
SECTION II. INGOs AND GOVERNMENTS: THE CHALLENGE
OF DEALING WITH STATES THAT RESTRICT THE ACTIVITIES
OF INGOs

5 Dilemmas Facing NGOs in Coalition-Occupied Iraq

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Governments genuinely concerned about improving human rights and humanitarian conditions around the world have generally recognized the enormous contribution of international nongovernmental organizations (NGOs) in relieving human suffering in time of armed conflict and natural disaster. Such governments have welcomed the rising influence of humanitarian NGOs and have respected their independence, neutrality, and impartiality – attributes essential for effective humanitarian NGO action.

Recently, however, certain Bush administration policies have forced humanitarian NGOs working in coalition-occupied Iraq to confront a number of vexing ethical, political, theoretical, and practical dilemmas. The invasion of Iraq polarized international public opinion and placed many traditional U.S. allies in clear opposition to Bush administration policy. The coalition partners failed to convince the international community at large of the need to go to war or of the genuineness of their war aims. By taking military action against Iraq without clear approval from the United Nations (UN) Security Council, the Bush administration marginalized the UN and steered the course of U.S. foreign policy and military operations toward a heavily unilateralist agenda that alienated the international community at large, including many international NGOs. As part of the U.S. president's "you are either with us or against us" policy, the Bush administration tried to force international NGOs in Iraq to work almost as an arm of the U.S. government, forcing them either to refrain completely from any criticism of U.S. policy on Iraq, or risk being cut off from U.S. government funding and support.

The present enquiry explores dilemmas relating to international humanitarian NGO involvement in coalition-occupied Iraq as well as possible future implications for humanitarian NGOs working in other conflict zones under occupation. First, I review the contentious political atmosphere surrounding the U.S.-led invasion of Iraq that involved vocal opposition from many international humanitarian NGOs. I take note of early humanitarian NGO concern, registered

with the U.S. government even before the commencement of hostilities, to establish clear procedures for NGO cooperation with coalition forces so as to facilitate effective humanitarian assistance. Next, I consider the dilemmas NGOs had to face in connection with the U.S.-led occupation of Iraq. Finally, I consider the possible implications of the Iraq experience on the relationship of humanitarian NGOs with an occupying Power in future conflict zones.

I. THE HIGHLY CONTROVERSIAL INVASION AND OCCUPATION

Unconvincing Grounds for War

To understand the contentious relationship that developed between NGOs working in Iraq and the coalition subsequently occupying the country, it is essential to recall the United States and United Kingdom governments' stated reasons for attacking Iraq in the first place and the international reaction to it.

President Bush argued that armed force had to be deployed not only against Afghanistan, where the Taliban government had provided safe haven for Osama bin Laden, his Al Qaeda leadership and training camps, but also against Iraq to stem the threat of possible further attacks on the United States.¹ In his State of the Union Address of 29 January 2002, the president called Iraq, Iran, and North Korea "evil countries" that had to be forced to stop sponsoring terrorism. He resolved to prevent Iran, Iraq, and North Korea from acquiring chemical, biological, or nuclear weapons and then said that "States like these, and their terrorist allies, constitute an axis of evil, arming to threaten the peace of the world."²

¹ The 9/11 Commission noted that Richard Clarke, President Bush's National Counterterrorism Coordinator of the National Security Council, had "written that on the evening of September 12, President Bush told him and some of his staff to explore possible Iraqi links to 9/11. 'See if Saddam did this,' Clarke recalls the President telling them. 'See if he's linked in any way.' While he believed the details of Clarke's account to be incorrect, President Bush acknowledged that he might well have spoken to Clarke at some point, asking him about Iraq." In response, on 18 September 2001, Clarke sent a memo to Condoleezza Rice. The 9/11 Commission Report recounts, "Arguing that the case for links between Iraq and Al Qaeda was weak, the memo pointed out that Bin Laden resented the secularism of Saddam Hussein's regime. Finally, the memo said, there was no confirmed reporting on Saddam cooperating with Bin Ladin on unconventional weapons." See "The 9/11 Report: National Commission on Terrorist Attacks upon the United States: Authorized Edition," released on 22 July 2004, p. 334.

