

SUBCOMMITTEE ON NATIONAL SECURITY, EMERGING THREATS  
AND INTERNATIONAL RELATIONS

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May 8, 2003

**MEMORANDUM**

To: Members of the Subcommittee on National Security, Emerging Threats  
and International Relations.

From: Dr. R. Nicholas Palarino, Senior Policy Analyst.

Subject: Briefing memorandum for the hearing *Humanitarian Assistance  
Following Military Operations: Overcoming Barriers*, scheduled for  
Tuesday, May 13, 2003 at 2:00 p.m., room 2154 Rayburn House Office  
Building in Washington, D.C.

## **PURPOSE OF THE HEARING**

The hearing will examine problems encountered by nongovernmental organizations providing humanitarian assistance in the wake of a military conflict and prospects for overcoming such difficulties.

## **HEARING ISSUES**

- 1. What types of barriers are encountered delivering humanitarian assistance following military operations?**
- 2. What is the process of determining the types and amounts of humanitarian assistance needed in a post conflict situation?**

## **BACKGROUND**

Humanitarian assistance following military operations is provided to save lives, alleviate suffering, and mitigate the impact of emergency situations. This assistance is subdivided into several categories such as health and medical, water and sanitation, food and nutrition, shelter and supplies, infrastructure, and general support to refugees. **(Web Resource 1)**

In any post war environment, nongovernmental organizations encounter difficulties providing humanitarian assistance to noncombatants. Some of these difficulties include concerns about security of aid workers, coordination of humanitarian efforts, assessing specific needs of noncombatants, and lack of logistical capacity to get humanitarian assistance to the people.

These same types of difficulties are being encountered by nongovernmental organizations providing aid to Iraq, and are highlighted by the divergent views expressed in recent media coverage.

Despite an extended electricity outage in Baghdad and the absence of potable tap water throughout much of Iraq “nobody’s died of a lack of drinking water” since

the war began, and “nobody’s going to die from a lack of food,” declared British Major General Albert Whitley, Operation Iraqi Freedom’s Deputy Commanding General for Land Forces, during an April 15, 2003 interview. **(Attachment 1)**

On the other hand, nongovernmental organizations (NGOs) providing humanitarian assistance to Iraq complain, “they [military] physically barred us [nongovernmental organizations] from moving into Iraq and did not issue the passes we needed to cross [into Iraq]. Since then, they have continued to declare other places non permissive,” said Cassandra Nelson during an interview on April 29, 2003. Nelson is the spokeswoman for the international aid agency Mercy Corps. **(Attachment 2)**

## **Security**

In *Embracing Defeat*, Mr. John Dower describes the US occupation of Japan after World War II, and attempts to develop democracy in Japan. Dower explains that Japan, unlike Iraq, has no porous borders. Nor was Japan surrounded by nations uneasy about US motives. Until the end of the six-year occupation, General Douglas MacArthur virtually sealed Japan off from the rest of the world. Almost no Japanese national was allowed to travel abroad. Remarkably, there was not a single terrorist incident against any of the 250,000 US troops and officials stationed in Japan.

Dower states, “We simply don't have that type of security in Iraq, and I don't think we can expect it in the future. This will seriously impede the business of humanitarian assistance, reform, and reconstruction.” **(Attachment 3)**

Providing security in Iraq is a pressing priority for Coalition forces. In the past three weeks, looters have pillaged government offices, robbed homes, stores, and businesses and burned buildings. Sporadic gunfire is a nightly occurrence. The recent shootings in the town of Fallujah, about 30 miles west of Baghdad, involved US forces who say they acted in self-defense after protesters fired weapons in their direction. Several American soldiers were wounded and at least 13 Iraqis were killed. **(Attachment 4)**

Analysts contend the major obstacle to security in Iraq is the abundance of weapons. “You still have nothing to prevent the individual citizen from carrying his weapon on the street,” said retired Brigadier General John Reppert, executive director for research at the John F. Kennedy School of Government’s Belfer Center at Harvard University. **(Attachment 4)**

”You cannot have wholesale bartering in arms,” said retired Army General George Joulwan former North Atlantic Treaty Organization commander, who oversaw the disarmament process in Bosnia in the 1990s and the establishment of a viable civilian police force. “Disarming the population should be job one,” he said. "If you don't impose your will on the enemy you just defeated, you're going to lose the peace." **(Attachment 4)**

