

**WAR IN IRAQ:
MANAGING HUMANITARIAN RELIEF**

27 March 2003



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WAR IN IRAQ: MANAGING HUMANITARIAN RELIEF

EXECUTIVE SUMMARY

The impassioned controversy that surrounded the decision to invade Iraq had the unfortunate consequence of impeding coordination of humanitarian relief operations. Now that the war has begun, it is important to deal with the urgent task of meeting the needs of the Iraqi people. That will require steps by those who were opposed to the war, in particular European governments and NGOs, to agree to work in close coordination with the United States and put their plans and their funding on the table. And it will require steps by the United States to eschew a dominant role in the post-conflict humanitarian effort and hand coordination over to the United Nations.

The scale of the humanitarian consequences of the war in Iraq is still unclear. But regardless of the war's intensity or duration, there are bound to be new tragedies – to add to the devastation of Iraq's economy and social fabric already caused by two earlier wars, twelve years of sanctions and an authoritarian government far more intent on its survival than on the well-being of its people.

Largely as a result of the political controversy and uncertainty that preceded the war, planning and preparations for relief efforts have been plagued by inadequate coordination. Today, the fears are of inadequate funding, excessive U.S. control over the relief effort and, within that, the unfortunate appearance (if not reality) of military pre-eminence, and the exclusion of European and other international NGOs that have considerable on-the-ground experience and of the Iraqi institutions with which they worked.

It is too late to undo the damage that already has been done. It is not too late to minimise its impact and put the longer-term reconstruction effort on the right track – as a multinational effort under the

UN's authority. Humanitarian cooperation also is a good place at which to start rebuilding both ties that have been frayed by the prior diplomatic battle and the credibility of essential institutions, like the UN, that suffered in the process. All sides will have to do their part.

A UN-led humanitarian effort, working in close coordination with the U.S., with other governments and international NGOs and, crucially, with the numerous capable Iraqi groups and institutions, is the optimal way to proceed if the rebuilding of Iraq is to get off to a proper start.

RECOMMENDATIONS

To the governments of the United States, the United Kingdom and other coalition countries:

1. Ensure and facilitate to the fullest extent possible provision of food and medical supplies to the population in the territories under their control, in accordance with their public commitments and obligations under the Fourth Geneva Convention.
2. Agree to hand over coordination of humanitarian operations in Iraq to the UN as soon as possible.
3. Provide non-discriminatory access for international relief agencies to Iraqis in need of humanitarian assistance as soon as possible, and consistent with legitimate security concerns.
4. Work with Iraq's neighbours on efforts to address the potential refugee crisis and offer financial and trade compensation for financial costs they will incur.

5. Transfer all seized Iraqi assets to the UN-controlled escrow account for payment of humanitarian relief and salaries of Iraqi civil servants and aid workers.

To the United States Government, the international donor community and humanitarian relief agencies:

6. Help fund humanitarian relief efforts in Iraq, regardless of and separate from their stance on the legitimacy of military intervention.
7. In providing funding to NGOs, make efforts to include those that have experience in Iraq and have already established a working relationship with appropriate Iraqi counterparts and implementing agents.
8. Recognise the UN Office for the Coordination of Humanitarian Assistance (OCHA) as the principal relief coordinator in Iraq and, in particular:
 - (a) facilitate its presence in Iraq as soon as security conditions permit;
 - (b) provide it with a full and detailed inventory of relief capabilities, available resources and data relevant to the humanitarian situation in Iraq; and
 - (c) brief the coordinator regularly on developments and needs arising from the evolving situation on the ground;
9. Support the Secretary General's anticipated U.S.\$2.2 billion "flash appeal" for overall UN humanitarian activities in Iraq.

To the UN Security Council:

10. Adopt a resolution amending the Oil-for-Food program and the current sanctions regime against Iraq to:
 - (a) authorise the UN Secretary General to prioritise Iraq's humanitarian needs and purchase the needed supplies;
 - (b) reduce significantly the number of dual-use items on the Goods Review List with no immediate military use such as heavy vehicles, pumps, respirators and various medicines;

- (c) establish a direct cash component to finance locally provided goods and services, make these funds available to the UN office of the Oil-for-Food program, and abolish the current prohibition on purchasing locally produced goods;
- (d) make additional revenues available for the adjusted Oil-for-Food program by temporarily freezing payments on war reparations and releasing existing funds in the accounts of the UN Compensation Commission, until a complete revision of the program is possible; and
- (e) authorise the transfer of all Iraqi assets frozen in international bank accounts to the U.N.-controlled escrow account for paying of humanitarian relief and salaries of Iraqi civil servants and aid workers.

To the UN Office of the Coordinator for Humanitarian Affairs:

11. Assuming it is put in charge of humanitarian relief operations, make maximum use of local humanitarian capabilities in terms of qualified personnel and infrastructure.

To the governments of Iran, Turkey and Arab neighbouring countries:

12. Provide international relief organisations with access to displaced Iraqis living in camps in areas along their border with Iraq and make possible the transportation of humanitarian goods and personnel.
13. Be prepared to open borders should Iraqis need to escape a humanitarian emergency or military attack.
14. Allow the United Nations High Commissioner for Refugees to participate in the screening process for any Iraqi who crosses into their country.
15. Ensure that repatriation schemes are initiated in coordination with UNHCR and only if and when it is determined that the situation in Iraq makes such repatriation safe.

Amman/Brussels, 27 March 2003



WAR IN IRAQ: MANAGING HUMANITARIAN RELIEF

I. INTRODUCTION

One of the principal challenges confronting the international community will be to address the war's humanitarian consequences. As a result of over a decade of sanctions, coming in the aftermath of two wars, and with a civilian population that has grown increasingly dependent on deteriorating government social services, the situation is likely to be serious, regardless of the present war's length or scope. Timely and effective international relief efforts – particularly those aimed at the most vulnerable sectors of Iraqi society – will be critical for saving lives, enabling reconstruction to begin, and healing the wounds inflicted on international institutions in the pre-war period.

During the past several months the international humanitarian community and agencies from various governments have been preparing plans to assist the Iraqi civilian population should war break out. Considerable progress has been made. Still, and particularly in regard to the unusual advance warning available,¹ results have been far from satisfactory. For understandable political reasons, international donors and humanitarian agencies were loath to prepare for a war many in the world community opposed. At the same time, the U.S. government disclosed its own plans only

sparingly. What ensued was a largely insufficient level of crisis preparedness, reflecting a lack of coordination, insufficient funding, secrecy, strained civil-military relations and bureaucratic infighting.

This ICG report takes a critical look at preparations so far and identifies areas most in need of urgent improvement.

¹ In February 2003, Andrew Natsios, the head of USAID, claimed that planning started as far back as late September 2002: "We have never had nearly five months advance time before a major emergency". Press briefing on White House inter-agency humanitarian reconstruction issues, 24 February 2003, transcript, Office of International Information Program, U.S. Department of State.

II. WAR SCENARIOS AND HUMANITARIAN CONSEQUENCES

A. ASSESSMENT OF THE POTENTIAL HUMANITARIAN IMPACT

Over the past several months, with uncertainty and controversy surrounding the possibility of war, preparations for its possible humanitarian impact have taken place essentially via duelling press leaks. Reports about putative military plans formed the basis for contingency planning by the UN and other relief agencies. In turn, UN officials leaked so-called confidential documents² of their own to relevant NGOs both in order to raise public awareness and as a signal to donors that they should be prepared to fund emergency programs in Iraq.³ Without exception, the picture emerging from these various assessments confirms the real risk of a humanitarian catastrophe.

The initial stages of the campaign have seen the application of overwhelming force by the U.S. and UK designed to incapacitate the Iraqi leadership and military, cause it to unravel and bring the conflict to a rapid and decisive end. The Baathist regime appears to be focusing its defence strategy on major cities, in the hope of dragging the U.S. and UK military into urban warfare in Baghdad and elsewhere. While it is too soon to predict how long the war will last or how it will unfold, the key to its length and intensity will likely be the capture of the Iraqi capital. Some observers believe that the capital's defences will quickly fall apart. Others predict that the conflict will end with an internal coup against Saddam, an outcome that would

significantly reduce the number of military and civilian casualties. Again others warn that U.S. and British forces may have to enter Baghdad and other major cities, engaging Iraqis in house-to-house combat that may be protracted and yield high levels of civilian casualties. The first experiences in Basra and Nasiriya have already shown the complications inherent in an urban battlefield.

The level of casualties and the scope of the ensuing humanitarian challenge clearly will depend on which of these scenarios unfolds. Other variables and uncertainties, such as the reliability of U.S. intelligence and location of Iraqi armed forces will also be important.⁴ The manner in which the belligerents conduct the war will be a further deciding factor. The scope of the humanitarian crisis will grow in alarming proportions if the Iraqi regime conducts reprisals against civilians, such as the Kurds or residents of the predominantly Shiite Saddam City neighbourhood of Baghdad, or if it uses weapons of mass destruction – a decision that not only could result in massive civilian casualties, but also put unprotected humanitarian workers at severe risk, hampering or even putting an end to further relief efforts.⁵ Also relevant is the extent to

² See United Nations Office for the Coordination of Humanitarian Affairs, "Integrated Humanitarian Contingency Plan for Iraq and Neighboring Countries", Confidential Draft, 7 January 2003; United Nations, "Portrait of the Current Socio-Economic Development Situation and Implications in Iraq Based on Specified Scenarios", Confidential, 20 January 2003; United Nations Inter-Agency Standing Committee (IASC), UN Inter-agency Standing Committee, "Humanitarian Preparedness and Response Plan for Iraq and Neighbouring countries", 20 December 2002.

³ ICG telephone interview, UN official, March 2003.

⁴ U.S. Defense officials have provided assurances of "careful targeting to avoid excessive damage to the civilian population". See remarks by Joe Collins at Press Briefing on White House Inter-Agency Humanitarian Reconstruction Issues, Washington D.C., 24 February 2003. However, the UK Ministry of Defence indicated that power plants and water and sanitation systems could be military targets. See *The Independent*, 2 February 2003. Major concern is raised by so-called "dual use" facilities. For example, a White House report stated recently: "To craft tragedy, the [Iraqi] regime places civilians close to military equipment, facilities, and troops, which are legitimate targets in an armed conflict." The report does not disclose whether such quasi-civilian targets are still considered "legitimate" or not. See The White House, "Apparatus of Lies: Saddam's Disinformation and Propaganda 1990-2003", Washington D.C., 2003.

⁵ Relief agencies are in no position to deal with the effects of weapons of mass destruction on the civilian population. According to interviews with officials at the WHO and ICRC, antibiotics and antidotes are not part of their stockpiles, simply because "nobody in the humanitarian community has the capacity to respond to such a threat". Other measures such as handing out protective gear to the civilian population will likely come too late and would in any case be unfeasible given its astronomical costs. ICG

which the U.S. targets civilian infrastructure and the accuracy of its bombing. At this stage of the war, the electricity and water infrastructure has not been targeted and appears to be largely intact, although power and water were cut off in Basra and parts of Baghdad.⁶ Still, it is possible that water, electricity and food supplies will be interrupted, possibly for prolonged periods.

The risks identified in this section constitute a list of worst-cases. Nonetheless, they provide a gauge of the scope of potential humanitarian challenges for which the international community must be prepared.

In a worst-case scenario, degraded infrastructure could create a public health emergency, affecting water pumping stations, sewage treatment plants and health facilities. Because back-up generators have only limited capacity, Baghdad or another major city such as Basra could be confronted with a cholera epidemic, while hospitals would no longer be able to sterilise equipment and refrigerate medicines properly. Sudden fuel shortages might interfere with transportation, adding to the stress of damage to roads, bridges, railway systems, airports and port facilities.