² See "President Delivers State of the Union Address: The United States Capitol Washington, DC," Office of the White House Press Secretary, 29 January 2002. The characterization of Iraq, Iran, and North Korea as an "axis of evil" drew ridicule from many at the time, including former U.S. Secretary of State Madeleine Albright who called the president's comments "a big mistake." NATO Secretary General Lord Robertson and Russian Prime Minister Mikhail Kasyanov expressed their doubts as to whether there existed any evidence to back up such a claim.

Many people in the human rights and humanitarian NGO community wondered from the outset whether the Bush administration's stated reasons for going to war against Iraq were little more than prevarications. Some of Bush's own advisors have claimed that, even prior to the 11 September 2001 terrorists attacks on the United States ("9/11"), Bush had intended to invade Iraq.³ In any case, immediately after 9/11, Iraq found itself in the crosshairs of U.S. military attack planners.

It soon became clear that President Bush and Prime Minister Tony Blair had overstated both the likelihood of an active Iraqi chemical and biological weapons program as well as of any link between the government of Iraq and the 9/11 attacks on the other. Despite three weeks of intense lobbying from the White House, from the third week of February until mid-March 2003, even close U.S. allies remained unconvinced of a need to invade Iraq, particularly before UN weapons inspectors could determine whether Iraq really had an ongoing chemical or biological weapons program. The result was that the United States and United Kingdom failed to win UN Security Council approval for the use of military force against Iraq, but they decided to go ahead regardless.⁴ The coalition's announcement that it would shortly commence aerial bombardment of Iraq forced UN weapons inspectors to leave Iraq on 18 March 2003.

Despite trenchant criticism from the international community at large, the United States launched Operation Iraqi Freedom on 19 March 2003 with heavy aerial bombardment of Baghdad and other major cities in Iraq, followed by the entry of ground troops into Iraqi territory the next day. By 9 April, Baghdad as well as Kirkuk and Tikrit fell to coalition forces, and in a 1 May 2003 publicity stunt, Bush co-piloted a U.S. Navy – S-3B Viking jet; landing aboard the aircraft carrier *USS Abraham Lincoln*, he announced "an end to major combat operations" in Iraq, in effect proclaiming U.S. victory.

From the beginning, however, even top military and intelligence officials had expressed their deep skepticism over the Bush–Blair justifications for war. In

³ In "Bush Superficial and Lacking in Intellect, Claims O'Neill," *Reuters*, 15 January 2003, it was reported that in his new book titled *The Price of Loyalty*, Bush's former secretary of the U.S. Treasury Paul O'Neill claimed Bush began planning for an invasion of Iraq right after taking office – months before 9/11.

⁴ "Bush Defends Quality of Intelligence Data Information for Speeches as 'Darn Good,'" *Associated Press*, 15 July 2003. Because only Bulgaria and Spain indicated that they would vote for a UN Security Council resolution authorizing the use of military force against Iraq, the United States withdrew its draft resolution rather than face clear defeat in the Council on a vote. The coalition attack on Iraq could not be considered an act of self-defense, anticipatory or otherwise, because the Bush and Blair governments had failed to meet the minimum international law requirements as set out in the famous *Caroline Case*. In the *Caroline Case*, the governments of the United States and Great Britain agreed that the burden of proof was on the British government "to show a necessity of self-defence, instant, overwhelming, leaving no choice of means, and no moment for deliberation." See 29 *The British and Foreign State Papers* 1137–8; and 30 *The British and Foreign State Papers* 195–6 (1837).