This lack of stability and concerns about security are hindering efforts to provide humanitarian assistance to Iraq. The director of Oxfam,<sup>1</sup> Barbara Stocking, complains that Coalition forces are not providing enough security for Oxfam staff working in Iraq, and that it is a high risk for them to be in Iraq. **(Attachment 5)**

## **Coordination**

The principles guiding humanitarian access during a conflict and the attendant duties and obligations of parties to a conflict under international law, are stated in:

- Geneva Conventions IV relative to the Protection of Civilian Persons in Time of War (1949) and the Additional Protocol I to the Geneva Conventions, and
- Customary humanitarian law. **(Web Resource 2)**

The provisions of these documents cover multiple facets of humanitarian access during conflict, including: the provision of humanitarian assistance to former combatants and non-combatants; the safety of humanitarian personnel; and ensuring access to vulnerable groups.

There is a distinction between an ongoing military campaign and a military occupation. The two are regulated by different sets of rules and standards. During

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<sup>1</sup> Oxfam International is a confederation of 12 organizations working in more than 100 countries providing assistance in underdeveloped countries.

an ongoing military campaign, the invading party does not have a legal duty to assist the population in need. However, the invading party has a clear duty to facilitate access of relief convoys for the civilian population in need of such assistance.

The moment an invading party becomes an occupying power (effective military control of the invading party over a territory and population) the invading party takes over the responsibility of providing the necessary assistance to the civilian population. Thus, the level of diligence expected and the legal duties activated under occupation are greater than during an ongoing military campaign.

**(Web Resource 2)**

On May 1, 2003, President Bush declared, “Major combat operations in Iraq have ended. In the battle of Iraq, the United States and our allies have prevailed. And now our coalition is engaged in securing and reconstructing that country.” The Coalition forces in Iraq appear to be in a transition period between invading party and occupying power. But even during this transitional period, international law requires Coalition forces to facilitate access of relief convoys for the civilian population in need of such assistance. **(Web Resource 3)**

The ultimate authority in Iraq is US Army Lieutenant General David D. McKiernan, the overall ground forces commander. General McKiernan reports to General Tommy Franks, Commander Central Command (CENTCOM), who commands Coalition military personnel in the theater. Also subordinate to General Franks is retired Army Lieutenant General Jay Garner, Director of the Office of Reconstruction and Humanitarian Assistance (ORHA). On May 6, 2003 the President announced Ambassador L. Paul Bremer will be his special envoy and oversee Iraq’s transition to democratic rule. Ambassador Bremer will report to Secretary of Defense Rumsfeld, and advise the President, through the Secretary, on policies designed to achieve American and Coalition goals for Iraq.

**(Web Resource 4)**

The mission of ORHA is to govern post war Iraq—providing civil administration, infrastructure repair, and humanitarian assistance—until an interim government is established. This government will eventually transition Iraq into what is described as the strategic end state:

“A unified Iraq, with an Iraqi national identity that respects

tribal, ethnic and religious heritages. Governed by a broad-based, freely elected government that adheres to the rule of law, Iraq is neither a threat to the region nor a supporter of WMD or terrorism. The nation will adopt and develop a viable, free market-based economy.” **(Attachment 6)**

The ORHA is comprised of representatives from a range of government agencies, including the Departments of State, Defense, Justice and the US Agency for International Development (USAID), as well as advisors from outside the government. Other coalition country representatives are on the ORHA staff. Iraqis will also be represented on the ORHA staff.

The ORHA is also charged with coordination of nongovernmental organizations (NGO), international organizations and other members of the international reconstruction and humanitarian efforts.

