

52 National Organizations Urge Civilian Protection and Civilian/UN-led Relief and Reconstruction in Iraq

April 2, 2003

Re: Iraq War and Humanitarian Assistance

Dear Senator/Representative:

As representatives of humanitarian, religious, human rights, arms control, environmental, veterans and women's groups, we are gravely troubled by the ongoing war in Iraq and its potential for humanitarian catastrophe. By invading Iraq, the United States and its coalition partners have assumed a moral and legal responsibility for the well-being of the Iraqi people both during hostilities and with respect to the stabilization and reconstruction of the country thereafter.

We call on Congress to take a number of steps to limit negative civilian impact of war in Iraq, to ensure U.S. adherence to international law, and to provide adequate funding and support for civilian-led relief and reconstruction.

1.) We urge you to ensure that the Administration adheres strictly to the rules of international humanitarian law in Iraq, particularly with regard to the protection of civilians and rules against the use of indiscriminate weapons. The U.S.-led war in Iraq may be entering a quagmire of urban warfare that will increase the potential for civilian loss. International humanitarian law prohibits direct attacks on civilians or civilian objects, attacks which do not distinguish between military targets and civilians or civilian objects, and attacks which, although aimed at a military target, have a disproportionate impact on civilians or civilian objects. There should also be no attack on infrastructure even if used for military purposes, if the incidental short-term and long-term consequences for civilians would be disproportionate to the concrete and direct military advantage sought in the specific attack. The UN and humanitarian organizations have warned that destruction of civilian infrastructure, including electrical grids and food distribution systems, could lead to serious public health crises. Moreover, the US must refrain from the use of inherently indiscriminate weapons – nuclear, chemical, and biological, as well as landmines and cluster bombs. Lack of Iraqi compliance with international law does not excuse noncompliance by the U.S. or other coalition partners.

2.) We urge you to ensure adequate funding for humanitarian assistance and long-term reconstruction in Iraq. It is incumbent upon the U.S. and Congress to demonstrate early a sincere commitment, backed up by adequate funding, to meeting the needs of the Iraqi people in the short and long term. We are concerned that the Administration has persistently been focusing “too little, too late” on addressing potential humanitarian disaster in Iraq. The UN and international humanitarian organizations have consistently warned of possible widespread food, water, refugee, and public health crises resulting from war in Iraq and have criticized the Administration for inadequate humanitarian planning. As the war intensifies in urban centers, UN officials are warning of a humanitarian crisis. “There is a disturbing lack of focus on the civilian population,” according to one official. UNICEF estimates that at least 100,000 children under five are already at risk in Basra from malnutrition, diarrhea and dehydration. Before hostilities began, the Oil-for-Food program was providing an average of \$12 million worth of food supplies on a daily basis and feeding 60% of the population. The U.S. should vigorously

support, materially and in other ways, the recently revised arrangements for UN administration of the Oil-for-Food Program.

On March 25, the Administration sent an emergency supplemental funding request to Congress, which included \$62.6 billion for military operations in Iraq and just \$2.4 billion to cover both relief and reconstruction (\$200 million to reimburse draw downs for emergency food stocks; \$543 million for immediate disaster relief, food, and refugee assistance; and \$1.7 billion for priority reconstruction needs). It is difficult to anticipate the eventual costs of relief and reconstruction – including emergency relief, food aid, assistance to refugees and displaced persons, civilian infrastructure repair, environmental clean-up and restoration, economic, political, and social rebuilding – from a war that is still unfolding. However, the needs may run much higher than the Administration's request. On March 28, the UN issued an emergency appeal for \$2.2 billion to cover just its portion of the first six months of direct humanitarian assistance, including \$1.3 billion in food aid alone. The Administration's request is the minimum amount that should be provided for humanitarian assistance and the early stages of reconstruction. Further funding to meet the needs of the Iraqi people and support the long-term stabilization and rebuilding of the country will no doubt be needed and should be included in future appropriations.

3.) We urge you to ensure that humanitarian aid and reconstruction in Iraq is administered by civilian authorities – not the U.S. military – and that the United Nations plays a leadership role as soon as possible. The U.S. has a responsibility to provide for the well-being of the Iraqi people in the midst of the conflict, and international law obliges occupying forces to ensure the supply of food and other necessities. However, humanitarian aid is most effectively delivered by civilian humanitarian agencies under UN leadership. To gain international legitimacy, humanitarian assistance and post-conflict reconstruction should be administered by civilian agencies, not military forces, and coordinated through legitimate international authorities. Military involvement can compromise the effective delivery of aid and lead to unintended consequences, potentially threatening the security of civilian aid workers. Humanitarian organizations have emphasized repeatedly the problematic nature of the Administration's decision to coordinate relief and reconstruction efforts from within the Department of Defense. Independence from any and all parties to the conflict is a core principle in humanitarian assistance for many non-governmental organizations, as it is for the United Nations. Under the terms set forth in the Fourth Geneva Convention, the U.S. as the Occupying Power must be prepared to provide aid if Iraq is too insecure for civilian agencies to operate; however, as soon as conditions allow, civilian agencies, under UN leadership, should provide assistance.

Congress has a critical role to play in ensuring that the Administration abides by international humanitarian law and lives up to its stated commitments to the people of Iraq. We strongly urge you to do all you can to ensure that the steps outlined above are realized and that the needs of the Iraqi people are kept at the forefront of Congress' agenda, both during and after the conflict.

Sincerely,

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