July 2003, former director of the Central Intelligence Agency John Deutsch warned a congressional committee that if the coalition failed to find chemical or biological weapons in Iraq, this would constitute an intelligence failure of “massive proportions” because it would mean that the U.S. government attacked Iraq “on an incorrect intelligence judgment.”⁵ Similarly, Prime Minister Blair was called to appear before the Foreign Affairs Committee to discover whether the British government had disregarded the warnings of its own intelligence services not to exaggerate the Iraqi missile threat against neighboring countries and Israel.⁶

The coalition was never able to uncover any indications of an Iraqi program to produce chemical or biological weapons, much less weapons capable of posing any threat to the United States or United Kingdom. Unfortunately, the U.S. administration did not seem to appreciate at the time that forcing UN weapons inspectors out of Iraq would naturally degrade information gathering since the United States had become reliant over several years on imagery collection and mapping with the aid of spy satellites, electronic intercepts, and signals intelligence generally, rather than firsthand human intelligence collection and analysis.⁷ Despite all this, U.S. Vice-President Dick Cheney and U.S. Attorney General John Ashcroft continued to insist for months that Iraq had possessed biological, chemical, or nuclear weapons capability shortly before the coalition’s March 2003 invasion,⁸ despite a lack of any reliable evidence to support this

⁵ See Brian Knowlton, “Bush Aide Defends ‘Murky Intelligence’ on Terror as Norm,” *International Herald Tribune*, 28 July 2003. By the beginning of February 2004, Bush was forced to promise to call an independent inquiry into intelligence failures on Iraq, and Blair had to face the same music. See “Sources: Bush to Order WMD Intelligence Inquiry: Independent Probe Has Bipartisan Support,” *CNN*, 2 February 2004; and “Blair to Hold Inquiry on War Intelligence,” *Agence France-Presse*, 4 February 2004.

⁶ Top civil servants had to explain why they relied on a graduate thesis they found on the Internet that contained outdated information gathered from 1991 Operation Desert Storm to support the government’s claims that Iraq had an ongoing chemical and biological weapons program. “Top Aide Admits UK Erred in Crafting Case against Iraq,” *Associated Press*, 26 June 2003. Not only that, Blair’s former foreign secretary, Robin Cook, submitted his resignation over the British government’s decision to attack Iraq and disclosed publicly that Blair had stated to him just two weeks before the coalition attack on Iraq that he knew Iraq posed no immediate threat to the United Kingdom. See Warren Hoge, “Cook Diary Casts Doubt on Blair,” *International Herald Tribune*, 6 October 2003. Hoge reports that “An intelligence dossier published last September argued that Iraq had unconventional weapons that could be used within 45 minutes of an order being given. Cook said that he had no reason to doubt that Blair believed the claim at the time it was made, but that in their conversation on March 5, Blair told him the weapons were only battlefield munitions and could not be assembled by Saddam for quick use because of ‘all the effort he has put into concealment.’”

⁷ The 9/11 Commission has recommended, among other things, the restructuring of U.S. national intelligence agencies, the rebuilding of CIA human intelligence collection and analysis capabilities, and transformation of the clandestine service. See “The 9/11 Report: National Commission on Terrorist Attacks upon the United States: Authorized Edition,” released on 22 July 2004, p. 415.

⁸ See Brian Knowlton, “In Rebuttal, US Insists War Was Justified,” *International Herald Tribune*, 27 January 2004; and “Cheney’s Myopia,” *International Herald Tribune*, 28 January 2004.

hypothesis. Even the chief of the U.S. government's own weapons inspections team, David Kay,⁹ stated publicly that he did not believe Iraq possessed such capability in the period leading up to the coalition's March 2003 invasion of Iraq or that such weapons could possibly have been shunted to Syria during that time.¹⁰ On 13 January 2005, a U.S. government spokesperson announced that U.S. weapons inspectors were ending their search for weapons of mass destruction, while President Bush continued to defend the coalition's use of military force in Iraq.¹¹

U.S. and coalition casualties continued to mount in Iraq such that by the end of August 2003, more soldiers had died since Bush had declared an end to major combat operations on 1 May 2003 than during the declared war itself.¹² On 17 January 2004, the number of U.S. soldiers killed during Operation Iraqi Freedom reached 500 when three soldiers died in a roadside bombing near Baghdad.¹³ A little more than a year later, the highest number of U.S. soldiers killed in a single incident since the start of the war transpired with the death of thirty-seven soldiers in a helicopter crash near the Iraq–Jordan border, which brought the number of dead U.S. soldiers to 1,418 out of which 1,085 were attributed to hostile action.¹⁴ In the first week of August 2005 alone, twenty seven U.S. soldiers were killed, bringing the total of U.S. troops by 5 August 2005 to 1,825.