A war also might incapacitate the food distribution system: oil production and exports may come to a halt for a considerable period of time, under which circumstances food suppliers would be unlikely to honour contracts unless they received alternative payment; distribution may be paralysed if transportation and supply routes are damaged or fuel

supplies dry up;⁷ food warehouses may be damaged or plundered. Because most food supplies are stored in the centre and south of Iraq, the north could face interruptions relatively soon. Finally, Iraqi officials operating the Oil for Food (OFF) program may abandon their posts, either because all public services collapse or to escape danger to their lives. Alarming, in Northern Iraq, where the program continues, distribution has already been largely made impossible due to the absence of food agents.⁸

Should they occur, significant population movements would complicate and further reduce the ability of existing health and food distribution systems to reach vulnerable groups. Although most Iraqis are expected to remain in their towns and cities, close to services upon which they have come to depend and fearful of abandoning their homes, some will be forced to leave as a direct or indirect consequence of the war. The UN has estimated that up to 900,000 people could be displaced within Iraq and another 1.45 million become refugees within or along the borders of neighbouring states.⁹ The scale of flight will be a

interviews in Geneva, February 2003. In Northern Iraq, the local Kurdish authorities, united in a joint committee to deal with humanitarian issues, have made available gas masks and atropine to army and government officials only. ICG interview with NGO member returning from northern Iraq, Paris, February 2003.

⁶ ICG telephone interviews with officials of UNICEF and UNDP, 21 March 2003. As of 24 March, the ICRC was able to restore 40 per cent of water supplies in Basra but the city's main water treatment plant remained non-operational due to power cuts. See UN Office of the Humanitarian Coordinator for Iraq, "Iraq: Humanitarian Situation Report", n°6, 24 March.

⁷ Iraq's main port for food supplies in Umm Qasr was seized by U.S. and coalition forces on 21 March 2003 although fighting continued for a number of days; it appeared to be largely intact. Its 800 Iraqi food handlers are believed to be prepared to continue operating. This would significantly reduce logistic complications in resuming food imports. ICG telephone interview with World Food Programme official, 21 March 2003 and subsequent news reports.

⁸ UN Office of the Humanitarian Coordinator for Iraq, "Iraq: Humanitarian Situation Report", No 8, 26 March 2003. In other parts of the country, as of 27 March, the Iraqi local staff, which has been provided three-months salary by the UN, are reportedly attempting to distribute the one month of supplies still in the system. ICG interview with senior international organisation official, 27 March 2003.

⁹ UN, "Likely Humanitarian Scenario", 10 December 2002, confidential document. UNHCR officials stated that there are too many uncertainties to make any reliable predictions of the precise number of displaced. Current predictions are no doubt influenced by the gross underestimation of population movements during the Gulf War in 1991. UNHCR is planning for the possibility of 600,000 people fleeing Iraq, but is still struggling to gather the required funding. See Jean-Louis de La Vaissiere, "UN relief agencies step up efforts for Iraq, despite cash shortfall", Agence France-Presse, 7 March 2003

function of the intensity of hostilities and the threat or possible use of weapons of mass destruction, and the possible outbreak of massive score-settling and even civil conflict after the regime has been removed. It is furthermore conceivable that one group of displaced persons will provoke the flight of another, especially in and around Kirkuk.¹⁰

Refugee flows are expected to occur principally from the central and southern regions of Iraq in two directions: northwards, perhaps with a push toward the Turkish border, and eastwards toward Iran. In both cases, people would have to cross heavily mined regions in circumstances where road conditions may be less than optimal.¹¹ The refugees' plight will intensify should neighbouring countries not let them in or if they are not adequately provided for. Initial indications point to a relatively low number of people on the move: other than in Northern Iraq, some 60,000 to 80,000 altogether, none of whom have crossed international frontiers and who must therefore be designated as internally displaced people (IDPs).¹² In Northern Iraq, hundreds of thousands of Kurds have been on the move but without creating demands for immediate humanitarian assistance.¹³ This may change, especially when low-income groups, who for now mostly stayed behind, are

forced to leave their homes.¹⁴ Their needs would likely strain the capabilities of humanitarian agencies on the ground, and access to them is likely to be difficult due to the mountainous terrain and their remote location. Already, lack of preparation on the part of the Kurdistan Regional Government and international relief organisations has led to a critical situation in one area designated for fleeing Kurds, where local relief workers were "desperately erecting tents in a muddy field outside the town of Diyana", on the road from Arbil to the Iranian border.¹⁵

More generally, the crucial variable appears to be how long the conflict lasts. Most families are believed to have sufficient provisions to withstand days and even a few weeks of fighting; but beyond that, their meagre reserves will be exhausted and they will be forced to flee.

B. WAR IN IRAQ – A MULTIPLIER EFFECT

Whatever impact the war might have will only add to Iraq's already serious humanitarian situation. The combined effect of Iraqi government policies, the 1991 Gulf War, which followed by only three years an eight-year conflict with Iran, and the twelve-year-old sanctions regime has significantly increased the population's vulnerability. Social indicators have declined dramatically, suggesting a steady pattern of deteriorating basic services and worsening living conditions. Compounding the problem, Iraq's high population growth rate (nearly 3 per cent) has largely outstripped whatever progress was made in terms of service provision since the introduction of the OFF program in 1996.¹⁶ Between 1990 and 2000, Iraq's Human

¹⁰ This is what happened in the spring of 1991, when Kurdish forces briefly held Kirkuk, triggering an exodus of most of its Arab population. See John Fawcett and Victor Tanner, "The Internally Displaced People of Iraq", Brooking Institution-SAIS Project on Internal Displacement, October 2002, p. 26.

¹¹ It is impossible to assess the number of land mines currently in Iraq. Human Rights Watch, "Landmines in Iraq", underlines the heavy presence of mines all along the Iraqi borders as well as between the Kurdish northern zone and central and southern Iraq. In 2001, the ICRC distributed more than 1500 prostheses for amputees who were victims of mines and unexploded ordnances. ICRC Annual Report, 2001.

¹² ICG telephone interview with UNHCR official, 21 March 2003.

¹³ Between 300,000 and 450,000 people were reported to have fled from the northern towns of Kirkuk, Erbil and Sulaymaniyah. Yet 90 per cent of them are believed to be staying with relatives and are not in need of immediate assistance. See UN Office of the Humanitarian Coordinator for Iraq, "Humanitarian Situation Report", No 3, 21 March 2003.

¹⁴ ICG telephone interview with member of humanitarian NGO, 24 March 2003.

¹⁵ Human Rights Watch, "Iraqi Kurdistan: Severe lack of tents, food – Crisis for thousands of displaced people", New York, 26 March 2003, available at: <http://www.hrw.org/press/2003/03/iraq032103.htm>.

According to Human Rights Watch, "The potential disaster is made worse by the departure earlier this week of all foreign U.N. personnel and most foreign relief workers...Any further influx of Iraqi civilians into Kurdistan or further displacement within the Kurdish region will create a humanitarian disaster".

¹⁶ UNDP, "Iraq Country Report", 2001.

Development Index fell from a ranking comparable to Iran or China to one equal to Lesotho.¹⁷

Prior to the Gulf War, the UN described Iraq as a high middle-income country with a modern health sector, high levels of education and a relatively advanced social infrastructure. All urban dwellers and 72 per cent of rural residents had access to clean water while 93 per cent of Iraqis had access to health services.¹⁸ That war and its aftermath resulted in a breakdown of the Iraqi civilian infrastructure, a dramatic setback in health, nutrition and sanitary conditions and a massive increase in the number of internally displaced persons (IDPs) and refugees. The UN-imposed sanctions regime has further crippled basic services. Since the implementation of the OFF program, social services have improved somewhat, but the social infrastructure has been functioning at a fraction of its pre-war capacity.¹⁹

- As a result of plunging income levels, the Iraqi population is unlikely to show the same relative resilience it demonstrated in 1991. Prior to the Gulf War, most were employed and possessed cash reserves and material assets. Today, with unemployment running at over 50 per cent and inflation eroding purchasing power, more than half of Iraq's families fall below the poverty line.²⁰ Even in the three northern governorates that are managed by the Kurdistan Regional Government (KRG) and where everyday hardships are far less pronounced, 60 per cent live in poverty.²¹
- Iraq's medical infrastructure suffered greatly from the Gulf War, and the OFF program has

led to only marginal improvement.²² Iraq faces shortages of basic public health services, medicine and equipment. Medical facilities are overcrowded, with only 1.5 beds per 1,000 Iraqis. Many health care professionals have left the country.

- Roughly 16 million Iraqis, 60 per cent of the population, have come to depend on government-supplied food rations for their entire food supply. Most others rely on these rations for at least part of their daily food basket.²³ Overall, UNICEF estimates that more than 18 million Iraqis lack food security and says even a short-term interruption in basic services could have a devastating impact.²⁴
- Iraq's water and sanitation infrastructure has severely deteriorated since 1991. Despite improvement under the OFF program, existing water treatment plants, sewage systems and water networks are unable to provide safe drinking water to a majority of the population. Roughly 500,000 metric tons of raw sewage are discharged on a daily basis into the country's fresh water bodies. In addition, Iraq is recovering from one of the most serious droughts in its recent history, as a result of which water resources are less than half their normal levels.²⁵
- Due to the shortage in spare parts and the debilitated state of transmission and

¹⁷ "Since 1991, Iraq's rank on the United Nations Human Development Index has fallen from 96 to 127. No other country has fallen so far, so fast". Center for Economic & Social Rights, "The Human Cost of War in Iraq", March 2003. See UNDP, "Human Development Report", 1990 and 2000.

¹⁸ UNICEF Statistics, 1993.

¹⁹ UNDP, "Iraq Report", 1999 - 2000

²⁰ UNICEF, "Situation Analysis for Iraq", 2002.

²¹ See Alastair Kirk and Gary Sawdon, "Understanding Kurdish Livelihoods in Northern Iraq", Save the Children Fund UK, January 2002.

²² Significant quantities of medicine and medical supplies and equipment have reached the country under the OFFP. Their utilisation remains, however, far from optimal. The installation and transportation to locations where they are needed has been and is still often prevented by logistical or financial constraints. See Physicians for Human Rights, "Statement on War in Iraq", 23 December 2002.

²³ Ibid. UNICEF underlines that "the households' dependency on food rations has evolved over the past decade to almost total dependency (...). Dependency of a school teacher on the food ration has increased from 65 per cent (1990) to over 83 per cent of her/his income today". UNICEF, "Household Food Security in Iraq", February 2002.

²⁴ UNICEF, "Household Food Security in Iraq", February 2002.

²⁵ UNDP, "Iraq, Country Brief", 2003.

distribution networks, electricity supplies meet only 71 per cent of demand, with a consequent negative effect on public health, agricultural production and industrial capacity.²⁶

- The three most vulnerable Iraqi groups are children under five, women, especially pregnant and lactating mothers along with their infants, and those who have been forcibly displaced by the regime. Nearly half the population is under fourteen and, according to UNICEF, the under-five mortality rate has increased by 160 per cent over the last decade.²⁷ The enforced Arabisation of the oil-producing centre of Kirkuk has driven Kurdish, Turkoman and Assyrian civilians into the area controlled by the KRG;²⁸ the regime also has targeted the Marsh Arabs and other elements of the Shiite Arab community.²⁹ The number of internally displaced persons has been estimated at somewhere between 900,000 and one million.³⁰ Over the past decade, Iraq has been the major refugee-producing country in the Arab Middle East. Should the war result in a new surge, it would strain its neighbours' already challenged capacities.³¹

III. HUMANITARIAN RELIEF: INTERNATIONAL PLANNING AND PREPAREDNESS

A. U.S. PLANNING

Under international humanitarian law, the United States and its coalition allies are obligated to provide for the welfare of the civilian population in areas under their physical control.³² During the past few months, U.S. officials have repeatedly stressed that they have prepared contingency plans to meet these obligations. President Bush reiterated his administration's commitment to "help the citizens of a liberated Iraq" by delivering healthcare, restoring the country's food distribution system and funding UN relief agencies.³³

Pursuant to a National Security Presidential Directive issued by President Bush on 20 January 2003, the Defence Department established the Office of Reconstruction and Humanitarian Assistance (ORHA) for Iraq. Currently staffed by about 185 employees drawn from various U.S. civilian and military agencies,³⁴ ORHA's mandate is to coordinate and supervise American relief operations and liaise with outside agencies involved in relief and reconstruction efforts. It has established a Humanitarian Operations Center (HOC) in Kuwait, and is supposed to enter Iraq alongside U.S. forces.³⁵ The U.S. military has said

²⁶ International Study Team, op. cit.

