

# Iraq: Humanitarian-Military Relations

Humanitarian aid is most effectively delivered by civilian humanitarian agencies under UN leadership. Military involvement can compromise the effective delivery of aid and lead to unintended consequences, potentially threatening the security of civilian aid workers.

Any war in Iraq, however, may prove to be exceptional. Extreme insecurity may limit civilian agencies' ability to work. If there is an occupation, international law obliges occupying forces to ensure the supply of food and other necessities. Military forces 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 that assistance.

## Executive Summary

**Oxfam opposes a military strike on Iraq at this time because we fear that it could create a massive humanitarian crisis. But because of that grave concern, we are also preparing for it. This paper is part of our preparations – alongside Oxfam’s parallel paper on *Protecting Iraq’s Civilians*.**

Throughout the 1990s, the United States and several other countries increasingly regarded the provision of humanitarian assistance as an integral part of their military strategy. To date, from Somalia to Afghanistan, troops have found themselves both engaging in armed conflict and rebuilding schools or rehabilitating clinics.

Oxfam welcomes the importance placed on meeting humanitarian need. But our experience shows that civilians are best assisted when civilian humanitarian agencies provide this assistance, even during conflict situations. Military involvement can compromise the effective delivery of humanitarian aid and risk unintended consequences.

Designed to have quick impact, military-delivered aid is frequently more costly and fails to take into account communities’ long-term needs. Moreover, when troops dress as civilians and operate like aid workers – as in Afghanistan – civilians have trouble distinguishing between military forces and civilian humanitarian agencies. This makes it difficult for humanitarian agencies to present themselves as wholly separate from the warring parties and strictly impartial providers of aid, acting on the basis of need alone. Moreover, it potentially threatens the security of aid workers and their effectiveness in negotiating access to all those in need.

The laws of war – International Humanitarian Law (IHL) – stipulate that military forces have obligations to protect civilians, including ensuring that they have sufficient means to guarantee their survival. In many cases, this means ensuring that civilians have access to life-saving food and medical assistance. But that does *not* mean that military forces are best placed either to provide that aid themselves or to lead the humanitarian effort. They are not. In *most* circumstances, civilians, under the leadership of the United Nations, should deliver humanitarian aid.

Nevertheless, given the likelihood that extremely insecure conditions and, in some cases, lack of capacity will limit humanitarian agencies’ presence and ability to respond to immediate needs in Iraq, it is critical that any occupying power recognizes its responsibilities under the Fourth Geneva Convention -- to ensure the supply of food and

medical necessities, and the maintenance of hygiene and public health – and plans accordingly.

With war preparations underway, governments must ensure that they can meet their responsibilities. Military forces must be prepared to provide assistance if the environment is too insecure for civilian agencies to operate, or if those agencies are unable to be properly positioned or do not have the capacity to respond. Any occupying power must be prepared to ensure it can fulfil its obligations to protect and assist civilians who may suffer the consequences of armed conflict and its aftermath.

The obligation of an occupying power to ensure the provision of food and other vital necessities does not necessarily mean, however, that it should provide such items directly. Rather – for the reasons cited above – civilian agencies under UN leadership should assume this responsibility as soon as conditions allow. And any military force should do everything it can to create an environment secure enough for this to occur.

To ensure the most effective humanitarian response, the UN should be provided with the mandate and resources necessary to coordinate what is likely to be an immense and complex undertaking.

Before, during, and after any conflict, a clear channel of communication must be available for a timely exchange between humanitarian agencies, under coordination of the UN, and military forces. However, Oxfam will not provide any information that may endanger communities or risk the security of our staff. We will not provide information for military purposes.

## **Crisis in the making**

More than a decade of sanctions has increased the dependence of the Iraqi people on the current regime and reduced their ability to cope with crisis. All except the most privileged have depleted their cash assets and exhausted most of their material assets. The vast majority of civilians rely on a water and sanitation system that is driven by the country's main electrical power grid, and more than 50 percent of the population currently depends on the distribution of food rations. Any military action that has an impact on the national road and electricity infrastructure could severely affect millions of people.

