern no fly zone, in response to Iraq's increasing ability to target U.S. aircraft. The strike received little support internationally.

Since August 2000, French and Russian challenges to the U.S. interpretation that U.N. Resolution 670 (September 25, 1990) bans passenger flights to and from Iraq has led to a revival of significant air traffic into and from Iraq. (The resolution bans flights carrying "cargo," except humanitarian cargo, subject to Sanctions Committee approval.) Since then, several dozen aircraft, including some of Iraq's erstwhile Gulf and other Arab enemies, have flown officials, relief supplies, and even, in the case of one Jordanian flight, paying passengers to Iraq. On January 13, 2001, a flight chartered by a U.S. group flew to Iraq from Jordan, in defiance of the restriction. However, the vast majority of the flights have conformed to the existing practice of receiving formal Sanctions Committee clearance before taking off. U.S. proposals that the flights be inspected to ensure that no prohibited technology or arms are aboard have not yet met with agreement from France and Russia, which do not want to give the United States a veto over each flight. In early November 2000, Iraq restarted passenger flights within Iraq and its officials have begun flying directly to other countries. The United States does not object to the internal flights, but it has asked Iraq to notify the Sanctions Committee at least 48 hours in advance.

Iraq is also trying to harness international business to its policy objectives. In April 2000, two Canadian oil companies (Ranger and Occidental) set up offices in Iraq in hopes of some day contracting to develop Iraqi oil fields; such investment is provided for by Resolution 1284 only after Iraq fully complies on outstanding WMD issues. Iraq is pushing foreign firms, especially those of Russia, Belarus, and India, to begin exploration work in Iraq before sanctions are formally lifted. Royal Dutch/Shell admitted in January 2001 that it is talking with Iraq about a future exploration contract. In mid-October 2000 Japan, which is always looking to ensure steady supplies of energy, began rotating consular diplomats to its embassy in Iraq in an apparent overture to Baghdad. As a possible sign of Security Council easing on this issue, and even though Resolution 1284 bars new exploration in Iraq for now, in February 2001 the Sanctions Committee approved a Russian company (Zarubezhneft) plan to drill 45 oil wells in northern Iraq. Other similar proposals are still on hold.

Formally, comprehensive U.S. trade sanctions against Iraq have been in place since Iraq's 1990 invasion (Executive Order 12722 of August 2, 1990, Executive Order 12724 of

August 6, 1990, and the Iraq Sanctions Act of 1990, Section 586 of P.L. 101-513). Since then, U.S. trade regulations have been amended to align them with the oil-for-food program. A summary of the regulations governing transactions with Iraq is provided in CRS Report RL30472, *Iraq: Oil-for-Food Program*. U.S. imports of Iraqi oil soared in 1999 to about 700,000 barrels per day (about one third of Iraq's oil exports), making Iraq the fifth largest oil supplier to the United States in 1999, although imports have since fallen to less than 600,000 barrels per day as of October 2000. On July 27, 2000, the Department of Agriculture said that Iraq had bought its first shipment of U.S. rice (15,800 metric tons) since 1990. A measure introduced in the 106th Congress on March 2, 2000 but not enacted (H.R. 3825), sought to ease civilian sanctions while preserving military sanctions, and would have eased the licensing procedures for U.S. sales of goods to Iraq under oil-for-food.

As regional fears of Iraq have eased and sympathy for the Iraqi people has grown, the United States has had difficulty persuading regional governments not to relax their enforcement of sanctions on Iraq. In some cases, neighboring governments seek direct financial gain in helping Iraq. Regional enforcement of sanctions is discussed below, and for more information, see CRS Report RL30472, *Iraq: Oil-for-Food Program*.

Jordan. Since 1992, and despite Jordan's economic dependence on Iraq, the United States has considered Jordan's compliance with the U.N. sanctions regime on Iraq satisfactory, even though Jordan, under King Hussein and his successor, King Abdullah, advocates U.S. engagement with Baghdad and has become increasingly vocal in advocating easing of sanctions. Recognizing Jordan's economic need, the Sanctions Committee "takes note of" Jordan's purchases of discounted Iraqi oil and oil products, which is exchanged for Jordanian goods (approved under the oil-for-food program) and write-downs in Iraqi debt to Jordan. This relationship was renewed in November 2000 at a level of about \$450 million for the year, which translates into about 105,000 barrels per day of Iraqi oil exports to Jordan. Every year since FY1994, foreign aid appropriations laws (P.L. 103-87, P.L. 103-306, P.L. 104-107, P.L. 104-208, P.L. 105-118, P.L. 105-277, P.L. 106-113, and P.L. 106-429), have denied U.S. aid to any country that does not comply with the sanctions against Iraq, though these laws do not mention Jordan specifically. The Administration has routinely waived sanctions in order to provide aid to Jordan, a key U.S. ally in the Middle East peace process, and Congress has not objected to that waiver. In October 2000, Jordan dismissed Lloyd's International from its role as inspector of goods bound for Iraq and arriving in Jordan at the port of Aqaba, a role enshrined in an agreement between Jordan and the United States in 1993. Since September 2000, Jordan has also become increasingly bold in sending flights to Iraq, including those carrying relief supplies, officials, and even paying passengers (November 30, 2000). These recent actions could cause some U.S. complaints about Jordan's compliance with the Iraq sanctions, and Secretary of State Powell has pressed Jordan not to proceed with a planned "free trade agreement" with Iraq that, some fear, could increase the flow of unapproved civilian goods to Iraq. (See CRS Issue Brief IB93085, *Jordan: U.S. Relations and Bilateral Issues*).

