

International Rescue Committee
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Statement for the Record

Senate Foreign Relations Committee

Hearing: Humanitarian Consequences
Related to Iraq

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The International Rescue Committee (IRC)¹ continues to advocate for a peaceful resolution to the Iraq crisis. Nevertheless as a humanitarian organization we must take prudent, preparatory measures to meet the humanitarian consequences of a conflict. In that regard, the IRC remains concerned about the lack of preparedness for emergency relief operations and reconstruction efforts if they are required for Iraq.

I. Humanitarian Needs Already Exist

A. Current Situation. The starting point for contingency planning begins with an already bleak humanitarian situation in Iraq. The United Nations' statistics are well known:

- one million children under the age of five are chronically malnourished;
- five million Iraqis lack access to safe water and sanitation;
- 60% of the population or an estimated 16 million Iraqis are dependent on the UN Oil-for-Food Program for their food rations.²

Assuming there are no population movements, household food reserves are expected to last for no more than six weeks if the pipeline breaks. Economic hardship is already driving many poor families to sell extra food rations distributed by the regime in anticipation of war.³

Water treatment and electric generation plants are in disrepair, and hospitals and clinics suffer from chronic shortages of medicines and equipment. If populations do move, then in addition to food and medicine, sanitation, safe water and diarrhea-control programs will be essential to prevent death.⁴ The UN Oil-for-Food Program is the single largest humanitarian assistance effort underway in the world, and it has existed in Iraq for more than a decade. Any military intervention will further shock and disrupt the fragile humanitarian condition of Iraq.

B. Inadequate Response Capacity in Iraq The current state of emergency preparedness in Iraq is cause for alarm. Estimations are that there are less than 20 international humanitarian non-governmental organizations (NGOs) in Iraq. While more than that number have attempted to carry out assessment missions, few NGOs have been able to establish an operational capacity inside Iraq during the last 6 months. This is due to sanctions, both UN and US for American NGOs, a lack of funding, difficulty in obtaining visas from the regime and the expenditure of private resources to other more immediate crises around the world. Many of the international agencies with emergency capacity in Iraq are expected to withdraw staff in the event of a military intervention – this includes the United Nations. The International Committee of the Red Cross (ICRC) and a handful of aid agencies are preparing to stay during a conflict but only the ICRC has amassed significant supplies and resources for

¹ Founded in 1933, the International Rescue Committee is one of the world's largest nonsectarian nonprofit organizations, providing global emergency relief, rehabilitation, protection, resettlement services and advocacy for refugees, displaced persons and victims of oppression and violent conflict. The IRC, which currently provides assistance in some 30 countries, is committed to freedom, human dignity, and self-reliance.

² For a comprehensive discussion on the Oil-for-Food Program and health of the Iraqi population see: "Health and Human Rights Consequences of War in Iraq: A Briefing Paper" Physicians for Human Rights, 14 Feb 03. <http://www.phrusa.org/research/iraq/021403.html>

³ UN Press Briefing on Humanitarian Preparedness Planning for Iraq, 13 Feb 03 (Under-Secretary General)

⁴ Yip, R., Sharp, T.W., Acute Malnutrition and High Childhood Mortality Related to Diarrhea - Lessons Learned from the 1991 Kurdish Refugee Crisis, JAMA, Vol. 270, Issue 5, pp. 587-590, August 4, 1993. In March of 1991, fearing further persecution from the Iraqi Army, approximately 500,000 Kurds fled toward Turkey. From March to May 1991, the leading causes of death for Kurdish children under 5 in the mountain camps along the Turkey-Iraq border were diarrheal disease, dehydration and malnutrition. These diseases represented 75% of the total under-5 mortality. One of the lessons learned from the 1991 Kurdish refugee crisis is that "adequate food and basic medical care may not be sufficient to prevent high morbidity and mortality where sanitation, safe water and diarrhea-control programs are lacking." (p. 590)

such contingencies. Although ICRC will reduce its international staff by 50% in the event of conflict they have pre-positioned food and non-food supplies in Iraq and the border countries for several hundred thousand internally displaced persons.