In January 2003, an internal UN document released to the press revealed that, in the event of war, the UN has the capacity to feed only a few thousand people in Iraq, while more than 11 million people could be in immediate need of humanitarian assistance.<sup>1</sup> Moreover, the likelihood of an outbreak of disease in epidemic proportions is high.<sup>2</sup> Such conditions could far outweigh the capacity of humanitarian agencies to respond.

## **The expertise of humanitarians – the obligations of occupiers**

Oxfam strongly believes that military action against Iraq is unjustified at this time. On the basis of current evidence, such action could disproportionately increase civilian suffering and fuel regional instability. Nevertheless, as humanitarian agencies, including Oxfam, prepare for what could be a massive crisis, it is vital to consider the most appropriate form of response.

Throughout the 1990s, the United States and several other countries increasingly regarded the provision of humanitarian assistance as an integral part of their military strategy. To date, from Somalia to Afghanistan, troops have found themselves both engaging in armed conflict and rebuilding schools or rehabilitating clinics.

Oxfam welcomes the importance placed on meeting humanitarian need. The laws of war – International Humanitarian Law (IHL) – stipulate that military forces have obligations to protect civilians, including ensuring that they have sufficient means to guarantee their survival. In many cases, this means ensuring that civilians have access to life saving food and medical assistance.

Under most circumstances, civilian humanitarian agencies and local civilian authorities typically deliver the most effective and

appropriate response to crises. A war in Iraq, however, may prove to be exceptional. Conditions during hostilities may be too insecure, even by the standards of emergencies elsewhere in recent years. The humanitarian consequences may be beyond the capacity of civilian agencies to respond adequately to immediate needs.

In such circumstances, any occupying power must fulfil its legal obligations under International Humanitarian Law. The Fourth Geneva Convention of 1949 requires any force that occupies all or part of a territory to ensure the provision of food and medical supplies, and the maintenance of hygiene and public health.

While this obligation would continue throughout any occupation, it does *not* necessarily mean that military forces should provide food, water, or medical supplies directly. As soon as security conditions allow, civilian agencies – under UN leadership – should assume this responsibility. And any occupying military force should do everything it can to create an environment secure enough for this to occur.

Based on Oxfam's experience, we believe the following guidelines are important to ensure that the potential needs of the Iraqi people are most effectively met, respecting both the impartiality of civilian humanitarian agencies and the obligations of any occupying power.

# Basic guidelines for humanitarian aid related to a war in Iraq

## I. Who should provide and coordinate humanitarian aid ?

### 1) Except under extreme circumstances, civilian humanitarian agencies are best placed to provide effective assistance

Both humanitarian organizations and military policy makers agree that the military should not normally engage in the direct delivery of humanitarian assistance. The 2001 Draft Oslo Guidelines, published by the UN Office for Coordination of Humanitarian Affairs, establishes that military and civil-defense capacities are a means of last resort in responding to the needs of civilians in an emergency.<sup>3</sup>

Military forces *have* saved lives through the provision of assistance. And the record of the civilian humanitarian community is not beyond criticism. However, humanitarian agencies are usually best placed to implement appropriate and cost-effective projects that best meet the needs of the civilian population. In Iraq, as elsewhere, a military's aim will be to ensure the success of its operation, not to provide impartial assistance based on humanitarian need and the priorities of local populations.

- **Appropriate aid:** Military-delivered aid often comes in the form of "quick impact" activities designed to ensure community good will, maintain international publicity, and improve staff morale. During the 1994 Rwandan crisis, for example, British forces set up an army field hospital that ran for just six weeks. Once the military operation ended, the facility was closed and bulldozed, despite the fact that the region was experiencing an infectious disease outbreak.

While some troops may have relevant technical skills, they are unlikely to focus on understanding the local culture or the need to work in a gender-sensitive manner, fostering community participation and ensuring that the needs of the most vulnerable are met.