²⁷ UNICEF, op. cit.

²⁸ Human Rights Watch, "Iraqi Refugees, Asylum Seekers, and Displaced Persons: Current Conditions and Concerns in the Event of War", February 2003, pp. 7-8.

²⁹ Human Rights Watch, "The Iraqi Government Assault on the Marsh Arabs", Briefing Paper, January 2003.

³⁰ Fawcett and Tanner, op. cit.

³¹ Since 1979, Iran has been the main regional host, currently providing refuge to some 300,000 Iraqis. According to official Iranian figures, the number in 2001 was 203,000, but many Iraqis arrived in recent years have not been registered. See Rajae, B. "The Politics of Refugee Policy in Post-Revolutionary Iran", *The Middle East Journal*, vol. 54, n°1, January 2000.

³² Article 55 of the Fourth Geneva Convention (1949) stipulated that "[t]o the fullest extent of the means available to it, the Occupying Power has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate". See Human Rights Watch, "Iraqi Refugees", op. cit. part I.C and "International Law Issues in a Potential War in Iraq", 20 February 2003, part ix.

³³ See The White House, "President Discusses the Future of Iraq", Washington D.C., 26 February 2003.

³⁴ ICG telephone interview with official at the U.S. Office of Foreign Disaster Assistance (OFDA), March 2003.

³⁵ General Garner, who heads ORHA, is already in the region together with his staff and State Department and AID officials. ICG interview with U.S. government official, 24 March 2003.

it will establish civilian sanctuaries, or “safe humanitarian areas,” in which it intends to maintain law and order and in which the U.S. Agency for International Development (USAID), working through its Disaster Assistance Response Team (DART), is mandated to help provide relief on the ground.³⁶ USAID appears to have been given the lead role in contracting for major humanitarian reconstruction projects such as roads, bridges, schools and hospitals repairs and restoration of the electricity grid.³⁷ The U.S. military will carry out additional reconstruction work.³⁸

In February, the U.S. administration presented the six principles that are to govern its relief strategy.³⁹

- ❑ minimising both civilian displacement and damage to civilian infrastructure;
- ❑ reliance upon civilian relief agencies;
- ❑ effective civil-military coordination;
- ❑ facilitation of the operations of international organisations and NGOs;
- ❑ pre-positioning of relief supplies in the region; and
- ❑ support for the resumption of the food ration distribution system.

In accordance with these general guidelines, the U.S. has announced that it has provided over \$105 million (not including food) for Iraq humanitarian relief, including to UN agencies, international relief organisations and NGOs.⁴⁰ Food assistance

valued at U.S.\$300 million has been approved for relief; about a third of which is already pre-positioned or on its way.

The U.S. government has indicated that it intends to increase its funding of humanitarian aid to Iraq significantly. On 25 March, it submitted a supplemental budget request to Congress that includes \$543 million for humanitarian relief to refugees, IDPs, and “vulnerable individuals” and for demining activities in and around Iraq.⁴¹ It also requested funds for reconstruction activities, amounting to \$1.7 billion.⁴²

B. UNITED NATIONS PLANNING

Although for political reasons the United Nations has been reluctant to publicise or even privately share details of its plans, it in effect began to prepare for a war as early as June 2002.⁴³ In each of the countries in the region where the UN has an active presence, its various agencies have developed comprehensive preparedness and contingency plans. Leaked contingency plans and public statements suggest a humanitarian relief effort in which UN agencies would play a prominent role.

Overall coordination of the UN response is jointly organised by the Under Secretary General for Humanitarian Affairs and Emergency Relief Coordinator, the Office of the Humanitarian Coordinator in Iraq (UNOHCI)⁴⁴ and the Office of

³⁶ DART personnel are taken from the Office of Foreign Disaster Assistance (OFDA).

³⁷ USAID recently short-listed various U.S. engineering companies to carry out reconstruction work in Iraq. This step was made public in a USAID report entitled “Vision for Post-Conflict Iraq”, cited in *The Wall Street Journal*, 10 March 2003.

³⁸ See remarks by Elliot Abrams, Press Briefing on White House Inter-Agency Humanitarian Reconstruction Issues, Washington D.C., 24 February 2003.

³⁹ Ibid.

⁴⁰ All figures are taken from USAID, “U.S. Assistance to the UN and International Organizations for Humanitarian Relief in Iraq”, Press Release 24 March 2003. The list includes U.S. \$60 million to WFP, U.S.\$21 million to

UNHCR, U.S.\$2 million to UNICEF, U.S.\$1.2 million to UNOCHA, U.S.\$10 million to ICRC, U.S.\$8.6 million to International Organisation of Migration, and U.S.\$3 million to the International Federation of Red Cross and Red Crescent Societies.

⁴¹ See Executive Office of the President, Office of Management and Budget, “Requests for FY 2003 Supplemental Appropriations”, Washington, D.C., 25 March 2003.

⁴² Reconstruction activities are in the areas of health care, water and sanitation, education, electricity, transportation, telecommunications, rule of law and governance, economic and financial policy, and agriculture. See Ibid.

⁴³ ICG interview with a UN official in Baghdad, February 2003.

⁴⁴ UNOHCI is an integral part of the Office of the Iraq Programme (OIP) and is responsible for the management

the Coordinator for Humanitarian Affairs (OCHA).⁴⁵ In country, overall coordination of humanitarian assistance is the responsibility of the Interagency Humanitarian Coordinator in Iraq.⁴⁶

UN plans are based on medium impact assumptions – e.g., the conflict will last no longer than two to three months, civil unrest will erupt and large-scale displacements will occur.⁴⁷ They also are based on the experience of the 1991 war, during which civilian infrastructure was heavily targeted by coalition forces.⁴⁸ The focus of the UN

and implementation of the programme in the field. The Humanitarian Coordinator in Iraq reports directly to the Executive Director of OIP.

⁴⁵ OCHA grew out of the UN Department for Humanitarian Affairs (DHA), which was created after humanitarian agencies were shown to have been insufficiently prepared for the mass migrations that occurred after the 1991 Gulf War.

⁴⁶ According to operational plans drafted by local UN staff, the United Nations Children's Fund (UNICEF) will have the lead for water and sanitation, the World Health Organisation (WHO) on health issues, the World Food Programme (WFP) will be in charge of stockpiling and distributing food, and the United Nations Development Program will facilitate logistics and communications. Office for the Coordination of Humanitarian Affairs (UNOCHA), "Integrated Humanitarian Contingency Plan", op. cit. UNOCHA is expected to be in charge of internally displaced persons, in conjunction with the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC). See Institute for the Study of International Migration, "Summary Roundtable on Humanitarian Action in Iraq", Washington D.C., 3 February 2003 (see below).

⁴⁷ OCHA, "Integrated Humanitarian Contingency Plan", op. cit.

⁴⁸ One possible difference, however, is that in the 1991 war the allies destroyed the electrical infrastructure, with disastrous consequences for Iraq's capacity to deliver clean water, food and other services to its population. Twelve years on, the U.S. military has developed more sophisticated weaponry with which it can disable power installations without destroying them, as it demonstrated in the air campaign over Yugoslavia in 1999. There it used the CBU-102 (V) 2/B, a cluster bomb whose 202 submunitions each contain 147 tiny spools of glass-like and highly conductive aluminum fibers. According to William Arkin, a single bomb dropped on an outdoor transformer station "dispenses a spidery latticework adding up to more than 900 kilometres of threads....When the threads come in contact with power lines or energised equipment, they cause shorts and trip protective devices, resulting in partial or complete

plan is to prevent a major disruption in the food distribution system, ensure an emergency supply of power to medical facilities and facilitate transportation of medical supplies from warehouses inside and outside the country to hospitals and health clinics.

As a result, various UN agencies have stockpiled significant relief supplies both inside Iraq and in neighbouring countries. For instance, the WFP has stockpiled food sufficient to feed two million people for one month and is working to increase that capacity to three million people.⁴⁹ Within Iraq, 3,500 Iraqi nationals have been trained in emergency response to compensate for the evacuation of international UN staff.⁵⁰ UN agencies also have worked with Iraqi civic associations, such as the General Federation of Iraqi Women and the Family Planning Association, to train auxiliaries for an emergency, and UNICEF has trained teachers to diagnose and refer severely traumatised students.⁵¹

While the UN acknowledges the frailty of the food distribution system under conditions of war, it considers that every effort should be made to maintain it.⁵² It has trained 400 indigenous staff to monitor the system under emergency conditions, and equipment has been upgraded. In Northern Iraq, the UN and local Kurdish authorities have distributed advance food rations to help families cope with interruptions. The Iraqi government has made similar provisions in the rest of the country. However, the effectiveness of these measures is

blackouts". William M. Arkin, "Smart Bombs, Dumb Targeting?" *Bulletin of the American Scientists*, vol. 56, no. 3, May-June 2000, available at: <http://www.thebulletin.org/issues/2000/mj00/mj00arkin.html>.

⁴⁹ ICG telephone interview with WFP official, 21 March 2003.

⁵⁰ On 17 March, Secretary General Kofi Annan ordered UN weapons inspectors and humanitarian staff to leave Iraq. UN staff will remain on stand-by – mainly in Jordan and Syria – ready to reenter Iraq as soon as possible.

⁵¹ ICG telephone interview with UNICEF official, February 2003.

⁵² International Study Team, op. cit. and ICG interviews with UN officials, February 2003 (FAO, Rome; UNICEF, Paris). One UN documents states: "Preserving what is presently there and replacing those portions of the network that suffer during the conflict phase must be accorded high priority". UN "Likely Humanitarian Scenario", op. cit.

deemed limited, and the poorest groups reportedly have sold their extra rations for cash.⁵³

To date, the UN has asked for U.S.\$123.5 million to help fund its response to the war and has plans to appeal for more than ten times that amount. The World Food Programme indicated that if it is to run the country's food distribution for the next 6 months it would require more than U.S. \$1 billion.⁵⁴ As of mid-March, the U.S. and UK had made the largest contributions, and, according to State Department officials, the U.S. plans to fund 25 per cent of the UN's new appeal.⁵⁵ The UK has "set aside" £110 million (U.S.\$173.2 million) for relief response in Iraq, including donations to UN agencies.⁵⁶ However, pledging is not disbursement, and UN agencies have had to draw on reserve budgets to fund their activities.⁵⁷ UN officials point out that most other donors have been unwilling to come forward in the absence of a Security Council resolution authorising war and are now waiting to see what actual needs arise. Since Washington is expected to take the lead in disbursing funds, other potential donors also are waiting to see what ultimately comes through.

Unless the U.S. provides substantial funding, it is less likely other governments will be forthcoming. The announcement of a U.S. supplemental request for \$543 million in additional humanitarian aid and \$1.7 billion in short-term reconstruction funding has begun to assuage those concerns, particularly given statements that other supplementals are possible. Representatives from some 60 governments who attended an informal donors meeting called by the State Department on 26 March, including many not supportive of the U.S. position on the war, indicated a willingness to provide humanitarian aid, most

through UN agencies.⁵⁸ Nevertheless, most estimates of annual reconstruction funding needs are far higher, and even though the U.S. funding cycle permits approval of additional money to be forthcoming during this calendar year, there are no guarantees. There also remains concern within the NGO community that the initial relief supplemental proposes to make its funds available to the Executive Office of the President, rather than USAID or the State Department. Any serious alteration of the normal USAID and State mechanisms could complicate the actual provision of those funds.⁵⁹

C. EU PLANNING

ECHO, the European Commission's humanitarian aid office, is the largest humanitarian donor in Iraq. Over the past decade, it has disbursed over €156 million (U.S.\$165 million) worth of humanitarian aid to the Iraqi population.⁶⁰ On 20 March 2003, the European Commission announced that it would allocate €6 million (U.S.\$6.3 million) to ECHO and redirect this year's Iraq budget of €15 million (U.S.\$15.9 million) to emergency relief.⁶¹ A request for an additional €79 million (U.S.\$84.4 million) has been submitted to the European Council and Parliament.⁶² That said, ECHO's role in facilitating humanitarian aid during and after the conflict remains unclear.