To put things into better perspective, one has to take account also of civilian casualties in Iraq, which U.S. military authorities, as a matter of official policy, do not count.¹⁵ Extensive research carried out by Iraq Body Count – an NGO based in London that has been analyzing a wide range of media accounts on civilian casualties in Iraq since the war began in March 2003, reported in July

⁹ David Kay was director of the U.S. government's Iraq Survey Group, run jointly by the Central Intelligence Agency and the Pentagon.

¹⁰ "Kay: No Evidence Iraq Stockpiled WMDs: Former Chief US Inspector Faults Intelligence Agencies," *CNN*, 26 January 2004.

¹¹ "Official: U.S. Calls Off Search for Iraqi WMDs, Bush Stands by Decision to Go to War, Spokesman Says," *CNN*, 13 January 2005.

¹² The *Washington Post* reported that "Since the war began on March 19, a total of 470 service members have died in Iraq: 325 were killed in action, and 145 died in non-hostile circumstances involving accidents and suicides. The number killed in action in the war's counterinsurgency phase, 210, is nearly twice the 115 battlefield fatalities during major combat operations. . . . The number of soldiers wounded in action totaled 2,333, with an additional 370 injured in non-hostile circumstances. The total wounded in action in counterinsurgency operations, 1,783, is now more than three times the 550 wounded in action during major combat operations." See Vernon Loeb, "In Iraq, Pace of US Casualties Has Accelerated," *Washington Post*, 28 December 2003, p. A01.

¹³ "US Death Toll in Iraq Tops 500: Blast North of Baghdad Kills 3 American Soldiers, 2 Iraqis," *CNN*, 19 January 2004.

¹⁴ "Deadliest Day for US in Iraq War," *CNN*, 27 January 2005.

¹⁵ U.S. General Tommy Franks declared at a press conference in April 2003 on Afghanistan that "We don't do body counts." See "Casualties in the Iraq War," *CBC News On-Line*, 27 July 2005 (updated); and also Derrick Z. Jackson, "US Stays Blind to Iraqi Casualties," *Boston Globe*, 14 November 2003.

2005 that by March 2005, almost 25,000 civilians in Iraq had been killed.¹⁶ A year later, in a 19 March 2006 interview with the British Broadcasting Corporation, former Prime Minister of Iraq Mr. Iyad Allawi characterized the situation in Iraq as one of civil war, rather than of mere instability, criminality or sporadic violence: “It is unfortunate that we are in civil war. We are losing each day as an average 50 to 60 people throughout the country, if not more. If this is not civil war, then God knows what civil war is.”¹⁷ By April 2006, Iraq Body Count estimated that civilian deaths in Iraq had reached somewhere between 34,511 and 38,660.¹⁸

NGOs Criticize the Decision to Go to War

Returning to the period leading up to the launch of the war, it is important to recall that the Bush–Blair arguments for invading and occupying Iraq were vociferously denounced by the international NGO community at large. Months before the start of the Iraq war, many human rights and humanitarian NGOs lined up against the Bush administration’s bellicose policy.¹⁹ For example, CARE International embarked on a lengthy political campaign opposing the use of force against Iraq that involved the lobbying of Security Council members in February 2003 not to authorize the planned U.S. invasion, testimony to the British House of Commons’ International Development Committee, a million-strong march in London, adoption of joint policy positions with Save the Children and Christian Aid, and, in July 2003, representations to the relevant U.S. congressional committee.²⁰ Other NGOs banded together in a concerted “stop the war” effort that included Islamic Relief, Christian Aid, Tearfund, Amnesty International, and Oxfam.²¹

A few days before the war began, a broad coalition of NGOs urged the Security Council to prevent the unlawful use of force against a UN member State²² and

¹⁶ In its report “A Dossier of Civilian Casualties: 2003–2005” (2005, p. 10), Iraq Body Count reports that “US-led forces were sole killers of 37% of civilian victims; Criminals killed 36% of all civilians; Anti-occupation forces were sole killers of 9% of civilian victims; and US military forces accounted for 98.5% of ‘coalition’ killings.”