- **Cost-effective aid:** In 2001, in Afghanistan, the US spent \$40 million on food airdrops that weighed 6,000 tonnes – equivalent to \$7.50 per kilo. The parcels were the same color as cluster bombs, and their contents were not tailored to an Afghan diet. They consisted of shortbread, peanut butter, jam, salad, and vinaigrette. Not surprisingly, they met the needs of only a fraction of the civilian population.

By comparison, the average cost per kilo of food provided by the World Food Program was 20 cents, and its provision of wheat, oil, and sugar was designed to meet the long-term, everyday cooking needs of the local population.<sup>4</sup> Similarly, during the Rwandan crisis, the cost of British and US military assistance far exceeded those of humanitarian agencies, and (in the case of air transport) of private air-freight companies.

Given the critical importance of mounting the most effective and appropriate response, the US and other governments should do everything they can to facilitate efforts by independent humanitarian agencies to prepare for the potential consequences of conflict in Iraq. In the US, this includes facilitating licenses to operate in Iraq, and visas for working in the surrounding countries; reaching out to Iraq's neighbors to ensure that they keep their borders open to any influx of Iraqi refugees; and discussing with the humanitarian community the concerns raised in this paper.

## 2) UN coordination provides the conditions in which humanitarian agencies can best operate

The UN alone has the international mandate to coordinate humanitarian response and – with varying degrees of success -- it has a substantial record in doing so. Moreover, the institution has a vital role to play in maintaining the distance between civilian humanitarian agencies and military forces.

In May 2002, the UN took an important step toward strengthening its work in Iraq by appointing Ramiro Lopes da Silva as the Special Coordinator for Humanitarian Assistance in the country. In February 2003, he assumed responsibility for humanitarian assistance in the region.

In the event of hostilities, effective UN coordination of a civilian-led humanitarian effort must be established as soon as conditions allow.

And military forces should do everything they can to create an environment secure enough for this to happen.

## **II. Essential conditions**

### **3) To do their job effectively and safely, civilian humanitarian agencies need to preserve a distance from military forces**

If the US military intervenes in Iraq, it is critical that the expanded role it has played in humanitarian activities in Afghanistan not be used as a model for actions in Iraq. As noted above, not only do civilian agencies typically provide more effective assistance, but the long-term effectiveness of relief operations could be jeopardized by the blurring of lines between civilian humanitarian agencies and the military.

Humanitarian aid is fundamentally different from military action. And it must be *seen* to be so. When troops dress as civilians and operate like aid workers – as in Afghanistan – civilians have trouble distinguishing between military forces and civilian humanitarian agencies. This makes it difficult for agencies to present themselves as wholly separate from the warring parties and as strictly impartial providers of aid, acting on the basis of need alone. It creates an unacceptable confusion between organizations of a fundamentally different nature. Moreover, it potentially threatens the security of aid workers and their effectiveness in negotiating access to all those in need.

Any military action in Iraq is likely to foster resentment among some Iraqis, who may continue to pose a security threat once any war is over. It may also influence combatants in other conflicts where humanitarian agencies operate, from South East Asia to the Horn of Africa. Oxfam is concerned that any association between humanitarian agencies' activities and those of military forces in Iraq could increase security risks faced by aid workers worldwide.

### **4) Exchange of information may never extend to providing information for military purposes.**

Information sharing with military forces is necessary to address the urgent civilian needs that are likely to arise in the event of a military

strike. Nevertheless, it is critical to set clear standards about the kinds of information Oxfam will and will not share, particularly as we conduct our own humanitarian assessments in Iraq and the surrounding countries, prepare contingency plans and coordinate with the UN and other NGOs.

In keeping with the guidelines set out by the Steering Committee on Humanitarian Response, Oxfam would share information regarding security conditions; conditions in shared spaces (for example, transport, aid movements, and common-use airfields); and general estimates about the scope of an emergency.<sup>5</sup> Before, during, and after any conflict, a clear channel of communication must be available for a timely, two-way exchange on these issues.