The Iraqi national NGO capacity is modest in size and scope. National NGOs have increased in the north but tend to focus on development-oriented projects and thus will need enhanced capacity for any relief operation. The Iraqi Red Crescent Society is operational countrywide and, while strongly influenced by the government, does provide a network for assistance and capacity building activities. Some response capacity exists in neighboring states, though serious questions remain as to the depth and humanitarian commitment of existing plans. In northern Iraq, local *de facto* Kurdish authorities have engaged in emergency preparedness and their structures can be utilized in any response. Despite repeated pleas however for the pre-positioning of emergency relief supplies, the *de facto* authorities have received very little international assistance – this again is the result of sanctions. Great uncertainty surrounds any potential humanitarian response by the Iraqi government, and thus the Iraqi government's response capacity is not factored into contingency planning until a post-conflict stabilization period.

II. Inadequate Humanitarian Preparations for War

A. Bush Administration's Plan. Several weeks ago the Bush Administration unveiled six principles underpinning its humanitarian relief strategy. IRC generally agrees with these principles: minimizing civilian displacement and damage to civilian infrastructure; relying on civilian relief agencies; committing to effective civil-military coordination; facilitating the operations of international organizations and NGOs; pre-positioning relief supplies; and supporting the resumption of the UN Oil-for-Food Program. While the principles are fine, we remain concerned about the lack of resources and action taken to implement them.⁵ As discussed below, an immediate humanitarian response cannot be mounted for Iraq given the inadequate state of preparedness of the international and non-governmental agencies – the same agencies that the Administration's strategy is relying on.

B. United Nations Preparations. UN contingency planning is based on a "medium case" scenario that assumes a conflict would severely disrupt critical infrastructure and the Iraqi government's capacity to deliver basic services and relief, including food rations delivered under the Oil-for-Food program. This planning scenario calls for the evacuation of all UN international staff and the suspension of UN programs at the outbreak of conflict. Shortages of fuel and power in urban areas would shut down water and sewage treatment plants. Up to half of the population would be without access to potable water and up to 10 million people may require food assistance during and immediately after a conflict. Up to two million people may become internally displaced, while between 600,000 and 1.45 million asylum seekers may flee towards neighboring countries.⁶

UN agencies are pre-positioning stocks of essential relief items and fielding emergency response personnel to the region. Food sufficient for 250,000 beneficiaries has been pre-positioned for ten weeks (less than a planned WFP target figure of 900,000 for pre-positioning

⁵ For a further analysis of the implementation of the Administration's principles see: "U.S. Announces Intention to Rely on Civilian Relief Agencies for Humanitarian Response to Iraq," Refugees International 27 Feb 03. <http://www.refintl.org/cgi-bin/ri/other?occ=00612>

⁶ U.N. Funding Requirements for Humanitarian Preparedness Measures, 14 Feb 03.

purposes). Water and sanitation supplies have been stockpiled for 300,000 people inside and outside Iraq. Emergency health kits have been pre-positioned by UNICEF for some 900,000 women and children inside Iraq. In addition, WHO has pre-positioned emergency health kits for 240,000 people for three months outside Iraq. Winter kits, including shelter material, have been pre-positioned by UNHCR for a displaced population of 118,000 (against a potential refugee caseload of 600,000). The ordering and pre-positioning of supplies by UN agencies continues.⁷

Despite this planning the UN's top humanitarian official for Iraq, Ramiro Lopes da Silva, said recently that Iraqi's near-total dependence on government food rations means that a massive and immediate humanitarian relief operation would have to be mounted to prevent widespread starvation. Although current plans call for the US military to stockpile 3 million daily rations and the UN World Food Program to store food for 900,000 people for 10 weeks, he said these efforts would not be sufficient to satisfy the need.⁸ UN preparations continue to be hampered by a lack of funding. UN appeals totaling more than \$200 million remain unfulfilled despite pledges by the United States and a handful of other donors. The perception that the US government will act unilaterally against Iraq has greatly chilled humanitarian donations to the UN and to NGO relief agencies.