The ORHA has three functional—reconstruction, civil administration, and humanitarian assistance—and three geographic—North, Central, and South—coordinators. The regional headquarters throughout Iraq will identify reconstruction and humanitarian needs and develop priorities. **(Attachment 6)**

Several nations bordering Iraq have established operations centers to facilitate humanitarian relief efforts. The Humanitarian Assistance Center in Jordan, and the Humanitarian Operations Center in Kuwait assist in:

- Providing Host Nation coordination capability to facilitate all aspects of humanitarian assistance;
  - Facilitating humanitarian assistance organization efforts in order to synchronize internally displaced persons and regional refugee operations;
  - Sharing civil affairs assessments to assist humanitarian assistance operations; and
  - Sharing information concerning the security situation and providing operations updates supporting humanitarian assistance operations.
- (Attachment 7)**

International laws and hierarchical organizational structures provide the framework from which the nongovernmental organizations operate. Based on these laws,

some NGOs say they are wary of working too closely with the United States in Iraq. These NGOs opine they are concerned that until a new Iraqi government is established, the US is considered an occupying force, and by international law prohibited from significantly altering the occupied territory, or institutions.

The United States disagrees with this claim and argues that the Geneva Conventions allow an occupying power to facilitate the proper working of institutions including rebuilding schools, modifying curricula, and changing the judicial system. **(Attachment 8)**

## **Assessments**

Responding to disasters, the US Government deploys Disaster Assistance Response Teams (DART) to assess and respond to humanitarian needs and to help coordinate the emergency relief effort. Assessment teams collect two types of information—what has happened as a result of the disaster and what is needed.

A DART is normally composed of more than 60 humanitarian response experts from various agencies and departments, including the USAID; the Department of State Bureau for Population, Migration, and Refugees (PRM); and the Department of Health and Human Service Public Health Service.

In addition to technical experts in areas such as health, food, water, and shelter, DARTs have grant-making authority and include administrative officers in logistics, transportation, and procurement. This enables the team to function as a turnkey response mechanism for assessment and funding while in the field.

For Iraq, the DART will be headquartered in Kuwait City, with three mobile offices operating in field locations. DART will conduct assessments, direct assistance towards vulnerable populations and provide funding to international organizations and NGOs. **(Web Resource 5)**

The greatest challenge for these teams in Iraq is security. The teams often go into a post conflict situation before the shooting stops. DART personnel have come under fire while conducting assessments in Baghdad.<sup>2</sup>

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<sup>2</sup> Briefing to Congressional Delegation Shays by Mr. Michael Marx, DART Team Leader for Iraq, Amman, Jordan, April 18, 2003, (Notes in Subcommittee files).

In Iraq the DART plays the major role in assessing, coordinating and providing humanitarian assistance. However, each humanitarian organization also conducts assessments. In conjunction with the DART, humanitarian organizations have already begun distributing supplies and providing humanitarian aid to Iraq.

## **Assistance**

In 1991, after the Gulf War conditions in Iraq deteriorated. In 1996, Iraq accepted the United Nations Oil-for-Food Program (OFF), after which humanitarian conditions began to improve. Since 1996, revenues from OFF have provided food, medicine, and other civilian goods to assist vulnerable Iraqis. The World Food Program (WFP) estimated that 16 million Iraqis—approximately 60 percent of the total population—rely solely on food rations distributed through OFF in order to meet household needs. **(Attachment 9)**

On March 20, 2003, when Coalition forces began military operations in Iraq, the UN Secretary General suspended the OFF food distribution system. Eight days later the program was reinstated for a period of 45 days, and is now due to expire on June 3, 2003.

Thus far over \$600,000,000 of assistance has been provided to Iraq by USAID and the Department of State. This funding is categorized into emergency relief, reconstruction, and cooperative agreements for quick reactions projects dealing with food, water and health needs. Additionally, other nations have contributed an additional \$920,000,000 of assistance to Iraq. **(Attachment 9)** The International Organizations (IO) and NGOs use this funding to get the necessary assistance into the devastated areas.

AmeriCares is a nonprofit disaster relief and humanitarian aid organization that provides immediate response to emergency medical needs and supports long-term healthcare programs. AmeriCares solicits donations of medicines, medical supplies and other relief materials from the US and international manufacturers, and delivers them to indigenous healthcare and welfare professionals in 137 countries around the world.

Americares has two major initiatives in support of humanitarian relief efforts for Iraq. An 80,000-pound shipment consisting of medicines, medical supplies, clothing and shoes has been assembled and is at AmeriCares' Amsterdam

warehouse. An application to fly the supplies into Baghdad has been submitted. AmeriCares has a staff member in Amman, Jordan, ready to facilitate the airlift once landing rights are granted.