¹⁷ “Iraq in civil war, says former PM,” BBC, 19 March 2006.

¹⁸ See the Internet Web site of Iraq Body Count at <http://www.iraqbodycount.net/> (27 April 2006).

¹⁹ See, for example, press release of the North-South Institute, “Canadian NGOs Underscore Centrality of the United Nations in Dispute over Iraq,” 19 September 2002.

²⁰ The full name of the committee is the United States Congressional Committee on Government Reform, Subcommittee on National Security, Emerging Threats and International Relations, Humanitarian Assistance following Military Operations.

²¹ See, for example, “Statement on Iraq by CARE International Secretary General Denis Caillaux,” 21 February 2003, <http://www.careinternational.org.uk> (last accessed 4 February 2005, using the CARE Web site search engine).

²² International Progress Organization, “Call by International NGOs for Invoking Uniting for Peace Resolution,” Press Release /P/RE/18121c-is (Vienna) 27 March 2003. The International Progress Organization is a Vienna-based NGO with ECOSOC consultative status.

called on UN member states to invoke the Uniting for Peace resolution. Adoption of this resolution would have allowed the General Assembly to convene an emergency session on the grounds that the Security Council was unable to discharge its responsibilities to maintain international peace and security.²³

Prior to the commencement of armed hostilities, American-based NGOs met with U.S. government officials on several occasions to clarify the extent to which NGOs could operate freely inside Iraq, whether the UN would be free to assist in NGO coordination, and whether NGOs would be required to deal with the Pentagon instead of the U.S. State Department. According to NGO representatives who participated in these negotiations, U.S. government officials offered funds to NGOs at this juncture but insisted on the formation of a clear chain of command between U.S. authorities and NGOs – an early bad omen for NGOs intending to work in Iraq.²⁴

Humanitarian NGOs Stream into Iraq

The overthrow of the government of Iraq swept away its restrictive procedures for NGO access and flung the door wide open for peace activists and NGOs of every kind and description to enter the country and set up operations. It is therefore difficult to get an accurate picture either of the precise number of NGOs or their representatives that streamed into Iraq as the coalition took over or of their degree of seriousness. A quick look at the list of NGOs that registered with the UN Assistance Mission in Iraq (UNAMI) gives an idea of the range and diversity of humanitarian NGOs working in coalition-occupied Iraq and the need for their effective coordination.²⁵

²³ Thalif Deen, "Iraq: NGOs Decry 'Bribes' and 'Threats' Behind UN Vote," Inter Press Service News Agency, 22 May 2003.

²⁴ Larry Minear, "A Moment of Truth for the Humanitarian Enterprise," *The Progressive Response* 7, no. 21 (16 July 2003).

²⁵ By 15 January 2004, UNAMI listed the following international NGOs working in Iraq registered with it: ACTED; Action Contre la Faim; Aide Médicale International; Amnesty International; arche noVa – initiative for people in need; Architects for People in Need; Atlas Logistique; CAFOD; Cap Anamur; CARE International; Caritas International; Cesvi – World Aid from Italy; Christian Aid; Cooperazione e Sviluppo; Counterpart International; DanChurchAid; Danish Refugee Committee; Dortmunden Helfen Kurden; Dutch Consortium; Enfants du Monde – Droits de l'Homme; Food for the Hungry International; France Libertés; Fundação Assistência Médica Internacional; Global Hope Network; GOAL; Handicap International; Help from Germany; HelpAge International; Human Rights Watch; IKNN; International Medical Corps; International Rescue Committee; InterSOS; Islamic International Relief Organisation; Islamic Kurdish League; Islamic Relief; Islamic Relief Agency; Islamic Relief Worldwide; Italian Consortium of Solidarity; Japan Emergency NGOs; Johanniter-International Germany; Korea Peace Team; Kurdish Human Rights Watch; Kurdish Life Aid; Life for Relief and Development; Makkalmukarrama Charity Trust; Malteser; Medair; Médecins du Monde Belgium; Médecins du Monde Canada; Médecins du Monde Espagne; Médecins du Monde France; Médecins du Monde Greece; Médecins sans Frontières Belgium; Médecins sans Frontières France; Médecins sans Frontières Holland; Mercy