European Commission officials confirm that ECHO has drawn up a comprehensive contingency plan; as in the case of the UN, and again for

⁵³ Ibid. and International Study Team, op. cit.

⁵⁴ See Reuters, 26 March 2003.

⁵⁵ ICG interview with State Department official, 24 March 2003.

⁵⁶ See DFID, "Update", 25 March 2003, available at <http://www.dfid.gov.uk>.

⁵⁷ Shortly before this report went to press, the UN had actually received U.S.\$34 million. See: The Secretary-General, Statement to the Security Council, New York, 19 March 2003.

⁵⁸ ICG interview in Washington with an embassy official of a government not a member of the U.S.-led coalition, 26 March 2003. Although not the subject of discussion, the corridor talk indicated great reluctance on reconstruction, however, if a U.S. administrator is to run the show.

⁵⁹ Executive Office of the President, "Requests for FY 2003 Supplemental Appropriations", op. cit.

⁶⁰ See: "ECHO funding for humanitarian actions in Iraq since 1992" available at <http://europa.eu.int/comm/echo>.

⁶¹ See: Press Release, Poul Nielson, European Commissioner for Development and Humanitarian Aid, "EU Humanitarian Response to War in Iraq", Brussels, 20 March 2003.

⁶² See: ECHO, "Assisting the Iraqi Population", last updated 25 March 2003, available at http://europa.eu.int/comm/echo/field/iraq/index_en.htm#news.

political reasons, it has been unwilling to share details.⁶³ Chris Patten, the EU External Relations Commissioner, warned that Europe may be more reluctant to pay for humanitarian relief and reconstruction resulting from a war launched without explicit UN authorisation.⁶⁴ Another EU official added that it is primarily the lack of consensus within the EU Council of Ministers that has prevented the EU from coming forward with a clear policy in this respect.⁶⁵

More recent talks between European and U.S. officials suggest that a shared arrangement ultimately may be worked out.⁶⁶ On 20 March 2003, the European Council of Ministers declared its commitment to “be actively involved” in providing emergency relief, though it failed to provide details.⁶⁷ Still, after-effects of the decision to go to war without UN approval linger on. France, for example, has signalled it would resist any action at the UN that would be tantamount to a retroactive endorsement and legitimatisation of the war; as a first indication, it has indicated displeasure with

plans to use funds from the Oil for Food Program to pay for relief operations occasioned by the war, taking the position that those responsible for the destruction and disruption ought to pay.⁶⁸

D. NGO PLANNING

NGOs are planning to deal with an emergency situation in various ways. Those that are not present in Iraq – for lack of ability or will – are combining with local partners and will distribute supplies principally from Jordan.⁶⁹ The majority of the approximately twenty NGOs currently operating inside Iraq have made contingency plans to shift to emergency mode as soon as conditions require.⁷⁰ Like UN agencies, international NGOs – though not the International Committee of the Red Cross (ICRC), which is an international relief organisation – evacuated their expatriate staff before the onset of hostilities. Still, most express confidence that local staff will be able to maintain humanitarian operations as long as their safety, fuel supplies and freedom of movement allow them to operate.⁷¹ The Iraqi Red Crescent Society (IRCS), which acts as the Iraqi government’s principal interlocutor, has developed its own emergency plan in coordination with the International Federation of the Red Cross and Red Crescent Societies (IFRC).⁷² The ICRC has provided emergency training for Iraqi volunteers, set up emergency hospitals to be staffed by such

⁶³ EU officials explain this secrecy as follows: First, as long as options other than war were being pursued, any operational plan could only be a rough internal draft. Secondly, by publicising its operational plans in the event of war, ECHO would have put its local implementing partners at risk of hostile action by Iraqi government agents. ICG interviews with EU officials in Brussels, February 2003. As one EU official put it, until war starts “we are willing to talk and exchange information but coordination on contingency planning is presently not in the cards”. ICG interview, Amman, February 2003.

⁶⁴ “I would find it much more difficult to get the approval of member states and the European parliament if the military intervention that had occasioned the need for development aid did not have a UN mandate”. Chris Patten cited in *The Guardian*, 14 January 2003. Patten reiterated this point in February. See speech by Chris Patten, External Relations Commissioner, Strasbourg, 12 February 2003.

⁶⁵ ICG interview with senior European official in Brussels, January 2003.

⁶⁶ As stated by Rockwell Schnabel, the U.S. ambassador to the European Union: “There are very, very active discussions between the United States and Europe about a post-Saddam action plan. That of course involves all sorts of things, including financial commitments”. Cited in *International Herald Tribune*, 7 February 2003.

⁶⁷ See: European Council, “Statement on Iraq”, 20 March 2003.

⁶⁸ ICG interview with French official, Paris, 24 March 2003.

⁶⁹ Church charities, in particular, prefer to rely on existing networks as opposed to setting up their own projects in Iraq. The Middle East Council of Churches in Amman advises newcomers to work through Caritas-Iraq, which has wide experience in Iraq. ICG telephone interview with MECC-Amman, February 2003.

⁷⁰ From the end of January 2003, the Iraqi government signalled its willingness to allow more international NGOs into the country.

⁷¹ For example, Margaret Hassan, Care-Iraq Director, asserted that that “local officials and provincial administration are reasonably competent; should international NGOs and officials withdraw, local staff would likely be able to keep extant programs afloat”. Statement made at briefing in New York, 30 January 2003.

⁷² ICG telephone interviews with various NGO members, March 2003.

volunteers,⁷³ and stocked medical supplies in regional warehouses to meet the needs of up to 300,000 people.⁷⁴ It also is expected to play a central role in providing assistance to the internally displaced.

Most NGOs are struggling to obtain funds to buy and stock spare parts, generators, food supplies and medicines as government funding so far has been insufficient. The U.S. has contributed only relatively minor sums, preferring to make early deliveries itself, wait for on the ground assessments before making NGO program grants, or let the UN agencies be responsible for contracting with NGOs and, in general, to fund relief actions directly rather than through a trust fund.⁷⁵ Although the UK Department for International Development recently established a special fund worth U.S.\$4.7 million, disbursements have yet to be made.⁷⁶ Given both this financial shortfall and widespread apprehension about issues of organisational independence, NGOs thus far appear to be relying entirely on their own reserves or planning special appeals to attract public donations.⁷⁷

IV. RELIEF CAPABILITIES: A CRITICAL ASSESSMENT

A. COORDINATION

Current preparations are hampered by their disjointed nature. Instead of synchronised efforts, the past few months have seen uncoordinated planning by independent actors, creating a high likelihood for confusion, duplication and waste.

A principal reason for this lack of coordination is the profound international disagreement surrounding the decision to use force. Humanitarian agencies have been wary of preparing for a war that lacks international endorsement and therefore have restricted to a minimum the public sharing of their plans. Secrecy became the norm in a community usually accustomed to maximum publicity in order to raise public awareness and attract funding.

The reluctance of the EU and its ECHO office to identify potential contributions to the relief effort is only the most glaring example of how political considerations obstructed the typical flow of information. Political sensitivities did not prevent UN agencies from drafting contingency plans and undertaking preparatory measures, but they prevented them from assuming a more pro-active leadership posture and performing their habitual role of providing information to relief organisations, concerned states and the civilian population on the ground. Likewise, major humanitarian organisations with first-rate capabilities and long-standing experience in Iraq have not taken part in the process. The faster they can be back in Iraq after the war ends, the better.

Nor apparently because of the decision to have a military office heavily involved in the process, did the U.S. adequately share information about its plans. In fact, there seems to have been a deliberate decision to withhold such information and cooperation, as illustrated by the American refusal to participate in the humanitarian meeting organised

⁷³ ICG interview with ICRC official in Geneva, February 2003.

⁷⁴ ICG telephone interviews with officials from the International Federation of Red Cross and Red Crescent Societies, February 2003.

⁷⁵ See US Institute for Peace, "Humanitarian Response to a War in Iraq", 5 March 2003.

⁷⁶ See *The Guardian*, 5 March 2003. It should be noted that the UK government provides 19 per cent of European Union funding for Iraq; the bulk is provided to NGOs. DFID, "Update", 25 March 2003, available at <http://www.dfid.gov.uk>

⁷⁷ For example, the Disasters Emergency Committee, a British umbrella of various humanitarian agencies, announced it would launch a public appeal for humanitarian relief works in a "post-conflict environment". See DEC, "Iraq Crisis – DEC Agencies step up Emergency Preparedness Plans", 11 March 2003.

by the Swiss government in February 2003.⁷⁸ An alternative explanation – that U.S. humanitarian officials themselves were kept in the dark by their political and military authorities – may account for their conduct.⁷⁹ Indeed, as recently as the end of February, the Office of Reconstruction and Humanitarian Assistance – which had only been set up weeks before – appeared to be unfocused and disorganised. Moreover, widespread concern within the humanitarian community over the U.S. vision of civil-military relations in the humanitarian relief sector (see below) has also dealt the prospect of cooperation a serious blow.

A legacy of distrust and resentment between UN agencies and NGOs on the one hand, and the U.S. on the other, born of their very different approaches toward humanitarian efforts in Iraq under the sanctions regime, further complicated the picture. For all these reasons, the U.S., UN and relief organisations have been working largely along parallel tracks and have engaged in insufficient coordination. One UN official expressed to ICG suspicions regarding U.S. intentions:

Our big concern here is that the Americans retain control over everything from access to who provides aid. As the U.S. will likely be the main donor, they even control the funding that will be granted only after DART has assessed the needs on the ground and the decision has been taken as to which agency will be in charge of a particular response. They [the U.S.] will decide, and we [the UN] will implement. Or at least, this is how they see things.⁸⁰

The U.S. administration says it is seeking a strong UN humanitarian role, pointing to its funding of individual UN agencies, including UNOCHA, and efforts to get the Oil-for-Food resources into the Secretary General's hands for use on humanitarian and reconstruction. But if the politics are allowed to yield an end result of virtually sole U.S. control over the process, with some farming out to UN agencies, it would be a recipe for confusion and inefficiency on the ground – a fact already made apparent by the dispersion of the major players' headquarters throughout the Middle East. The UN operates from Cyprus; most NGOs are based in Amman; and DART has its main centre of operations in Kuwait.⁸¹ Although advanced communications technology will mitigate its negative effects, this geographic diffusion undoubtedly comes at a cost.

At this point, it is too late – and it would be unwise – to try to replace U.S. relief mechanisms in areas in which its troops are operating with a more coordinated, multinational structure. But it is important for all involved to reach quick agreement on an adjusted, far more harmonised mechanism, which should be made operational as soon as minimum safety and security are restored.

Regardless of past political disagreements over the legitimacy of the war, the UN has a responsibility toward the people of Iraq to play a lead coordinating role in providing humanitarian aid to civilians and the United States government has a responsibility to agree to it, not only in word,⁸² but also in deed. Failure to de-link relief efforts from diplomatic disagreements immediately would likely undermine the credibility of the UN for years to come.⁸³ More importantly, by slowing down the provision of

⁷⁸ The meeting, held 15-16 February 2003, was attended by delegates from over 30 countries and twenty international humanitarian aid organisations including several UN agencies.