C. American NGO Preparedness. The American NGO community, with a few exceptions, is largely absent from Iraq. Only a handful of American NGOs have permission to operate in government-controlled Iraq and these are not the nation's largest relief agencies. Those that are present must deal with a lack of donor funding as well as continual government obstruction and restriction on their activities. In the north, there is more NGO activity and a better relationship with the authorities. However, agencies are hampered by limited access to the area. They are considered illegal entities by the government in Baghdad and must travel in and out via neighboring states and this has been greatly curtailed in recent months. Unlike Kosovo and Afghanistan, American NGOs have relatively little presence in the region and would not be able to mount a fast and significant response from neighboring countries. Moreover, US sanctions against Iraq forbid American NGOs from traveling to Iraq and from providing humanitarian assistance in Iraq and Iran. Efforts by long established American humanitarian NGOs to obtain meaningful exemptions from the sanctions have so far been largely unsuccessful.

American NGOs operational in Iraq have made some contingency plans for shifting into emergency mode. In Iran, Kuwait,⁹ and Jordan some American NGO planning and coordination is taking place but it is deemed inadequate by humanitarian advocates. IRC is part of an NGO consortium, funded by USAID/OFDA, that has set up a shared logistical base in Jordan. Total funding for the five NGOs members of the consortium is approximately \$900,000. With this exception NGOs are relying on their own private contributions to mount a response. Although the US government has solicited and is accepting humanitarian aid proposals from NGOs critical funds are not yet forthcoming.

⁷ *Id.*

⁸ "U.N. Official Warns Of Iraqi Food Crisis" The Washington Post, 28 Feb 03, page A18.

<http://www.washingtonpost.com/wp-dyn/articles/A13499-2003Feb27.html>

⁹ "Unready: The View from Kuwait," Refugees International, 3 March 03. <http://www.refugeesinternational.org/cgi-bin/ri/bulletin?bc=00497>

The European Union, the UK's Department for International Development and other traditional NGO donors have not yet released contingency or preparedness funds to American NGOs. Some donors have told IRC that they are reluctant to release funds because they do not want to be perceived as supporting the US war effort or signaling that war is inevitable. Some US private foundations have cited similar reasons for denying funding for Iraq contingency activities.

D. No Planned Response to Weapons of Mass Destruction. Another critical question remains unanswered. Who will assist the Iraqi people if there is a release of weapons of mass destruction? The NGOs have no capacity to respond to immediate needs although they may be able to assist fleeing populations assuming an absence of infection or contagions. The UN and ICRC similarly have little if any capacity to respond if weapons of mass destruction are released. What is the capacity of the US military to help in such a case - a serious review and discussion of this question is still outstanding.

E. Poor Coordination. The issue of coordinating a potential humanitarian response for Iraq currently evokes emotion and frustration from all actors involved in contingency preparations. This is largely the result of US planning that has so embedded humanitarian tasks and activities with the military war plan that vital information remains classified and meaningful dialogue continues to be muffled and one-directional. From the perspective of the humanitarian community the coordination of emergency relief activities is best handled by civilians and preferably on a multilateral basis by the UN. Simply put, the UN is able to operate with more independence and impartiality than any one party to a conflict. IRC remains concerned that humanitarian coordination led by the US military (including USAID which will be embedded with the military) will continue to chill the participation of humanitarian NGOs and non-American donors and this could have devastating effects for the Iraqi people.

Traditional structures are being established to facilitate coordination. The US military and the Kuwaiti government have established a Humanitarian Operations Center (HOC) that will serve as a point of contact for humanitarian actors to deconflict logistical activities, exchange information and garner vital security information. The UN has established a temporary humanitarian coordination office in Cyprus, incorporating a Joint Logistics Center, a Humanitarian Information Center and joint air services and communications arrangements to ensure connectivity with field offices in the region and in Iraq.

InterAction (a coalition of 160 American NGOs) organized an Iraq Working Group in October that holds weekly meetings with USAID and State/BPRM. It must be stressed that to date these meetings have largely focused on the obstacles and challenges facing the American NGO community in mobilizing an emergency response to Iraq. Again, because the US government's humanitarian plans are so interwoven with the war plans much of the discussion at these meetings has been one-way. This has at times frustrated US government officials as well as the NGOs.