But we will **not** provide any information that may endanger communities or risk the security of our staff. We will not provide information for military purposes. The Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations in Disaster Relief remains the guiding principle on this point for Oxfam and most other humanitarian agencies. It states, “we will never knowingly – or through negligence – allow ourselves, or our employees to be used to gather information of a political, military or economically sensitive nature for governments or other bodies that may serve purposes other than those which are strictly humanitarian, nor will we act as instruments of foreign policy of donor governments.”<sup>6</sup>

### **III. Obligations of belligerent and occupying powers**

#### **5) Extreme circumstances may demand exceptional action by military forces.**

To reiterate, in most cases, civilian humanitarian agencies are best placed to provide appropriate assistance. A war in Iraq, however, may prove to be exceptional because of the likelihood that extremely insecure conditions and, in some cases, lack of capacity will limit humanitarian agencies’ presence and ability to respond to immediate needs.

Unlike Afghanistan, where relief agencies have been working for years, the international aid community, with a few exceptions, is largely absent from Iraq. Fewer than a dozen international aid

groups are operating in Iraq at this time and those that are present must contend with a lack of significant donor funding, as well as restrictions on their activities.

Given these difficult conditions, it is particularly important to emphasize the particular responsibility that any occupying power bears under the Fourth Geneva Convention to ensure the supply of food and medical necessities, and the maintenance of hygiene and public health both during armed conflict and its aftermath. With war planning underway, the US and other governments must ensure that they can fulfil these obligations. Military forces must be prepared to provide assistance if the environment in Iraq proves to be too insecure for civilian agencies to operate, or if those agencies are unable to be properly positioned or do not have the capacity to respond in instances where the absence of assistance would result in unacceptable human suffering.

To date, there is little indication that the US and other governments are adequately prepared to address the daunting humanitarian challenges that a war in Iraq would entail. Clarity is needed both on the role that military forces would play in addressing humanitarian needs under extreme circumstances, and how they intend to ensure humanitarian agencies have access to those in need where the circumstances allow.

## **6) An occupying power has post-conflict obligations**

In the aftermath of hostilities, any occupying power is likewise obligated under the Fourth Geneva Convention to facilitate relief operations by all the means at its disposal and permit free passage of food, medical supplies and clothing and guarantee their protection.<sup>7</sup>

In short, in a post-war scenario, military forces should do what they do best – provide security, restore or maintain rule of law, and protect the civilian population – and civilian humanitarian agencies should do what they do best – provide aid. Military forces may play a critical role in repairing roads, runways, ports and other physical infrastructure – not least to allow humanitarian aid to be delivered – but there should be the normal presumption that civilian agencies provide such aid under UN coordination.

## Conclusion

Despite our belief that military action is unjustified at this time, Oxfam, like other humanitarian agencies, is preparing to address the potential humanitarian consequences of any war in Iraq, should it occur. We maintain that humanitarian assistance should be provided by independent and impartial civilian agencies under coordination of the UN. Military forces should do whatever they can to create conditions secure enough for this to occur. And it is only in extreme circumstances -- where civilian organizations cannot work -- that military forces should directly provide humanitarian aid.

Oxfam believes that the six guidelines presented above are necessary to ensuring the most effective humanitarian response in what is likely to be a complex and dangerous environment.

## Notes

<sup>1</sup> UN Confidential Document "Likely Humanitarian Scenarios," December 10, 2002, released to the *Washington Post*, January 5, 2002.

<sup>2</sup> Ibid.

<sup>3</sup> 'Draft Guidelines on The Use of Military and Civil Defense Assets to Support United Nations Humanitarian Activities in Complex Emergencies.' Prepared by the Secretariat of the Oslo Guidelines Process, based on Inputs provided by the Drafting Committee, Geneva, September, 2001.

<sup>4</sup> Barry, Jane and Anne Jeffreys. "A bridge too far: aid agencies and the military in humanitarian response." Humanitarian Practice Network. Overseas Development Institute. 2002. p. 13-14

<sup>5</sup> Steering Committee on Humanitarian Response, 'Position Paper on Humanitarian-Military Relations.' 2002.

<sup>6</sup> Point 4, Principles of Conduct for The International Red Cross and Red Crescent Movement and NGOs in Disaster Response Programmes.

<sup>7</sup> Article 59, 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War.

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