⁷⁹ During interviews several U.S. officials involved in humanitarian preparations frequently professed to have insufficient knowledge of both U.S. intentions and basic facts on Iraq, or they merely stated that crucial details “have been the subject of discussion but so far no policy decisions have been taken”. ICG interviews in Washington D.C. and New York, February-March 2003.

⁸⁰ ICG telephone interview with an OCHA official, March 2003.

⁸¹ Even NGOs that were willing to set up base in Kuwait have faced tremendous difficulty in obtaining permission from the Kuwaiti government to enter. ICG telephone interview with humanitarian NGO member, 24 March 2003.

⁸² On 25 March, USAID stated: “The U.S. Government fully supports the UN mandate for the coordination of humanitarian assistance”. See: USAID Press Office, “Fact Sheet”, 25 March 2003.

⁸³ Several senior UN officials, expressing their frustration over current preparations for a humanitarian crisis in Iraq, underscored their concern about the future credibility of the UN. ICG interviews, New York, March 2003.

urgent humanitarian relief, it could put the lives of Iraqi civilians needlessly at risk. Finally, failed U.S./UN cooperation on the humanitarian front would make it all the more difficult to reach agreement on a UN temporary civilian administration that, in ICG's judgment, will be required.⁸⁴

B. THE CIVIL-MILITARY INTERFACE

The relative success of relief efforts in Northern Iraq after the 1991 Gulf War helped persuade international relief agencies that military forces could be effective and important partners in responding to complex emergencies. At the same time, subsequent military interventions in Somalia, Rwanda, the former Yugoslavia and, most recently, Afghanistan have highlighted the different perspectives and priorities of civilian organisations and the military. Washington's approach to humanitarian relief operations in Iraq and its chosen institutional mechanism raise concerns about its ability to keep this distinction clear and segregate the humanitarian from the military.

While U.S. plans for the civilian administration of Iraq remain unclear, the working assumption is that an American military administrator will be placed in overall authority, at least in the initial stages.⁸⁵ The decision to place responsibility for post-conflict reconstruction within the Department of Defence has been a particular source of concern to the humanitarian community. While DART workers are supposed to act *de facto* as intermediaries between the U.S. military and relief organisations, thereby minimising the need for the two to negotiate directly,⁸⁶ there still is lingering concern about the military role, fuelled in large part by ORHA's assumed pre-eminence.

Tensions over relief coordination between UN agencies and U.S. relief institutions on the ground seem to have emerged already. One WFP official expressed frustration over his agency having to await "orders" from DART and HOC and relying on their provision of information before being able to take steps to resume food supplies to the port of Umm Qasr.⁸⁷ Humanitarian aid workers have also protested against insistence by HOC that they wear U.S. military identification badges, fearing that this would taint their neutrality in the eyes of the local population.⁸⁸ Having UNOCHA coordination would remove this concern since they could wear UN-authorised badges.

As in all conflict situations, humanitarian relief must rely on the military to provide access and security. From the point of view of humanitarian organisations, however, the institutional coordination mechanisms put in place by the U.S. threaten to jeopardise their independence and blur the essential distinction between humanitarian action and military operations. As one humanitarian worker put it, "bombs, biscuits and meds are now one and the same, falling from above to both destroy and heal".⁸⁹ International relief organisations understandably are leery of "putting their civilian assets . . . under U.S. government control",⁹⁰ and, in so doing, putting the safety of their own personnel at risk.

Although some U.S. humanitarian NGOs which traditionally are key actors in U.S. relief efforts have been given planning and pre-positioning funding, major program grants have yet to be made. Part of the reason is that final needs assessments will have to await the DART team landing and providing that information. But another, important, part of the reason is the lack of clarity about who will do the coordination in

⁸⁴ See ICG Middle East Report No. 11, *War in Iraq: Political Challenges After the Conflict*, 25 March 2003.

⁸⁵ *Ibid.*

⁸⁶ As stated by Bear McConnell, director of USAID's Office of Foreign Disaster Assistance: "What we tell the NGOs is, if you are uncomfortable with dealing directly with the military, well, that's a role that we can fulfil". Press briefing by Andrew Natsios and senior aides, U.S. Department of States, 25 February 2003.

⁸⁷ ICG telephone interview with WFP official, 21 March 2003. It should be noted that this disagreement occurred at a time when U.S. and UK forces were still facing pockets of resistance in Umm Qasr.

⁸⁸ See: David Finkel, "Aid Efforts for Iraqis Stalled at Border", *The Washington Post*, 24 March 2003.

⁸⁹ ICG telephone interview with member of humanitarian NGO, 24 March 2003.

⁹⁰ Council on Foreign Relations Task Force Report, "Post-Conflict Transition in Iraq", March 2003.

country. Some NGOs have said they need to know whether they will be working under a UN humanitarian coordinator, which would be fine for them, or a U.S. military coordinator, which would not. Their concern is that breaching the ethic of separation between military and civilian forces that historically has permitted humanitarian relief to be respected as independent would not only raise risks to relief workers but also reduce the likelihood of success.⁹¹

From a U.S. perspective, moreover, excessive ownership of the process carries its own risks. International actors will be less prone to share in the financial burden; organisations with considerable expertise in various areas will be more reluctant to participate; and, over time, the U.S. will be more likely to be perceived, in Iraq and in the rest of the region, as an occupying power pursuing its own interests. Internationalisation of the assistance process, including a leading role for the UN, would resolve many of these problems.

The United Nations is the appropriate entity to run and coordinate Iraq's transitional administration – in close coordination with the many professional Iraqis who exercised responsibilities under the Baathist regime but have not been associated with its crimes, and with qualified exiled Iraqis.⁹² This is particularly true in the field of humanitarian assistance. The U.S. military, of course, has an essential role to play: providing security and facilitating access to disaster areas and relief distribution. As one WFP official indicated, protecting the safety of food storage facilities is as crucial to preventing famine as is re-establishing the food supply.⁹³

C. FUNDING: TOO LITTLE AND PERHAPS TOO LATE

In the humanitarian workers' worst nightmare, funding for emergency operations is insufficient, arrives piece-meal and is dictated by political

considerations. To listen to some of those who are now focused on Iraq, this is precisely what is happening.

With UN agencies already facing a deficit of at least U.S.\$80 million, it is clear that current funding is insufficient to cover major tasks that will flow from the war, even assuming a relatively swift outcome. Many potential donors, foremost among them the European Union, have been standing on the sidelines for months, despite realising that humanitarian relief capabilities would suffer greatly without their traditionally generous funding.⁹⁴ As a result, many European NGOs and UN agencies that rely on European funding are likely to be dwarfed by their U.S. counterparts. Yet, unlike the latter, European NGOs have maintained aid programs in Iraq for over ten years; their marginalisation would mean an under-utilisation of human capital, expertise on humanitarian needs and close relationships with Iraqi officials and aid professionals.⁹⁵

Some NGOs, reluctant to accept funds from one of the parties in the conflict and concerned about their independence, said they would not apply for U.S. funding.⁹⁶ At least one suggested some clarifying language in the grant that indicated it was not taking a position on the conflict but was acting solely for humanitarian purposes. They complain that their reluctance has triggered discriminatory treatment by the U.S. According to them, U.S. humanitarian efforts in Iraq – via DART – are giving preferential

⁹¹ ICG interview with NGO officials in Washington 25 March 2003.

⁹² See ICG Middle East Report, *War in Iraq: Political Challenges After the Conflict*, op. cit.

⁹³ ICG telephone interview, February 2003.

⁹⁴ EC humanitarian aid in 2001 amounted to €543.7 billion, 62 per cent of which went to European NGOs and 11 per cent to humanitarian assistance in the Middle East. See:

http://europa.eu.int/comm/echo/statistics/echo_aid_en.htm.

⁹⁵ ICG telephone interviews with members of Save the Children-UK, Première Urgence and Enfants du Monde, February-March 2003.

⁹⁶ ICG interviews with humanitarian workers in Amman, February 2003. See also Nicolas Pelham, "Aid Groups Face Dilemma", *Christian Science Monitor*, 12 February 2003. Some humanitarian agencies based in the U.S. resolved this dilemma by arguing that accepting U.S. funding provides them better access to U.S. government bodies. As a result, they claim to have been in a better positioned to raise humanitarian concerns before and during the U.S. invasion. See statement by the International Rescue Committee, cited by Reuters 10 February 2003.

access and treatment to U.S.-based NGOs that have no record of activities in Iraq, but that are recipients of U.S. funding.⁹⁷ Other non-U.S. NGOs make a different point – namely that the U.S. so far has been awarding contracts to American NGOs only.⁹⁸

D. BUREAUCRATIC OBSTACLES

The U.S. has maintained rigid bureaucratic obstacles that have hampered the ability of its own NGOs to travel to Iraq and deliver essential goods. The administration has only recently relaxed these rules, but privately funded U.S. NGOs continue to suffer serious delays while preparing to provide relief in Iraq.

Pursuant to U.S. law, American humanitarian NGOs must obtain registration papers and licenses from the Office of Foreign Assets Control (OFAC) if they are to operate in Iraq. The relevant procedures are frustratingly complicated, requiring State Department clearance and final guidance back to OFAC and then approval, which in extreme cases may take up to seven months.⁹⁹ In anticipation of the war, U.S. humanitarian workers urged that these rules be relaxed; for months, their call went unheeded.¹⁰⁰ As a result, U.S. humanitarian agencies

were unable to conduct relief assessments in Iraq or provide much-needed supplies.¹⁰¹

Compounding the problem, tight OFAC rules also apply to Iran, further hampering efforts to provide assistance to Iraqi refugees. Following State Department agreement on new procedures, the U.S. government made the long-awaited adjustment on 25 March 2003. Now State and USAID grants will include a license for both Iraq and neighbouring Iran. However, privately funded U.S. NGOs still must go through the OFAC process, and they continue to complain of difficulties getting the necessary licenses for work in Iraq or Iran.¹⁰²

⁹⁷ In early February, the U.S. Office for Foreign Disaster Relief Assistance (OFDA) released U.S.\$2 million to a consortium of NGOs that have recently established a base of operation in Amman, including International Medical Corps, International Rescue Committee, Mercy Corps, Save the Children and World Vision for the purpose of information sharing, contingency planning and pre-positioning supplies. See Reuters, 10 February 2003.

⁹⁸ The USAID administrator, Andrew Natsios, justified the decision to choose American contractors: "In order to work in Iraq you have to have a security clearance and the only companies that have security clearances are a certain number of American companies that have done this work before in war settings". *The New York Times*, 23 March 2003.

⁹⁹ ICG telephone interview with member of Interaction, the U.S. coalition of humanitarian NGOs, March 2003.

¹⁰⁰ See: Interaction, "Iraq Contingency Planning: Breakthroughs and Frustration", press statement, 24 February 2003; "Joint Statement" by Refugee International and the International Rescue Committee, 21 February 2003; Gill Loesher, "A Disaster Waiting to Happen", <http://www.observer.co.uk/comment/story/0.6903.886602.00.html>. Still in January 2003, a spokesperson from the U.S.

State Department indicated that the U.S. administration was not planning to relax OFAC licensing for Iraq: "We [can not] approve every license for everybody to go wherever they might be thinking. So, as I said, the licensing process is in the hands of Treasury and I do not have anything more to say on it". State Department spokesperson Richard Boucher, U.S. Plans Humanitarian Assistance for Iraqi People in Case of War", press conference transcript, 16 January 2003.

¹⁰¹ One aid worker said: "The constant obstruction by OFAC has severely affected our ability to be prepared for war". ICG interview with aid worker in Amman, February 2003.

¹⁰² ICG interview with NGO official, Washington, 25 March 2003.

V. REGIONAL PREPAREDNESS: NEIGHBOURS AND REFUGEES

Iraq's neighbours still are recovering from the influx of more than three million Iraqi refugees in 1990-1991 and are reluctant to see history repeat. International promises of financial aid are greeted with great scepticism, since little materialised after the Gulf War.