F. Impact of Minimal NGO Presence. UN agencies are dependent on implementing partners, and when they look around Iraq and the border countries they see very few NGOs present. USAID and the large Disaster Assistance Response Team being assembled is similarly dependent on implementing partners, and they too see very few NGOs poised and

prepared to respond if military action is taken. The US military cannot be relied upon to satisfy the humanitarian needs of the Iraqi people. They are neither trained nor equipped to do so on the scale that may be required. Their involvement should be as a last resort and then only under civilian command. As the situation now stands, NGOs and the humanitarian community they comprise have been marginalized in the build up to war. Relations between American humanitarian NGOs and the US government continue to deteriorate as we remain largely sidelined by sanctions and an absence of resources.

Any humanitarian relief operation can only be effective if NGOs are positioned and ready to implement life saving activities in partnership with the United Nations and other donors. As described above, it is IRC's opinion that emergency relief NGOs are largely unprepared for war in Iraq and efforts to mobilize them in the region lag far behind war preparations.¹⁰

III. Immediate Action to Save Lives

- **Unhindered Access for Humanitarian Agencies.** The US government must facilitate the access of international and American assistance into Iraq before, during and after any planned intervention. The U.S. should immediately suspend licensing requirements for humanitarian NGOs to operate in Iraq and Iran.
- **Resources.** Unless more funding is provided to the UN and humanitarian NGOs the needs of Iraqi civilians cannot be met in the event of war. It must be stressed that humanitarian funding provided to date by the United States is for contingency activities only; the costs and plans for an actual response are so interwoven with the military war plans that they remain classified. Any funding provided must be "new funds" and not be at the expense of other humanitarian needs around the world. Oversight is critical to ensure that existing humanitarian accounts are not scrubbed for Iraq.
- **Discuss Humanitarian Plans.** De-classifying the humanitarian annexes to the war plans will enable the United Nations and NGOs to identify gaps and better prepare for life saving relief operations.
- **UN Authority.** The political, military and humanitarian issues surrounding future action in Iraq must be delinked. Coordination of humanitarian activities should be led by the United Nations. The US government should support all necessary actions that grant the United Nations authority for humanitarian actions.
- **Border Countries.** If there is military action against Iraq the potential for population movements is high. Accessing these countries will be essential for fleeing refugees and humanitarian aid agencies. The US government must take all steps to ensure that border countries accept refugees and allow humanitarian agencies unhindered access to provide life-saving assistance.

IV. Steps to Avoid Humanitarian Crises After War

The United States has stated its intention to occupy Iraq until power can transfer to transitional or democratic structures. The United States should be formulating plans now to transfer such power as quickly as feasible to legitimate civilian structures. The Fourth

¹⁰ "Avoiding a Humanitarian Catastrophe in Iraq" Refugees International, 5 Feb 03.
<http://www.refugeesinternational.org/cgi-bin/ri/bulletin?bc=00487>

Geneva Convention, of which the US is a signatory, sets forth essential steps necessary to avoid humanitarian crises by requiring that the United States, as an occupying power, protect and assist the civilians of Iraq. This means that the United States must be prepared to provide for and protect the rights of Iraqi civilians in the same way it now does for the American people. These duties attach upon first contact with Iraqi civilians and they mean much more than providing food, medicines and shelter.

In addition to the immediate humanitarian concerns facing Iraq and those related to population movements resulting from any military strike, grave humanitarian concerns also surround Iraq the “day after” the regime falls. Of critical importance to any provision of humanitarian aid for Iraq is public order and security. Delivery of humanitarian assistance cannot be assured in areas that are not secure. As Saddam’s regime falls, the internal security framework will collapse and conditions for lawlessness and impunity will ripen. As an occupying power the United States will have the duty to restore and ensure public order and safety in Iraq. This duty requires the United States and its allies to use their own personnel to provide a safe environment and ensure public order as they advance into Iraq. These forces must transition quickly to policing functions and fill any security vacuum that exists to leave no space for reprisal and revenge. Similarly, the United States as an occupying power must promote the rule of law and ensure that basic judicial and due process guarantees exist for all Iraqis.¹¹ As a signatory of the Geneva Conventions the United States will be expected to fulfill all obligations therein.