AmeriCares also has staff members in Iraq overseeing the distribution of 40,000 pounds of aid. The aid is being donated to hospitals and clinics in Kirkuk and Erbil. While there, the AmeriCares team will meet with health officials to assess the overall medical situation and determine critical needs. The team plans to travel to Baghdad once distribution of this aid is complete. **(Web Resource 6)**

The International Rescue Committee (IRC), founded in 1933 at the request of Albert Einstein, is the leading nonsectarian, voluntary organization providing relief, protection, and resettlement services to refugees and victims of oppression or violent conflict. The IRC has been urging Coalition forces in Iraq to restore order and take other steps including:

- “Filling Security Vacuums. The fall of Saddam’s regime has caused the collapse of Iraq’s internal security framework. At this time only Coalition forces can restore law and order in Iraq and should do so quickly before lawlessness and impunity further empower hardliners, spoilers and radicals seeking to grab power left by the fleeing Baath party.
- Restoring the Rule of Law. The police and courts are not functioning in Iraq, jeopardizing the entire security situation. Criminals are roaming free, which means the rule of law cannot take hold. Accordingly, the Coalition should have a mix of soldiering and community policing to maintain stability.
- Identifying and Protect Vulnerable Populations. Coalition forces must quickly map out ethnic boundaries of the neighborhoods in Baghdad, Kirkuk, Shia villages and in other geographic areas where potential fault lines for communal violence and ethnic division may erupt. Extra security must be given to these vulnerable areas to prevent reprisals and power grabs.” **(Web Resource 7)**

Save the Children works with families to define and solve problems their children and communities face. The organization utilizes a broad array of strategies to ensure family self-sufficiency. Responding to international emergencies, Save the Children has evolved into a leading international relief and development organization.

Save The Children delivered cooking fuel to Umm Qasr, a port-town near the Kuwait border. The relief agency distributed more than 2,100 canisters of propane gas. As a result, nearly half the families in the city will now be able to use gas stoves for the first time since the war began.

Additionally, Save the Children aid workers recently entered Basra, Iraq's second largest city. Conducting the first assessment of Basra's humanitarian situation, Save the Children's team of four aid workers found security remains a top concern for Basra's 1.2 million residents. Basra citizens told aid workers the city remains unsafe, especially at night when sporadic shootings take place.

The US military has not yet declared Basra safe for private relief agencies to begin delivering critical supplies, including water and cooking fuel. Once the military declares Basra safe for humanitarian workers, Save the Children plans to begin delivering assistance and to set up a regional office. **(Web Resource 8)**

World Vision International is a Christian relief and development organization working for the well being of all people, especially children. Through emergency relief, education, health care, economic development and promotion of justice, World Vision helps communities help themselves.

On May 1, 2003, World Vision made its first delivery of humanitarian aid inside Iraq, rushing medicines and relief supplies to a desert town whose hospital was completely destroyed during the first few days of the war. A team of three World Vision relief staff handed over \$11,000 worth of medical supplies, blankets, plastic sheeting and jerry cans to doctors at Al Rutba Hospital, 130 km inside Iraq.

Until World Vision's delivery, the hospital had run out of painkillers. The supplies are vitally important because increasing numbers of children are suffering from blast wounds received while playing with abandoned Iraqi weaponry. The delivery was followed up by a two-day assessment. The Iraqi doctors are looking at converting the former headquarters of the Baath Party into a temporary facility to create a unit with 20-beds. World Vision will assist with this effort. **(Web Resource 9)**

In addition to the organizations listed above, the United Nations (UN) is reinvigorating their humanitarian role in Iraq by reopening the World Health Organization (WHO) office in Baghdad and establishing a permanent presence in Basara. The UN Humanitarian Coordinator for Iraq, Ramiro Lopes da Silva said

the UN intends to establish a collaborative relationship with the US run Office of Reconstruction and Humanitarian Assistance. “Our aim here is not to replace the administration,” he said. “Our duty is to fill gaps, not to duplicate efforts.” (**Web Resource 10**)

There are many other organizations providing humanitarian assistance to Iraq. These organizations, addresses and summary of contributions can be found on the Internet at <http://interaction.org/iraq>.