Turkey. Turkey estimates that it has lost \$35 billion as a result of the sanctions. The Turkish government, apparently with some degree of U.S. acquiescence, appears increasingly cooperative with the illicit importation of about \$200 million per year in Iraqi energy products by Turkish truck drivers entering Iraq. In April 2000, Iraq and Turkey neared agreement to increase bilateral trade twelve fold, to about \$2.5 billion per year, roughly pre-war levels.

Iran/Persian Gulf States/Smuggling. In enforcing the embargo, two U.S. ships lead a Multinational Interdiction Force (MIF) that conducts maritime searches in the Persian Gulf to prevent the smuggling of oil and other high value exports. The United States has asserted that Iran's Revolutionary Guard has been helping Iraq smuggle out the oil exports in exchange for "protection fees," although Iran did stop some illicit shipments in March, April, and again in late June 2000, earning some U.S. praise. Despite these exceptions, Iran's cooperation helped Iraq's illicit exportation reach a high in mid-2000 of about \$80 million per month, and Iraq reportedly earned a net of about \$600 million for all of 2000, according to British military officials. It should be noted that Iraq receives only half the export value after paying off Iranian Revolutionary Guards and smugglers. Iraq openly stated in July 2000 that it will continue to export "extra" (smuggled) oil products.

Iranian-Iraqi relations have improved since 1995, including talks between Iraq's Vice President and Iranian President Mohammad Khatemi at the margins of the summit in Tehran (December 9-11, 1997) of the Organization of Islamic Conference (OIC). The two exchanged 6,000 prisoners from the Iran-Iraq war in April 1998 and have been exchanging smaller numbers of prisoners since. In early October 2000, the two agreed to abide by the 1975 Algiers Accords that delineated their border, and Iran's Foreign Minister visited later in the month, a sign of accelerating rapprochement. Regarding Iraq's relations with the Gulf monarchy states, in April 2000, the UAE and Bahrain reopened embassies in Baghdad, leaving Kuwait and Saudi Arabia as the only two Gulf monarchies without relations with Iraq. Saudi Arabia has requested Sanctions Committee permission to open a border crossing with Iraq that will help expand Saudi exports to Iraq from \$200 million in 2000 to about \$600 million in 2001. In November 2000, the United States imposed restrictions on U.S. trade with a Qatari royal family member who donated to Iraq a 747 aircraft from a small air service he runs. Kuwait has expressed support for Secretary Powell's proposals on Iraq sanctions.

Syria/Lebanon/Egypt. Syria and Iraq began a warming trend in relations by reopening their border in 1997; this trend has continued since the July 2000 accession of Bashar Assad to the presidency of Syria. In July 1998, the two countries announced a plan to reopen the Iraq-Syria oil pipeline, closed since 1982, and energy industry reports since November 2000 say Iraq has begun sending about 150,000 barrels per day of oil through the line, under a bilateral "swap" arrangement in which Syria uses the oil domestically and exports an equivalent extra amount of its own oil. Because of discounts offered to Syria for the oil, Iraq earns about \$2 million per day from this illicit exportation, skirting the oil-for-food program. Resolution 1284 (paragraph 16) lays the groundwork for the opening of this route, but the necessary U.N. approvals and monitoring are not in place. Secretary of State Powell said after visiting Syria in February 2001 that Syrian President Bashar Assad had committed to placing the pipeline under oil-for-food guidelines, but doing so appears to require Iraqi concurrence and Iraq subsequently said that a new oil-for-food export route is "not a priority." Iraqi-Syrian political relations have warmed to some extent as well, and Iraqi diplomats visited Damascus in February 2000 to staff a new Iraqi interest section there. In August 2000, Iraq resumed rail service to Syria, suspended since 1982, and in October 2000 the two announced that Iraqi Airways would reopen an office in Damascus. The two countries also have announced plans to double their trade from the current level of about \$450 million per year, and they have signed a "free trade" agreement.