A. IRAN

Most Iraqi refugees are expected to cross into Iran, the country with which Iraq shares its longest border. There are three border crossings from Kurdish-controlled Northern Iraq, at Haj Omran/Piranshahr; Senaddaj/Penjwin; and Qasr-e Shirin. All were open on 27 March 2003. There are also border crossings from Iraqi government-controlled territory. Given Iran's initial position that it will not accept a new wave of refugees, Iraqis are likely to attempt to cross into Iran at other points along the border. Refugees may have to cross extensive mine fields in some instances, especially in the southern border area. While UNHCR has estimated that as many as 300,000 could flee towards Iran (chiefly from Shiite areas in southern and central Iraq),¹⁰³ expectations of a large influx so far have not materialised.¹⁰⁴

During the last few months, the Iranian position has shifted from a strict no-entry policy, first to one of closed doors and assistance only inside Iraqi territory, and now to one permitting entry "not very far in."¹⁰⁵ Iran has hosted more refugees than any other country during the past two decades, including almost 1.5 million from Iraq¹⁰⁶ and more

than two million Afghans and has received very little international assistance in exchange;¹⁰⁷ hence its reluctance to accommodate a new wave.¹⁰⁸ At this point, however, Iran appears resigned to the potential influx of a limited number of refugees, should they be in dire need.¹⁰⁹

Somewhat grudgingly, the Iranian government has started preparing refugee camps on the southern border strip near Ahwaz. It has requested that international organisations provide the necessary equipment and is facilitating access to areas adjacent to the camps for UNHCR, other UN agencies and various NGOs. The Iranian authorities and UNHCR also have agreed on a joint contingency plan, and there is now much less concern that Iran will refuse to provide access, protection and assistance.¹¹⁰ Moreover, various international organisations have been able to stockpile relief supplies around Kermanshah, and UN agencies have received confirmation from the Iranian government that they will be allowed to cross into Iraq as soon conditions allow.¹¹¹

In short, serious progress has been made in recent weeks. Moreover, there have been no massive refugee arrivals.¹¹² Yet, immediate concerns remain. First, it is uncertain whether the three Iranian refugee camps currently in place will

¹⁰³ See statement by United Nations High Commissioner for Refugees, Ruud Lubbers as cited by Reuters, 4 February 2003.

¹⁰⁴ ICG telephone interview with UNHCR official, 21 March 2003.

¹⁰⁵ According to Iran's Deputy Interior Minister, "if there are any major refugee movements, our policy is to keep our borders closed unless we recognise that the lives of people are in danger". SPA, 22 March 2003.

¹⁰⁶ On 1 May 1991, according to the UNHCR, Iran was sheltering a total of 1,410,000 refugees (predominantly

Kurds and Shiites). See Lawyers Committee for Human Rights, *Asylum Under Attack*, (New York, 1992), p. 43.

¹⁰⁷ Rajaei, B. "The Politics of Refugee Policy in Post-Revolutionary Iran", op. cit. and AIJ-FIDH "Displaced persons in Iraqi Kurdistan and Iraqi Refugees in Iran", Alliance Internationale pour la Justice, International Federation for Human Rights, Paris, 2003.

¹⁰⁸ Iran has also protested the slow pace of repatriation of its Afghan refugees, which compares unfavourably to Pakistan. See: Agence France-Presse, 15 October 2002; Deutsche Presseagentur, Teheran, 31 December 2002; Iranian News Agency, Teheran, 26 January 2003.

¹⁰⁹ ICG interview and telephone interviews with UNHCR official, February-March 2003.

¹¹⁰ Ibid.

¹¹¹ ICG telephone interviews with officials of WFP and UNICEF, February 2003.

¹¹² See UN Office of the Humanitarian Coordinator for Iraq, "Humanitarian Situation Report", No 5, 23 March 2003.

suffice in the event of a more massive influx.¹¹³ Secondly, up to 22,000 Iraqi Kurds are reported to have positioned themselves near the Iranian border but have so far made no attempt to cross into Iran.¹¹⁴ Finally, there is a risk that the Iranian government may insist on initiating repatriation schemes before the situation in Iraq has sufficiently stabilised, especially if the international community fails to provide adequate financial assistance to help it cope.¹¹⁵

B. TURKEY¹¹⁶

For reasons essentially related to its own Kurdish minority, Turkey has signalled that it will not open its border to fleeing Iraqis who, for reasons of geography, would most likely be Kurds. Instead, it plans to establish camps under its control in the valleys abutting its border. Turkey also has indicated it would not allow either NGOs or UN agencies to cross through its territory to provide relief to refugees on the Iraqi side of the border. The Turkish military and the Turkish Red Crescent Society will be responsible for supervising the camps. Given the historically tense relationship between Turks and Kurds, there is reason to be concerned.

¹¹³ See Associated Press, 21 March 2003; UN Office of the Humanitarian Coordinator for Iraq, "Humanitarian Situation Report", No 3, 21 March 2003. On 24 March, UNHCR reported that the Iranian government finally accepted the activation of a refugee camp at its border with Northern Iraq. Yet its policy not to admit refugees in this region remained unchanged. See UN Office of the Humanitarian Coordinator for Iraq, "Humanitarian Situation Report", No 6, 24 March 2003.

¹¹⁴ See UN Office of the Humanitarian Coordinator for Iraq, "Humanitarian Situation Report", No 8, 26 March 2003.

¹¹⁵ An official of the Iranian government expressed his dismay over what he called the failure of the international community to help Iran provide relief for possible Iraqi refugees. See Kuwait News Agency, 26 March 2003.

¹¹⁶ The case of Turkey is more fully developed in ICG Middle East report No. 10, *War in Iraq: What's Next for the Kurds*. Only key points will be highlighted here.

C. JORDAN, SYRIA, SAUDI ARABIA AND KUWAIT

Neighbouring Arab states are equally reluctant to host Iraqi refugees. All fear that a new wave will entail a heavy budgetary burden and pose a security threat, especially if population movements include Iraqi government agents. Jordan is already the unwilling host of about 300,000 Iraqis, of whom many are de facto if not de jure refugees.¹¹⁷ Amman further fears the economic impact of a refugee influx.

Syria hosts about 50,000 Iraqis, a level its authorities consider manageable but would not like to see increase. Saudi Arabia and Kuwait are still trying to find resettlement countries to take in Iraqi refugees who stayed after the Gulf War and were recognised by UNHCR. Fears of infiltration by Iraqi agents have further contributed to both countries' decision to fortify their sealed borders with Iraq.¹¹⁸ That said, Saudi Arabia has committed to providing Jordan with funds to take in refugees,¹¹⁹ while it has stocked humanitarian goods at its own border.¹²⁰ The border with Kuwait is currently open but there have been no reports of refugee arrivals.¹²¹

Syria signalled its willingness to cooperate fully with UN agencies and the ICRC and host between 20,000 and 60,000 refugees in its facilities at al-Hol and

¹¹⁷ G. Chatelard, "Incentives to Transit: Policy Responses to Influxes of Iraqi Forced Migrants in Jordan", Working Paper n°50 (2002), Robert Schuman Centre for Advanced Studies, European University Institute, Florence and WCRWC "Living in Fear: Protection and Assistance Needs of Iraqi Civilians in Iraq and Jordan", Women's Commission for Refugee Women and Children, New York, 2003.

¹¹⁸ As this report went to press, there were no reports of arrivals of Iraqi refugees at the Saudi or Kuwaiti borders. The UN fears that, at worst, 200,000 refugees may try entering Kuwait but it sees 50,000 as more likely. UN Office of the Humanitarian Coordinator for Iraq, "Humanitarian Situation Report", No 3, 21 March 2003.

¹¹⁹ ICG interview with UNHCR official.

¹²⁰ See UN Office of the Humanitarian Coordinator for Iraq, "Humanitarian Situation Report", No 8, 26 March 2003.

¹²¹ See UN Office of the Humanitarian Coordinator for Iraq, "Humanitarian Situation Report", No 5, 23 March 2003.

near the Abu Kamal border crossing with Iraq.¹²² Both locations were already used in 1991. If refugee pressure builds, it will be essential that international donors help Syria shoulder this burden and that international NGOs assist the Syrian authorities and UNHCR in providing relief to Iraqi refugees.

In Jordan, the UN has anticipated up to 35,000 Iraqi refugees.¹²³ Moreover, as happened during the Gulf War, Jordan is expected to become the main exit point for foreign nationals residing in Iraq, such as Egyptians, Somalis, Sudanese and stateless Palestinians.¹²⁴ Refugees will be hosted in tent camps with the support of UN agencies and local and international NGOs.¹²⁵ Through the first few days of the war, however, no refugees arrived.¹²⁶ The Jordanian government has stated its willingness to take in third country evacuees, who are generally sent on their way to their home countries within days. Yet, it has repeatedly declared that it would not host a large number of Iraqi asylum seekers. It also remains unclear whether Jordan would allow entry to stateless Palestinians.¹²⁷

After initially threatening to seal its borders and only provide assistance to refugees inside Iraqi territory, Jordan designated sites for two refugee camps about 60 kilometres inside its border, near the Amman-Baghdad highway. Aid agencies have been invited to provide funds and supplies to set up the camps. Under the supervision of UNHCR, these NGOs will be in charge of providing general assistance, but supplying water in the desert environment of the camps will be an additional challenge. The Jordanian police are to ensure general security.

Because UN agencies, NGOs and the U.S. government have based so much of their emergency strategies on the ability to provide cross border relief, it is essential that Iraq's frontiers with neighbouring states remain open to aid providers. Should they be closed, supplies of essential, life-saving goods and equipment will not reach those most in need in Iraq. To date, this has not occurred on a large scale. However, Turkey is reported to have prevented a WFP food convoy from entering Northern Iraq, while Turkish contractors are reluctant to send vehicles.¹²⁸ Jordan has delayed humanitarian NGOs in their efforts to send assistance into Iraq, forcing them to use supply lines from Syria instead.¹²⁹ Furthermore, it is equally important that, to the maximum extent possible, Iraq's neighbours agree to provide safe haven in their countries. If they refuse and camps are established along their boundaries inside Iraq, they should provide full access to relief organisations and, in the case of Turkey, allow a U.S. military liaison presence in the camps to assuage Kurdish fears.

International cooperation in shouldering the burden of any Iraqi refugee crisis will be essential if relief efforts are to succeed. UNHCR is seriously strapped for cash. Thus far it has received only one-third of its funding appeal for Iraq operations.¹³⁰ It has had to shift supplies from the Balkans and Afghanistan for

¹²² See United Nations Inter-Agency Standing Committee, *op. cit.*

¹²³ *Ibid.*

¹²⁴ Between 60,000 and 170,000 Egyptians still work in Iraq. They are the country's largest foreign community. As of 26 March, 536 third country nationals had entered Jordan of whom 363 had already departed. See UN Office of the Humanitarian Coordinator for Iraq, "Humanitarian Situation Report", No 8, 26 March 2003.

¹²⁵ ICG interview with IOM official, February 2003. Civilians in southern Iraq are well aware of the existence of mine fields along the border with Iran. This was one reason why, after 1996 – when Saddam's regime began mining this area – many asylum seekers came to Jordan instead. ICG telephone interviews with members of humanitarian community in Jordan, February-March 2003. ICG interview with Iraqi refugees in Jordan and Iran, 2001-2002

¹²⁶ See UN Office of the Humanitarian Coordinator for Iraq, "Humanitarian Situation Report", No 8, 26 March 2003. A UNHCR official attributed the absence of Iraqi refugees to "the inability of Iraqis to reach the border". Cited in *The Jordan Times*, 23 March 2003.

¹²⁷ There are several tens of thousands of Palestinians in Iraq. The UNHCR is concerned they may not be welcomed in Jordan if they decided to flee. ICG telephone interview with UNHCR official, 24 March 2003.

¹²⁸ See UN Office of the Humanitarian Coordinator for Iraq, "Humanitarian Situation Report", No 3, 21 March 2003.