The witnesses from the Departments of Defense, US Agency for International Development, and nongovernmental organizations (AmeriCares, International Rescue Committee, Save the Children, and World Vision) are expected to answer the following questions:

- What lessons did the United States learn from experiences providing humanitarian assistance to Afghanistan and other post conflict situations?
- What is the process of determining the types and amounts of humanitarian assistance needed for a post conflict situation?
- How are agencies selected to participate in humanitarian efforts?
- Which agency is responsible for coordinating humanitarian assistance?
- What barriers are being encountered, by the US Government and nongovernmental organizations, getting humanitarian assistance to the Iraqi people?
- What actions should be taken to resolve the problems encountered by the US Government and nongovernmental agencies providing humanitarian assistance to Iraq?

## **DISCUSSION OF HEARING ISSUES**

### **1. What types of barriers are encountered delivering humanitarian assistance following military operations?**

Security is still a major concern in Iraq. While the Iraqi military has been defeated, there is still lawlessness, and pockets of radical elements left resisting. This concerns Coalition forces and caused them to declare many parts of Iraq non-permissive, or too dangerous for noncombatants to enter. This situation hinders humanitarian assistance efforts because the humanitarian organizations are not allowed, or not able to enter these areas to conduct assessments, or deliver humanitarian relief supplies. **(Attachment 2)**

While the humanitarian situation in Iraq is still tenuous, and could take a turn for the worse, Coalition forces planned to address the likely food and water shortages. In many cases Coalition forces have taken on the humanitarian assistance role. For example, immediately following combat operations, and in some cases parallel to such operations, the military pushed food and water supplies as far forward as possible. This helped alleviate a humanitarian crisis in Iraq. As the Deputy Commander of Coalition Land Forces said, “nobody died from a lack of drinking water and nobody will die from a lack of food.” **(Attachment 1)**

However, the military will eventually move on to other missions. Stabilization of non-permissive areas should be accomplished as quickly as possible so that humanitarian assistance organizations can take over and supply aid to the Iraqi people.

An additional barrier to providing humanitarian assistance within Iraq is the coordination of such assistance that has two aspects. The NGOs are wary of working too closely with the Coalition forces based on their belief that they would be breaking international law. The NGOs opine international law prohibits an occupying power from reconfiguring police forces or rewriting school curricula. The Coalition forces contend the Geneva Conventions allow the occupying force to facilitate the proper working of institutions, and are operating within the limits of international law. **(Attachment 8)**

Still, debates about international law should not prevent humanitarian assistance efforts from saving Iraqi lives.

The second coordination problem relates to the organizational framework the Coalition forces have in place to govern Iraq. The civilian arm of the Coalition force, ORHA, has been put in place until the Iraqis are willing and able to govern themselves. Initially the chain of command was unclear as to who is in charge. Did the Director of ORHA report to General Franks, or to the ultimate authority in Iraq, LTG David McKiernan, the American ground commander? A civilian administrator, Ambassador L. Paul Bremmer, has now been designated to oversee Iraq's democratization, reporting directly to the Secretary of Defense.

This new appointment should help to clear up the confusing command structure for Iraq. However, it should be noted the more we confuse ourselves about who is in charge the more we confuse the Iraqis. To avoid a power vacuum and emergence of opposition factions, Iraqis should not be left in doubt about who is in charge.

## **2. What is the process of determining the types and amounts of humanitarian assistance needed in a post conflict situation?**

Although the military pre-planned and had humanitarian assistance positioned to avert a humanitarian crisis in Iraq, the process of assessing the types and amounts of assistance is the primary job of the organizations with experience in such areas.

USAID DARTs play a major role in Iraq assessing, coordinating and providing humanitarian assistance. **(Web Resource 2)** While this organization will be the focal point for assistance, it is debatable if there are enough teams to conduct an accurate assessment of Iraq.

It is important to open all of Iraq up as quickly as possible to NGOs so they can help in the assessments. NGOs are numerous. They have professionals who want to help, and each has unique experiences in other humanitarian crisis situations. These organizations bring lessons learned to the Iraq from other disaster situations, and the people in these organizations re experienced at solving problems.

Examples of what these teams have already accomplished in Iraq include; a thorough assessment of the security environment, and assessment of needs for

certain areas, pre positioning supplies for immediate distribution, providing the means to cook meals, airlifting medical supplies to hospitals, and attempting to match lost children. Additionally, international organizations continue to administer the Oil-for-Food-Program for Iraq, allowing Iraq to procure essential humanitarian supplies.