The Ba’ath party has been a bloody regime. High crimes and human rights abuses by Saddam’s regime against the Kurds, Shi’a, Turkmen, Sunni and non-Ba’ath members are well known and accepted. The regime’s grip extends to all ministries of the government and all security forces. The education system teaches Saddam’s politics, and the administration of justice with Ba’ath appointed investigators, prosecutors and judges validates Saddam’s control and abuse. The immediate post-Saddam era may include security, political and judicial vacuums – a lawless state. Impunity is almost guaranteed in such circumstances.

The International Rescue Committee does not subscribe to the conventional wisdom that Iraqis of various ethnic and political groups lay in wait for Saddam’s regime to collapse in order to go after each other and carve up the country. The overall impression is that Iraqis are sick of war and are prepared to move forward together in a post-Saddam setting. Still, isolated radicals, hardliners and spoilers, including the current regime, are likely to create tension and exploit any security vacuum. They may “cleanse” areas by forcing entire communities to move in order to access valuable resources, to solidify power, to attain ethnic homogeneity or to extract revenge for past crimes left unanswered. If left free they will continue with impunity.

A. Identify Security Vacuums. If they enter Iraq, US/Coalition forces may find populations that have been forcibly displaced by Saddam’s regime or other radical elements during a military intervention. Iraq may also be suffering from ethnic-cleansing tactics by local *de facto* authorities that are consolidating power by forcing populations from areas they intend to control. US/Coalition forces may also encounter populations displaced by reprisals and

¹¹ See, “International Humanitarian Law Issues In A Potential War In Iraq.” Human Rights Watch Briefing Paper, 20 Feb 2003. <http://www.hrw.org/backgrounders/arms/iraq0202003.htm>

vindictive violence against vulnerable groups and individuals who are at risk because of their profession, their political or ethnic affiliation or because they are perceived by others to be collaborators or perpetrators of human rights violations. With over 30 years of Ba'ath state sponsored terror, many scores await settling in Iraq. Police, judges, prosecutors and others associated with the Ba'ath reign of terror will likely flee or hide. If the law and order vacuum is not quickly filled by US/Coalition forces hardliners, spoilers and radicals will seize the void and dislodging them will not be easy. If this happens and there are no police or judicial systems in place to fill the vacuums, lawlessness and impunity will follow. Combined such forces can spiral quickly out of control with devastating effects for displaced persons. Under the Geneva Conventions the US, as an occupying power, will be responsible for ensuring that does not happen.¹²

B. Identify Geographic Populations At Risk. We know that potential flash-points are based on both geography and the characteristics of vulnerable populations. Mapping out the ethnic boundaries of neighborhoods in Baghdad (e.g., Christians, Sunni etc.), Kirkuk (Turkmen, Arabs etc.), the Shi'a towns (rival Shi'a factions) and the Tikrit villages provides a snapshot of potential fault lines for communal violence and vulnerability to human rights abuses. To know where Saddam forcibly moved and resettled populations is to know where potential tensions, reprisals and movements can ignite¹³. It is also important to know the location of isolated communities of one group within a larger concentration of another group, e.g. a Turkmen village surrounded by Kurdish villages. In order to provide effective security in the absence of local police it is essential to know where tensions may be the highest and who may be the most vulnerable to attack and revenge. Security must be restored first in these places and protection given to the most vulnerable.

C. Identify Vulnerable Populations. Some vulnerable populations are not only geographically centered but are scattered throughout Iraq. Because the number of Ba'ath party members is believed to be around one million, reprisals based solely on party membership are not expected. Targeted revenge would be more likely against Ba'ath members individually identified as being part of Saddam's reign of terror (police, judges, prosecutors, members of the security forces perceived to be instigators of terror etc.). Moderate or emerging political and community leaders will remain vulnerable to radicals, hardliners and spoilers for some time. Identifying such individuals and then protecting them will be key to securing conditions for normalization. Forty-eight percent of all Iraqis are under the age of 18. History continues to remind us that women and children remain the most vulnerable in times of conflict and transition. Heightened awareness of such vulnerabilities must be incorporated into all planning for Iraq – both now and in the future.