¹²⁹ See UN Office of the Humanitarian Coordinator for Iraq, "Humanitarian Situation Report", No 8, 26 March 2003.

¹³⁰ UNHCR press release, 18 March 2003.

this effort, and is drawing on its reserves to purchase supplies and transport them to neighbouring countries. The U.S. in particular ought to bolster its contribution to UNHCR so it can prepare itself for the worst.¹³¹ The European Union and its member states – the UK in particular – should pursue far more active policies to encourage Iran and neighbouring Arab states to cooperate with UNHCR. Thus far, there has been very little engagement to ensure an effective relief operation for Iraqi refugees.¹³²

VI. CONCLUSION: THE CHALLENGES AHEAD

The international community's failure to think ahead and fully coordinate its efforts already has put the humanitarian effort at risk. While the worst case scenarios might not materialise, humanitarian needs did not first arise with the U.S. military operation and will not vanish once it is completed. To promote a sustained and effective humanitarian effort, therefore, the means to finance, manage and coordinate further relief must be found. In addition, humanitarian actions undertaken now will profoundly affect long-term efforts to rebuild Iraq.¹³³

Planning should be sensitive to the dangers – both political and humanitarian – associated with a situation whereby the U.S. shoulders all political and administrative responsibilities in the transitional period to Iraqi self-government.

- Any sustained relief effort in Iraq will require substantial expenditure of resources and funds, and must therefore involve the international community as whole, including official and non-official actors.
- The controversy surrounding the war risks undermining cooperation in myriad important ventures. One way to begin healing the breach, restoring critical international ties and rebuilding the UN's credibility will be to engage in a multilateral, UN-led effort regarding post-conflict Iraq.
- A dominant, all-U.S. role in post-war Iraq, even if only temporary, would likely become a source of resentment both within Iraq and throughout the region. This could affect the ability of humanitarian agencies to solicit cooperation from Iraqi aid professionals and neighbouring governments.
- A U.S.-controlled transitional administration would likely become an impediment to

¹³¹ UNHCR reportedly was asked to communicate to Teheran that the U.S. would, in due time, provide the UN enough funding to help Iran, should a refugee influx occur. A UNHCR official expressed doubt that this U.S. commitment would be upheld. ICG interview with UNHCR official in Geneva, February 2003.

¹³² British International Development Secretary Clare Short stated that the UK government had had no direct discussion with any of Iraq's neighbours with regard to their refugee policies. See Iranian News Agency, 11 February 2003. Japan offered U.S.\$100 million to Jordan as emergency aid to ease the impact of the war. See Agence France-Presse, 23 March 2003.

¹³³ The following issues will be expanded upon in a forthcoming ICG report on post-war economic reconstruction.

funding by foreign donors, who may not want to be associated with what may be perceived as a foreign occupation of Iraq.

- Finally, the U.S. military are not mandated or trained, nor do they possess sufficient knowledge of Iraq to identify humanitarian needs and effectively coordinate relief efforts. International relief organisations, many of which have operated in Iraq for years, have that capacity.

As more fully argued in a companion ICG report, once hostilities have ceased, the UN ought to establish a transitional civil authority in Iraq with full executive and legislative powers.¹³⁴ How the initial humanitarian aspect is handled may have an important impact on whether and to what extent the UN will play a role in the broader post-conflict picture.¹³⁵ But even in the event an alternative option is selected, the UN should retain control of humanitarian assistance. While the UN still appears reluctant to assume the broader tasks of a civilian administration, it has no such compunction as far as humanitarian aspects are concerned.¹³⁶ Aid workers on the ground also agree, seeing in the UN a “buffer” or “countervailing force” between them and the U.S. military, and one that will give their relief efforts “a seal of international consent”.¹³⁷ The UK, too, has been pressing for a UN administration in post-conflict Iraq.

Debates in the Security Council about the exact shape of the UN’s involvement are likely to be difficult. In fact, even putting the issue on the agenda of the UNSC is challenged by some, like Syria, who will argue up to the last moment that the current government is the sole representative of Iraq in the UN. As one UN official predicted,

“some bitterness [about US military action] will linger on” and at least temporarily prevent a constructive debate.¹³⁸ But the priority should be forward looking, focused on how best to help the Iraqi people, rather than on re-litigating the issue of how we got to where we are.

UNSC action is most urgent in relation to the Oil-for-Food program. Even if international funding turns out to be sufficient to finance the immediate relief response, it is bound to fall short when it comes to a comprehensive and sustained humanitarian action. This program is an important source of funds; until the start of the war, it financed and facilitated the provision of food and humanitarian goods by allocating 72 per cent of Iraqi oil proceeds for 24 sectors including food and food handling.¹³⁹ It has now been suspended, except for Northern Iraq where it is run directly by the UN. In the aftermath of war, it will have to play an essential role in establishing and financing an upgraded relief effort, in addition to the longer-term reconstruction effort.

At the same time, many of the terms of the Oil-for-Food program rapidly will become irrelevant and, indeed, undesirable. If left unchanged, its restrictions on imports of dual-use items will continue to cause delays and hamper swift and effective relief.¹⁴⁰ Likewise, the absence of a cash component – which would be spent on locally

¹³⁴ ICG Report, *War in Iraq: Political Challenges after the Conflict*, op. cit.

¹³⁵ As one U.S. official told ICG, “if we don’t define the parameters with the UN in a way that gives them a major role now, it will set in place the answer as to what will happen several weeks from now”. ICG interview, Washington, 24 March 2003.

¹³⁶ ICG interview with senior UN official in New York, March 2003.

¹³⁷ ICG interview with a member of a large humanitarian NGO in Amman, February 2003.

¹³⁸ ICG interview with UN official in New York, March 2003.

¹³⁹ The other sectors include health, nutrition, electricity, agriculture and irrigation, education, transport and telecommunications, water and sanitation, housing, settlement rehabilitation (internally displaced persons - IDPs), mine action, allocation for especially vulnerable groups, oil industry spare parts and equipment, construction, industry, labour and social affairs, Board of Youth and Sports, information, culture, religious affairs, justice, finance, and Central Bank of Iraq. See: <http://www.un.org/Depts/oip/background/index.html>.

¹⁴⁰ Currently, imports may be refused by the UN 661 Committee for sanctions if such goods appear on an extensive Goods Review List. According to the latest report of the UN Secretary General, this list includes items such as heavy vehicles, veterinary vaccines, pumps, respirators and various medicines. See <http://ods-dds-ny.un.org/doc/UNDOC/GEN/N02/681/19/PDF/N0268119.pdf?OpenElement>

produced goods and services – will have pernicious effects.¹⁴¹

This, too, suggests the need for far greater – and more rapid involvement by the United Nations. A new Security Council resolution is needed both to revise the Oil-for-Food program and enable it to meet the needs of the Iraqi people and, more broadly, to revamp the entire sanctions regime.¹⁴² Cash should be released immediately from the so-called “unencumbered” funds in the UN Iraq account used to finance existing projects under the program.¹⁴³ Payments on war reparations – currently 25 percent of total oil revenues – need to be frozen temporarily until a decision is taken regarding a complete revision of the program.¹⁴⁴ Finally, frozen Iraqi international assets – estimated at U.S.\$2 billion – could be used to enable the UN to pay for relief and salaries of Iraqi civil servants and aid workers.¹⁴⁵ France and other countries that opposed the war may argue that it is inappropriate to use Iraqi funds to pay costs produced by a war launched without international approval. But this is a pragmatic and necessary step – provided that use of the Oil-for-Food proceeds and other Iraqi funds is

not treated as a substitute for donors, foremost the U.S. and the UK, to release their own humanitarian aid upfront.

As this report went to press, Secretary General Kofi Annan proposed that the UN “on an interim and exceptional basis” be granted the authority to use unencumbered funds in the UN Iraq account, review already approved contracts and sign new ones under the Oil-for-Food program for meeting the humanitarian needs of civilians throughout the entire country and of Iraqi refugees outside.¹⁴⁶ Currently, these powers are in the hands of the Iraqi government, which has usually prepared plans on how resources are to be allocated while acting as purchaser. Moreover, the current modalities of the Oil-for-Food program do not allow for assistance to refugees. Yet, for now, the only consensus emerging at the Security Council is to grant the UN authority to manage outstanding and already approved contracts for humanitarian goods under that program and distribute them in Iraq, leaving the status of the program unclear once those contracts have been carried out.¹⁴⁷ The Security Council was to begin talks on the issue at an ambassadorial level on 26 March.

¹⁴¹ From its creation in 1996, the Oil-for-Food program has not allowed the Iraqi government to receive any cash or to submit applications for payments to be made within Iraq. This has seriously hampered the ability to pay salaries to local government and humanitarian staff and helped increase Iraq’s dependence on imports.

¹⁴² As remarked by one senior UN official: “The worst that can happen is that the Security Council is going to mess around with mandates [regarding the Oil-for-Peace program] and one won’t even know how to sign a contract and order some medicines. The UN will get a bad name for that for years to come”. ICG interview with senior UN official in New York, March 2003.

¹⁴³ It is not publicly known what amounts are currently held in this account. Yet it appears that the available funds for Northern Iraq alone amount to U.S.\$1.1 billion. ICG telephone interview with member of a large humanitarian NGO, 24 March 2003.

¹⁴⁴ The amount of funds currently held in a separate account at the UN Compensation Commission is not publicly known. One official at the commission reportedly put the sum at U.S.\$1.2 billion. ICG interview with member of a large humanitarian NGO, 24 March 2003.

¹⁴⁵ Iraqi assets are held in twelve countries, the bulk in the U.S. and the UK. See Stephen Fidler and Guy Dinmore, “Debating How to Put Iraq Together Again”, in *The Financial Times*, 21 March 2003.

If an enhanced UN role is one priority, active Iraqi involvement is another. Once hostilities have ended, relief efforts should capitalise on the capabilities that already exist in Iraq – in terms of institutions, equipment and personnel. Taking advantage of existing, on-the-ground capacities would maximise the use of scarce resources; it would reduce the risks of aid-dependency in the medium and longer terms; and it would help promote local partners within Iraq’s civil society, who, ultimately, can be one of the engines of the country’s democratic transformation.

On this score, the United States has indicated that it will maintain and work with Iraq’s single most

¹⁴⁶ UN Secretary General Kofi A. Annan, “Letter to His Excellency Mr. Mamady Traoré, President of the Security Council”, New York, 19 March 2003. Kofi Annan statement to the Security Council, 26 March 2003.

¹⁴⁷ These existing contracts only cover supplies for one month. ICG telephone interviews with French government official and UN official, 24 March 2003.

important humanitarian institution, its central network of food distribution.¹⁴⁸ There is no guarantee, however, that this system, or at least parts of it, will not collapse during the war. Should that occur, the international community would need to step in immediately and find ways to distribute food. Still, U.S. acknowledgement of this vital component of Iraq's existing humanitarian infrastructure is an important step in the right direction.

That step should be followed by others, such as a commitment to reach out to all NGOs – U.S. and non-U.S. – and to rely on existing Iraqi administrators and civil servants beyond the food distribution sector, after appropriate vetting for human rights abuses. The two issues are directly related. Unlike most U.S. humanitarian agencies and organisations, European and other non-U.S. NGOs with a long track record in Iraq have a detailed knowledge of local capabilities and have established a network of contacts with Iraqi counterparts and implementing agencies. Keeping non-US NGOs at arm's length risks squandering both their expertise and the expertise, know-how and institutional structures of the Iraqi humanitarian relief community.¹⁴⁹

Granting relief a truly multilateral character now will also encourage countries other than the U.S. and its allies to become partners in Iraq's post-war reconstruction, thereby helping to generate the international legitimacy such an effort requires.