Nongovernmental humanitarian organizations are prepared to do a great deal during disaster situations. Coalition forces should attempt to get as many of these organizations into Iraq as quickly as possible.

## ATTACHMENTS

1. *Inside the Pentagon*, “U.K. General:”Nobody Died From Lack of Drinking Water” In Iraq War,” May 1, 2003.
2. Peyman Pejman, Relief Groups, “Military Spar Over Aid Delay,” *The Washington Times*, April 10, 2003, pg. 10.
3. David Pilling, “US Faces Battle to Replicate Miracle of Postwar Japan,” *The Financial Times*, April 29, 2003, pg. 8.
4. Bryan Bender, “Rebuilding Iraq,” *The Boston Globe*, April 30, 2003, pg. A20.
5. Office of Reconstruction and Humanitarian Assistance Fact Sheet provided to Congressional Delegation Shays in Kuwait City, April 17, 2003.
6. Humanitarian Operations Center Briefing Slides provided to Congressional Delegation Shays in Kuwait City, April 17, 2003.
7. Danna Haman, “Aid Groups Wary of Working Too Closely With US in Iraq,” *The Christian Science Monitor*, pg. 3, May 1, 2003.
8. US Department of State/Agency for International Development, *Iraq—Humanitarian and Reconstruction Assistance*, Fact Sheet, May 2, 2003.
9. Dan Morgan, “Deciding Who Rebuilds Iraq is Fraught With Infighting,” *The Washington Post*, pg. A31, May 4, 2003.

## **Web Resources**

1. US Agency for International Development, *Assistance for Iraq*, found at <http://www.usaid.gov/iraq>.
2. International Humanitarian Law Research Initiative, *Monitoring IHL in Iraq* found at <http://www.ihlresearch.org/iraq/feature>.
3. White House, Office of the Press Secretary, *President Bush Announces Combat Operations in Iraq Have Ended*, Remarks by the President from the USS Abraham Lincoln At Sea Off the Coast of San Diego, California, May 1, 2003, found at <http://www.whitehouse.gov/news/releases/2003/05/iraq/20030501-15.html>.
4. White House, Office of the Press Secretary, *President Names Envoy to Iraq*, May 6, 2003, found at <http://www.whitehouse.gov/news/releases/2003/05/iraq/20030506-5.html>
5. US Agency for International Development, *Assistance for Iraq*, found at [http://www.usaid.gov/iraq/about\\_relief.html](http://www.usaid.gov/iraq/about_relief.html).
6. AmeriCares, *AmeriCares Iraq update*, found at <http://www.americares.org/main.asp>.
7. International Rescue Committee, *IRC Urges Coalition to Restore Order in Iraq*, found at <http://www.theirc.org/index.cfm?section=news&wwwID=1713>.
8. Save the Children, *Save the Children Completes Delivery in Iraq*, found at [http://www.savethechildren.org/iraqwar/iraq\\_update050103.shtml](http://www.savethechildren.org/iraqwar/iraq_update050103.shtml).
9. World Vision International, *World Vision Delivers First Aid Inside Iraq*, found at <http://www.wvi.org/home.shtml>.
10. United Nations Secretary General Highlights of the Noon Briefing, May 5, 2003, *UN Operations Increase in Iraq*, found at <http://www.un.org/News/ossg/hilites.shtml>

**Witnesses**

**Panel I**

**Lieutenant General Jay Garner (Retired)**  
Director  
Office of Reconstruction and Humanitarian Assistance  
Department of Defense

**Mr. Richard Greene**  
Principal Deputy Assistant  
Bureau of Population, Refugee and Migration  
Department of State

**Mr. Roger Winter**  
Assistant Administrator  
Bureau of Democracy, Conflict, and Humanitarian Assistance  
US Agency for International Development

**Panel II**

**Mr. Curtis R. Welling**  
President and CEO  
AmeriCares

**Mr. George C. Biddle**  
Senior Vice President  
International Rescue Committee

**Mr. Rudy Von Bernuth**  
Vice President and Managing Director  
Children in Emergencies and Crisis  
Save the Children

**Representative**  
World Vision