II. COALITION AUTHORITIES MARGINALIZE NGOs WORKING IN IRAQ

The Pentagon versus Humanitarian NGOs

The prewar concerns of humanitarian NGOs over their independence, neutrality, and impartiality quickly proved well founded as the White House ran Operation Iraqi Freedom through the Pentagon rather than the State Department. The Pentagon adopted a hard-line approach to humanitarian NGOs and showed little interest in cooperating with them. By 1 April 2003, a coalition of NGOs working in Iraq complained bitterly that the U.S. government was seriously marginalizing humanitarian NGOs:

In an unusually tough statement, InterAction – which with 160 members is the largest US alliance of non-governmental relief groups – expressed deep concern about military-driven plans for bringing humanitarian aid to Iraq. . . . “The Department of Defence’s efforts to marginalize the State Department and force non-governmental organizations to operate under DOD jurisdiction complicates our ability to help the Iraqi people and multiplies the dangers faced by relief workers in the field,” said InterAction CEO Mary McClymont. She said relief professionals at the State Department and the US Agency for International Development, not the Pentagon’s military establishment, know best how to conduct emergency assistance operations. “Having been deeply involved for decades with non-governmental organizations that provide humanitarian assistance around the world, USAID and [the] State [Department] are familiar with the principles of independence and impartiality under which we must operate,” she said.²⁶

The White House policy to bring humanitarian aid to Iraq through the Department of Defense meant that soldiers were assigned to carry out humanitarian tasks in addition to their usual military duties. This policy mixed prosecution of war aims with humanitarian objectives, and it may well have lent the erroneous impression to the Iraqi public that NGOs cooperating with coalition forces supported the invasion and occupation. The problem was exacerbated at the logistical level by strict U.S. Army rules on NGO liaison and cooperation:

“People are upset. They do not want to report to the military,” one agency official said. . . . One problem involves Pentagon plans to require aid workers to wear military-issued identification tags. “We said we won’t do it,” the official said. “The military needs to have confidence that people are genuine aid workers but the answer is not to slap a military ID on them,” he added.²⁷

Corps; Mercy International; Merlin; Middle East Council of Churches; Middle East Development Service; Mines Advisory Group; Mission Enfance; North West Medical Teams; Norwegian Church Aid; Norwegian Peoples’ Aid; Oxfam; Peace Winds Japan; Premiere Urgence; Qandil; REACH; Response, Relief, Resettlement & Rehabilitation; Save the Children (US/UK); Save the Children UK; Solidarités; STEP; Telecoms sans Frontières; Terre des Hommes; Turk ve Ortadogu Dayanisma Vakfi; Turkmeneli Cooperation & Cultural Fdn.; Un Ponte Per; War Child; Washington Kurdish Institute; World Assembly of Muslim Youth; and World Vision.

²⁶ Carol Giacomo, “Aid Groups Oppose Pentagon Control of Aid Effort,” *Alertnet*, 1 April 2003.

²⁷ *Ibid.*

However, if humanitarian NGOs thought that they were going to get better treatment from USAID than from the Pentagon, they were in for a rude surprise.

USAID's Ultimatum to NGOs

On 21 May 2003, USAID administrator Andrew Natsios indicated that NGOs receiving USAID funding had to "agree to clear any and all publicity or media-related matters tied to their funded-activities through USAID first and to repeatedly and consistently publicize the US government's funding of their efforts throughout each phase of their on-the-ground service delivery, *reflecting the Administration's belief that recipients of federal grants are agents of the US government and its policies.*"²⁸ On 27 May 2003, five major U.S.-based NGOs, namely, Agricultural Cooperative Development International and Volunteers in Overseas Cooperative Assistance (ACDI/VOCA), Cooperative Housing Foundation International, International Relief and Development, Mercy Corps, and Save the Children (U.S.), that had received US \$7 million each in initial funding from USAID²⁹ were pressured to agree to a clause that reportedly read "Contact with the news media, in the United States or overseas, shall be notified to and coordinated with" USAID press officers.³⁰ USAID's policy to co-opt humanitarian NGOs was emphatically restated by the USAID administrator in the InterAction forum as the *Financial Times* reported:

According to notes taken by InterAction officials, Mr Natsios described NGOs and private contractors fulfilling US government contracts as 'an arm of the US government'. Unless they improved their performance and did a better job of promoting their contacts to the US administration, the government would cut off funding, he warned.³¹

The conditions on USAID-funded NGOs formed part of the Bush administration's overall strategy of political favoritism in reconstruction and assistance³² to Iraq as a foreign policy tool to shift the balance of power in the Middle East. A clear pattern emerged in the selection of businesses almost exclusively from European

²⁸ Jonathan Wright, "NGOs Feel the Squeeze from Bush Administration," *Reuters*, 24 June 2003 [emphasis added].

²⁹ See "USAID Awards Grants for Iraq Community Action Program," USAID Press Release, 27 May 2003.

³⁰ See Richard Read, "Aid Agencies Reject Money Due to Strings," *Oregonian*, 6 June 2003.

³¹ Alan Beattie, "NGOs Under Pressure on Relief Funds," *Financial Times*, 13 June 2003.

³² The major part of the lucrative reconstruction contracts were allocated to the American conglomerate Bechtel, which the U.S. government awarded around US \$680 million in contracts, along with certain British companies. Egypt lobbied the U.S. government insistently for a share. U.S. officials assured close allies Kuwait and Saudi Arabia that they would receive a good share of the contracts to be handed out. In contrast, Syria stood little chance to gain from any contracts owing to its strained relations with Washington. "Citing Past Work in Iraq, Arab Nations Vie for Contracts," *Associated Press*, 10 September 2003.

countries that supported the Iraq invasion.³³ Corporations in European countries where governments had opposed coalition intervention in Iraq worried that the U.S. government would prevent them from cashing in on an estimated US \$1 billion at stake in potential business in Iraq.³⁴

The Bush administration's divisive attitude to the rebuilding of Iraq forced NGOs either to disagree publicly with those U.S. government policies or to accept USAID funding quietly for Iraq-related activities and surrender their prerogative to criticize U.S. policy. Not all NGOs could agree to such restrictions. Several NGOs, including International Rescue Committee, CARE, and World Vision, made the difficult decision not to seek USAID funding under these conditions.³⁵

The dilemma over government funding and NGO independence split the NGO community and could be seen clearly in the example of disagreement over the issue between Save the Children (U.S.) and Save the Children (UK). *The Guardian* reported that

One of Britain's most high-profile charities was ordered to end criticism of military action in Iraq by its powerful US wing to avoid jeopardising financial support from Washington and corporate donors, a *Guardian* investigation has discovered. Internal emails reveal how Save the Children UK came under enormous pressure after it accused coalition forces of breaching the Geneva convention by blocking humanitarian aid. Senior figures at Save the Children US, based in Westport, Connecticut, demanded the withdrawal of the criticism and an effective veto on any future statements blaming the invasion for the plight of Iraqi civilians suffering malnourishment and shortages of medical supplies. Uncovered documents expose tensions within an alliance that describes itself as 'the world's largest independent global organisation for children' but which is heavily reliant on governments and big business for cash. Save the Children UK, which had an income of £122 m in 2002–03, boasts the Queen as patron and Princess Anne as president, plus a phalanx of the great and the good lending their titles and time. The row over Iraq erupted in April when the London statement said coalition forces had gone back on an earlier agreement to allow a relief plane, packed with emergency food and medical supplies for 40,000 people, to land in northern Iraq.³⁶

Almost two-thirds of the Save the Children (US) budget came from grants and contracts with the U.S. government.³⁷

³³ Some experts estimated that the award of contracts to rebuild Iraq could double the projected increase in the GNP for Poland – a country that supported the coalition's war policies – from 1.3% to almost 3%. See Brian Whitmore, "Poland Hopes Rebuilding Iraq Will Aid Economy," *Boston Globe*, 11 June 2003.