D. Develop a Proactive Strategy. The absence of national human rights protection mechanisms in Iraq and the unlikelihood that international police, civil servants or human rights monitors will be deployed to coincide with the entry of US/Coalition forces means that military personnel will have to engage directly with the local population to foster a stable and secure environment. Reaching out quickly to local political, military, religious and

¹² Fourth Geneva Convention; Art. 51, Protocol I [Article 51: Protecting the civilian population from acts or threats of violence that have the primary purpose of spreading terror.]

¹³ See, John Fawcett and Victor Tanner “The Internally Displaced People of Iraq” (Brookings November 2002) for an excellent discussion on the forced population movements of Saddam's regime and ethnic fault lines.
<http://www.brookings.org/fp/projects/IDP/articles/iraqreport.htm>

community leaders is key to establishing the trust needed to manage crisis and revenge. Personnel first on the ground must have an understanding of local issues including past human rights abuses, factors driving local tensions and the political motivation of community leaders. Local leaders are key to managing and mitigating a climate of revenge and reprisals and must be included in a robust protection strategy that emphasizes justice and the rule of law. Confidence and trust must be fostered quickly.

Checkpoints, roadblocks and concertino wire can all limit hostile access to vulnerable areas and thus improve security. The duration of such security measures, however, must be carefully considered to avoid the creation of enclaves and ghettos that harden into segregated communities requiring never-ending security resources. In situations where there has been great suffering or where tensions are uniquely high, military rule may still be the only way to protect the human rights of the local population. US/Coalition forces must quickly grip the prospect of protecting, policing and providing judicial guarantees and due process in all or part of Iraq in order to protect civilians and prevent a slide into lawlessness. To be effective, such rule must be absolutely transparent and must comply with international human rights and humanitarian law standards.

E. Conduct Policing. Currently in Iraq, all policing is conducted by hard-line Ba'ath members. The fall of Saddam means the collapse of the internal security framework. Until such time as a political solution becomes apparent for governing Iraq after Saddam, US/Coalition forces must be prepared to undertake immediate policing measures.¹⁴ Given the disparate skills and tasks of the US/Coalition military, it is not feasible to believe that any soldier can undertake policing actions. Accordingly, there will have to be a mix of soldiering and policing in its most basic sense. To facilitate this difficult task, clear rules of engagement that encompass arrest procedures, treatment in detention, management of detention facilities and access to detainees by counsel, family members, ICRC etc., must be delineated in advance of any military intervention. Knowing how these plans will be explained to the local populations must also be thought out in advance if confidence is to be built. Looters, killers, thieves and other criminals will require arrest and the administration of justice. If there are no credible local police, the US/Coalition forces will be expected to arrest criminals and protect the Iraqi public.

In this regard “force protection” or security guidelines must be reviewed. A complicating and limiting factor for forces seeking to stabilize Kosovo in the immediate aftermath of the NATO air campaign were force protection requirements which limited direct contact with local civilians. Some NATO forces moved in two-vehicle convoys, troops were heavily protected and armed and rarely conducted foot patrols amongst the civilian population, while others wore less armor and utilized foot patrols extensively to gain the confidence of the local population. Some forces rented apartments and deployed troops along ethnic fault lines within cities and villages and were thus better positioned to manage and respond to local tensions. The lack of a robust and consistent response by the international community to policing and judicial voids contributed to the lawlessness that enveloped Kosovo during the first six months after the war – the effects of which continue to be felt in reconstruction efforts.

¹⁴ Articles 71-76 Fourth Geneva Convention, Article 75, Protocol I [Articles 71-76: Be prepared to provide basic judicial and due process guarantees in the aftermath of conflict.]

F. Bridge Judicial Vacuums. As uncomfortable as this topic is for both civilians and the military, US/Coalition must prepare to roll out some kind of transparent and fair process to administer justice in the months following a military intervention if a judicial vacuum exists. Emergency judicial systems can include the selection and appointment of panels of local judges and prosecutors who can be transported around the country to ensure the due process of those detained by US/Coalition forces. This model was used in Kosovo, albeit with varying degrees of success due to confusion over the applicable law, the bias of some local judges and a limited focus on pre-trial detentions and the investigation of criminal complaints. International judges and prosecutors were eventually brought to Kosovo to try the more contentious human rights violations and ethnically related hate crimes.