Lebanon, which is under the heavy influence of Syria, restored diplomatic relations with Iraq October 23, 1998, after a 4-year break, and might eventually import oil from a branch

of the Iraq-Syria pipeline. As a sign of warming Iraqi-Egyptian relations, Iraqi-Egyptian trade under the oil for food program has now reached \$800 million annually, and the two agreed in September 2000 to increase that to \$1 billion. On January 18, 2001, the two countries signed a “free trade agreement,” although under the condition that it goes into effect when sanctions are lifted. In November 2000, Iraq and Egypt upgraded relations by converting their interest sections into embassies.

Protecting/Supporting Iraq’s Opposition

After repeated crises with Iraq, the Clinton Administration stated in November 1998 that U.S. policy is to work toward establishing a new regime in Iraq, although the opposition is fragmented and weak. The Bush Administration has reiterated that as a desirable goal, but it is still unclear to what degree the Administration will act toward that end. The FY2001 foreign aid appropriations, P.L. 106-429, provides \$25 million in Economic Support Funds for programs “benefitting the Iraqi people,” of which at least \$12 million is to be used by the INC to distribute humanitarian aid inside Iraq, \$6 million is for INC broadcasting, and \$2 million is for Iraqi war crimes research and publicity. In early September 2000, the Clinton Administration told Congress it would provide \$4 million of the \$8 million in FY2000 ESF as a direct grant to the INC for media operations, humanitarian relief, and training in “protective skills,” to prepare for the delivery of humanitarian aid inside Iraq. On February 2, 2001, the Bush Administration said it was releasing the \$4 million for INC information gathering inside Iraq and continuing to discuss how the INC will distribute humanitarian aid in Iraq. Some believe the INC humanitarian relief plan entails high risks and could cause Baghdad to lash out at INC aid recipients and neighboring governments. For discussion of the U.S. regime change policy, including the Iraq Liberation Act (P.L. 105-338), see CRS Report 98-179, *Iraq’s Opposition Movements*.

Military Action and Long-Term Containment

The Clinton Administration’s position was that military action against Iraq could be taken if Iraq: is known to have rebuilt WMD; threatens its neighbors; or attacks the Kurdish enclave. Early indications are that Bush Administration criteria for military action will differ little, if at all. However, the February 16, 2001 airstrike north of the southern no fly zone (although aircraft did not venture beyond the zone) might indicate that the Bush Administration will focus more on military containment than did its predecessor. The strikes were deemed relatively successful, but Iraq resumed tracking U.S. and British patrols thereafter, suggesting the Iraqi air defense network was not crippled. Press reports after the strike indicated that Chinese firms were helping Iraq upgrade that network. Following U.S. intercession with China, China told the United States it had ordered its firms to discontinue any such work in Iraq.

The allied coalition invokes U.N. Resolution 678 (November 29, 1990, authorizing use of force to expel Iraq from Kuwait), 687 (the main ceasefire resolution), 688 (human rights), and the Safwan Accords — the March 3, 1991 cease-fire agreements between Iraq and the coalition forces that banned Iraqi interference with allied air operations — to enforce the no-fly zones over northern and southern Iraq. In instances of strikes on Iraq, the Administration also has cited congressional action (primarily P.L. 102-1 of January 12, 1991 authorizing military action to expel Iraq from Kuwait). Resolutions 678 and 687 were written under Chapter VII of the U.N. Charter, dealing with peace and security, and are interpreted

as allowing military action to enforce these resolution. Resolution 688 (human rights) was not written under Chapter VII, however. To justify Operation Desert Fox, the Administration cited additional justification from Resolution 1154 (see above), which warned of “the severest consequences” for non-compliance. Section 1095 of P.L. 102-190, the Defense Authorization Act for FY1992, signed December 5, 1991, expressed Congress’ support for “all necessary means” to achieve the goals of U.N. Security Council Resolution 687. (For information on the U.S. military posture in the Gulf tasked with containing Iraq, see CRS Report RL30728, *Persian Gulf: Issues for U.S. Policy, 2000.*) Saudi Arabia, Kuwait, and the United Arab Emirates contributed a total of \$37 billion to the \$61.1 billion in incremental costs of Desert Storm, all of which has been paid.

Costs. From the end of the Gulf war until the end of FY2000, the Defense Department has incurred about \$8 billion in costs to contain Iraq and provide humanitarian aid to the Kurds. Of that, about \$1.14 billion was spent in FY2000, and just under \$100 million was spent for Operation Desert Fox. The Clinton Administration estimated that \$1.1 billion would be spent in FY2001, and an FY2001 defense appropriation (H.R. 4576, P.L. 106-259, signed August 9, 2000) provided \$3.938 billion in emergency spending for operations over Iraq and in Bosnia and Kosovo.) In addition, the Department of Defense, under the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a), assisted UNSCOM by providing U-2 surveillance flights (suspended since the December 15, 1998 UNSCOM pullout), intelligence, personnel, equipment, and logistical support. This support cost the United States about \$15 million per year, the amount authorized for FY2000 (DoD authorization law, P.L. 106-65). (See CRS Issue Brief IB94040, *Peacekeeping: Issues of U.S. Military Involvement.*)