¹⁴⁸ ICG interview with senior UN official in New York, February 2003. One UN document states: "(T)he continued use of food and flour agents is probably the most practicable medium for food distribution in the post conflict phase. Preserving what is presently there and replacing those portions of the network that suffer during the conflict phase must be accorded high priority". UN, "Likely Humanitarian Scenario", strictly confidential, 10 December 2002.

¹⁴⁹ Public and private agencies in Iraq which have proven to be most capable in providing humanitarian relief include: The Iraqi Red Crescent Society, the Ministries of Health, Social Affairs, and Trade, the Directorate of Electricity, the Water and Sewage Authority, Civil Defense, the Water Authority of Baghdad Municipality; Caritas-Iraq, and mosques. ICG interviews with UN and NGO staff in Amman, Paris and Geneva, February-March 2003.

There is clearly a lot of work to do before such a level of cooperation can be achieved. Initial indications that the U.S., acting without consulting the UN or international NGOs, is awarding contracts to U.S. companies for various reconstruction projects provoked a storm of criticism.¹⁵⁰ The recent seizure by the U.S. Treasury of Iraqi assets has met with similar concerns.¹⁵¹ France, Russia, China and Syria, on the other hand, have signalled that they would obstruct moves at the Security Council that, in the words of French President Jacques Chirac, would "serve to justify military intervention after the fact".¹⁵² At least insofar as the humanitarian needs of the Iraqi people are concerned, it is time for opponents of military interventions in Iraq to start looking ahead and for the U.S. to resist the temptation to act on its own.

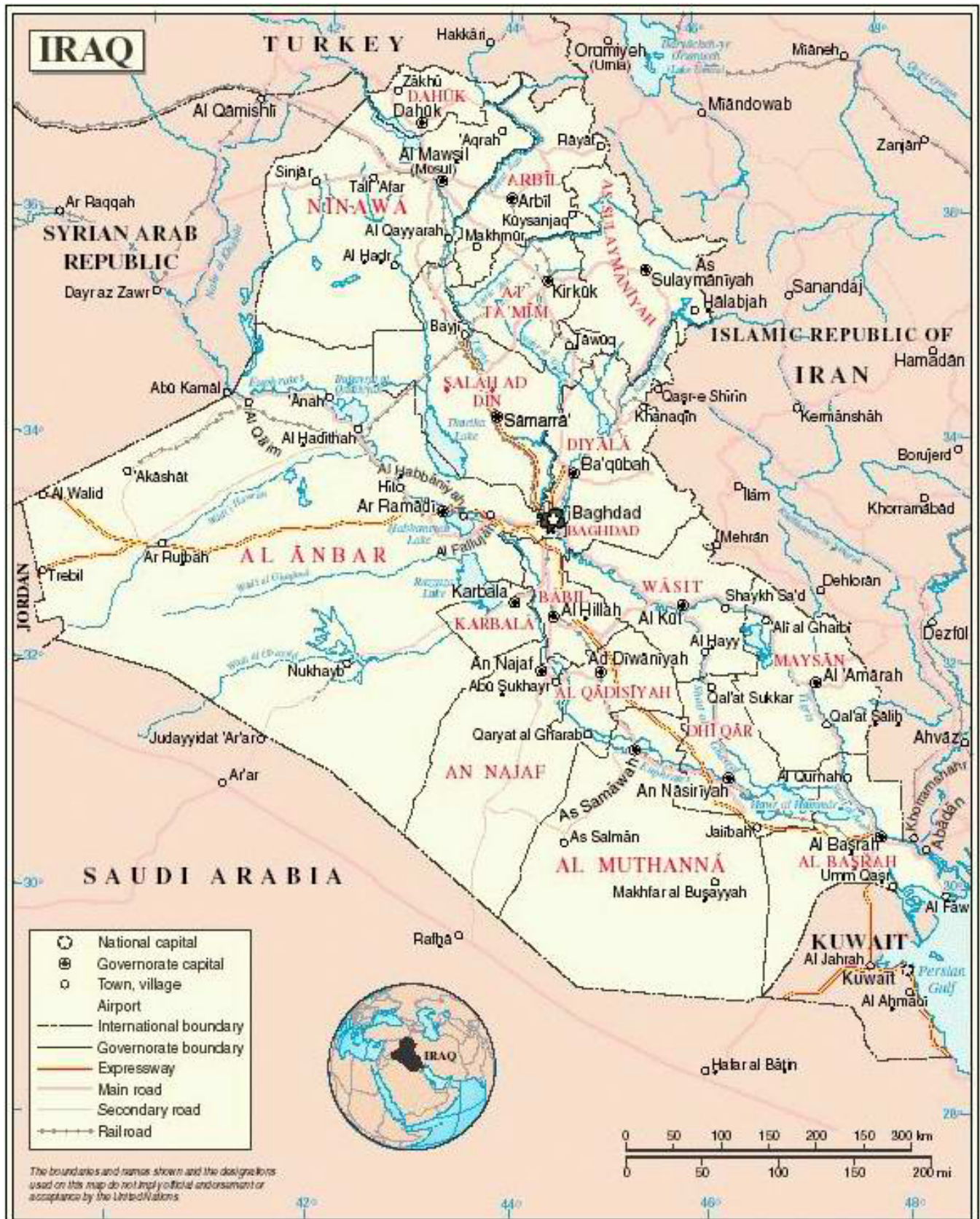
Amman/Brussels, 27 March 2003

¹⁵⁰ There are concerns, arguably exaggerated, that the U.S. may have in mind a unilateral approach to rebuilding Iraq. The USAID decision helped further fuel these fears. Chris Patten, the European commissioner for external relations, denounced the move as "exceptionally maladroit". Cited in *The Washington Post*, 21 March 2003. The decision also drew heat in the US. Some members of Congress complained that they had not been consulted and that the companies included several with strong political connections to the administration. See *New York Times* 23 March 2003.

¹⁵¹ On 20 March, the US Treasury seized more than \$ 1.4 billion of Iraqi assets frozen in US banks "for the benefit of the Iraqi people". It warned other countries to do the same or face financial sanctions. The legality of the measure has been disputed, especially since the assets have been transferred to an account in the New York Federal Reserve Bank – and not to the UN-controlled escrow account for Iraq. See *The Washington Post*, 21 March 2003; BBC News, 21 March 2003. <http://news.bbc.co.uk/2/hi/business/2872585.stm>

¹⁵² French President Jacques Chirac cited in *Le Monde*, 22 March 2003. On the position of other opponents of military intervention in the UNSC see: *Reuters*, "Muddled UN Negotiations on Oil, Food Plan for Iraq", 25 March 2003.

APPENDIX A MAP OF IRAQ



APPENDIX B

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (ICG) is an independent, non-profit, multinational organisation, with over 90 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

ICG's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, ICG produces regular analytical reports containing practical recommendations targeted at key international decision-takers.

ICG's reports and briefing papers are distributed widely by email and printed copy to officials in foreign ministries and international organisations and made generally available at the same time via the organisation's Internet site, www.crisisweb.org. ICG works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The ICG Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring ICG reports and recommendations to the attention of senior policy-makers around the world. ICG is chaired by former Finnish President Martti Ahtisaari; and its President and Chief Executive since January 2000 has been former Australian Foreign Minister Gareth Evans.

ICG's international headquarters are in Brussels, with advocacy offices in Washington DC, New York and Paris and a media liaison office in London. The organisation currently operates eleven field offices

(in Amman, Belgrade, Bogotá, Islamabad, Jakarta, Nairobi, Osh, Pristina, Sarajevo, Sierra Leone and Skopje) with analysts working in over 30 crisis-affected countries and territories across four continents.

In *Africa*, those countries include Burundi, Rwanda, the Democratic Republic of Congo, Sierra Leone-Liberia-Guinea, Somalia, Sudan and Zimbabwe; in *Asia*, Indonesia, Myanmar, Kyrgyzstan, Tajikistan, Uzbekistan, Pakistan, Afghanistan and Kashmir; in *Europe*, Albania, Bosnia, Kosovo, Macedonia, Montenegro and Serbia; in the *Middle East*, the whole region from North Africa to Iran; and in *Latin America*, Colombia.

ICG raises funds from governments, charitable foundations, companies and individual donors. The following governments currently provide funding: Australia, Austria, Canada, Denmark, Finland, France, Germany, Ireland, Japan, Luxembourg, The Netherlands, Norway, Sweden, Switzerland, the Republic of China (Taiwan), Turkey, the United Kingdom and the United States.

Foundation and private sector donors include The Atlantic Philanthropies, Carnegie Corporation of New York, Ford Foundation, Bill & Melinda Gates Foundation, William & Flora Hewlett Foundation, The Henry Luce Foundation, Inc., John D. & Catherine T. MacArthur Foundation, The John Merck Fund, Charles Stewart Mott Foundation, Open Society Institute, Ploughshares Fund, The Ruben & Elisabeth Rausing Trust, the Sasakawa Peace Foundation, the Sarlo Foundation of the Jewish Community Endowment Fund and the United States Institute of Peace.

March 2003

APPENDIX C

ICG REPORTS AND BRIEFING PAPERS*

AFRICA

ALGERIA**

The Algerian Crisis: Not Over Yet, Africa Report N°24, 20 October 2000 (also available in French)

The Civil Concord: A Peace Initiative Wasted, Africa Report N°31, 9 July 2001 (also available in French)

Algeria's Economy: A Vicious Circle of Oil and Violence, Africa Report N°36, 26 October 2001 (also available in French)

ANGOLA

Dealing with Savimbi's Ghost: The Security and Humanitarian Challenges in Angola, Africa Report N°58, 26 February 2003

BURUNDI

The Mandela Effect: Evaluation and Perspectives of the Peace Process in Burundi, Africa Report N°21, 18 April 2000 (also available in French)

Unblocking Burundi's Peace Process: Political Parties, Political Prisoners, and Freedom of the Press, Africa Briefing, 22 June 2000

Burundi: The Issues at Stake. Political Parties, Freedom of the Press and Political Prisoners, Africa Report N°23, 12 July 2000 (also available in French)

Burundi Peace Process: Tough Challenges Ahead, Africa Briefing, 27 August 2000

Burundi: Neither War, nor Peace, Africa Report N°25, 1 December 2000 (also available in French)

Burundi: Breaking the Deadlock, The Urgent Need for a New Negotiating Framework, Africa Report N°29, 14 May 2001 (also available in French)

Burundi: 100 Days to put the Peace Process back on Track, Africa Report N°33, 14 August 2001 (also available in French)

Burundi: After Six Months of Transition: Continuing the War or Winning the Peace, Africa Report N°46, 24 May 2002 (also available in French)

The Burundi Rebellion and the Ceasefire Negotiations, Africa Briefing, 6 August 2002

A Framework For Responsible Aid To Burundi, Africa Report N°57, 21 February 2003

DEMOCRATIC REPUBLIC OF CONGO

Scramble for the Congo: Anatomy of an Ugly War, Africa Report N°26, 20 December 2000 (also available in French)

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The Kivus: The Forgotten Crucible of the Congo Conflict, Africa Report N°56, 24 January 2003

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Uganda and Rwanda: Friends or Enemies? Africa Report N°15, 4 May 2000

International Criminal Tribunal for Rwanda: Justice Delayed, Africa Report N°30, 7 June 2001 (also available in French)

"Consensual Democracy" in Post Genocide Rwanda: Evaluating the March 2001 District Elections, Africa Report N°34, 9 October 2001

Rwanda/Uganda: a Dangerous War of Nerves, Africa Briefing, 21 December 2001

The International Criminal Tribunal for Rwanda: The Countdown, Africa Report N°50, 1 August 2002 (also available in French)

Rwanda At The End of the Transition: A Necessary Political Liberalisation, Africa Report N°53, 13 November 2002 (also available in French)

SOMALIA

Somalia: Countering Terrorism in a Failed State, Africa Report N°45, 23 May 2002

Salvaging Somalia's Chance For Peace, Africa Briefing, 9 December 2002

Negotiating a Blueprint for Peace in Somalia, Africa Report N°59, 6 March 2003

SUDAN

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