East Timor and Cambodia provide other models with more direct international administration. Given that US/Coalition forces will likely detain members of the Iraqi security forces, members of the Ba'ath regime and others who seek to destabilize the country, there will be an immediate need for some system to administer justice. Civilians caught up in revenge, reprisals, plunder or opportunistic crimes must also be detained by US/Coalition forces in the absence of local police and judicial structures. Knowing in advance what the applicable law will be for such behavior will facilitate the re-establishment of the rule of law. Prudent planning in this regard should consider the potential involvement of some international jurists/prosecutors to prevent the appearance of bias and prejudice by local structures tainted by Saddam's regime. Ensuring US/Coalition military logistical support to jump-start the judicial system can also be planned in advance. This includes protecting courthouses, minimizing damage to judicial offices, providing essential materials needed to administer justice (generators, computers, paper etc.), salaries and personal security for judges and prosecutors.

F. Deal with Past Abuses. As soon as possible after a regime change, discussion and plans for dealing with past human rights abuses and humanitarian law violations must be made available to the Iraqi people. Removing collective guilt and assigning individual responsibility for past crimes against Iraqis is an essential step for rebuilding the country and reconciling disparate groups. Failure to fulfill this transitional justice need or glossing over its importance will leave open space for frontier justice and local reprisals.

G. Provide Transparency. In the event of a regime change, Iraqis will need to know quickly and publicly what the policies will be for dealing with past crimes, current and future detentions and the administration of justice while civilian structures reorganize – and some time, we know, will be required to vet and regroup key government functions. US/Coalition forces should also put in place a civilian complaint procedure or ombudsman-like system to allow Iraqis to lodge concerns and comments regarding the behavior of US/Coalition military personnel. Despite the complexities, such a mechanism can serve as a critical confidence building measure for local community leaders and all Iraqis.

H. Curb Discrimination As reformed or new civilian authority begins to take shape, human rights violations may emerge in bureaucratic patterns of abuse. Civilians may be evicted or prevented from returning to their property through quasi-legal means such as the promulgation of discriminatory laws or the manipulation of land/property records. Access to hospitals, schools and other social services can be hindered by ethnic discrimination or

membership in a vulnerable group. Such restrictions can lead to further population displacements. Remedial measures for such behavior must be available to prevent the institutionalization of discrimination. Judicial processes best fulfill this need.

I. Secure Property. Water installations, irrigation works, dams, dikes, agricultural areas for crop production, food stocks, livestock, oil fields and the related infrastructure, hospitals, power plants etc. must all be secured for the benefit of the population. It is critical to protect these assets from attack during an intervention and then to secure them quickly for stabilization.¹⁵

Years of forced displacement have rendered millions of Iraqis without access to their homes and property. Untangling and resolving property disputes and conflicting claims will affect the rights of returning refugees and the internally displaced. To facilitate this process, it is critical that property records be located and secured quickly by US/Coalition forces. Courthouses, police stations and the offices of security forces often contain documentation essential for clarifying property interests and the status of those displaced.

J. Protect Detainees and the Missing. Political detainees and issues relating to missing persons will also require fast attention and a planned response. When Saddam opened the prisons a few months ago, he left an unknown number of Iraqis in detention as “enemies of the state” and ignored the pleas of family members searching frantically for their missing kin. Quickly the affected populations will demand action and answers from US/Coalition forces on these issues.

V. Conclusion

It is the conclusion of the International Rescue Committee that while much planning regarding the above issues has occurred very few resources have been spent to operationalize the plans. The lack of preparedness for the humanitarian consequences of war stands in stark contrast to the military state of readiness. It is urgent that all available resources be marshaled as well for this humanitarian response.

¹⁵ Article 53 of the Fourth Geneva Convention, Protocol I [Cultural sites, places of worship and other objects deemed indispensable to the survival of the civilian population must be protected by US/Coalition forces. This should also include places where documentation essential to preserving the rights of the Iraqi people may be housed.]