³⁴ Joseph Fitchett, "Rewards and Punishments in the Rebuilding of Postwar Iraq," *International Herald Tribune*, 3 April 2003.

³⁵ Richard Read, "Aid Agencies Reject Money Due to Strings," *Oregonian*, 6 June 2003.

³⁶ Kevin Maguire, "How British Charity Was Silenced on Iraq," *Guardian*, 28 November 2003.

³⁷ To respond to the damaging *Guardian* article, Save the Children (UK) proclaimed its commitment to impartiality and independence from government in an official response posted on its Web site. See "Save the Children UK Not Silenced on Iraq," *Press Release*, 28 November 2003, posted

NGO Watch Watches NGOs

In a parallel development, it could not go unnoticed that in June 2003, a conservative institute with close ties to the Bush administration created a new organization called NGO Watch. Many influential senior officials in the Bush administration's Departments of State and Justice had been recruited from the American Enterprise Institute and the Federalist, which together founded NGO Watch.³⁸ It was reported that

Having led the charge to war in Iraq, an influential think tank close to the Bush administration has added a new target: international non-governmental organizations (NGOs). The American Enterprise Institute (AEI) is setting its sights on those groups with a progressive or liberal agenda that favors global governance and other notions that are also promoted by the United Nations and other multilateral agencies. AEI and another right-wing group, the Federalist Society for Law and Public Policy Studies, announced Wednesday they are launching a new website (<http://www.NGOWatch.org>) to expose the funding, operations and agendas of international NGOs, and particularly their alleged efforts to constrain US freedom of action in international affairs and influence the behaviour of corporations abroad.³⁹

Significantly, NGO Watch's Web site states its concern that:

NGO officials and their activities are widely cited in the media and relied upon in congressional testimony; corporations regularly consult with NGOs prior to major investments. Many groups have strayed beyond their original mandates and have assumed quasi-governmental roles. Increasingly, non-governmental organizations are not just accredited observers at international organizations, they are full-fledged decision-makers. . . . Throughout much of the world, non-governmental organizations are unregulated, and are spared any requirement to account for expenditures, to disclose activities or sources of funding, or even to declare their officers. That is not the case in the United States, where the tax code affords the public some transparency about its NGOs. But where is the rest of the story? Do NGOs influence international organizations like the World Trade Organization? What are their agendas? Who runs these groups? Who funds them? And to whom are they accountable?⁴⁰

Some journalists wondered whether NGO Watch might be a wolf in sheep's clothing whose list of NGOs might in fact be a "McCarthyite blacklist, telling tales on any NGO that dares speak against Bush administration policies or in support of international treaties opposed by the White House."⁴¹

at <http://www.savethechildren.org.uk>, last accessed 4 February 2005, using the CARE Web site search engine.

³⁸ See also "Holding NGOs to Account," *Christian Science Monitor*, 15 January 2004.

³⁹ Jim Lobe, "Think Tank Turns Wrath on NGOs," *Inter-Press Service*, 12 June 2003.

⁴⁰ See "Information Page" of NGO Watch's Web site at www.NGOWatch.org, last accessed 4 February 2005.

⁴¹ Naomi Klein, "Bush to NGOs: Watch Your Mouths," *Globe and Mail*, 24 June 2003.

III. DILEMMAS OF NGO INVOLVEMENT IN COALITION-OCCUPIED IRAQ

The Bush–Blair military action against Iraq marginalized the UN and the humanitarian NGO community in the process. The strong-arm tactics of the Pentagon and USAID together with the establishment of NGO Watch amount to a concerted attempt to muzzle humanitarian NGOs working in the country.

The dilemmas for NGOs basically arose as follows: political advocacy or neutral humanitarian assistance; independent NGO action or dependency on UN coordination; and neutral access or coalition security. Behind each of these dilemmas, explored subsequently, lurks menacingly the tension between NGO acceptance of substantial government funding and the risk that NGOs cannot maintain their independence from government under these conditions.

Political Advocacy or Neutral Humanitarian Assistance?

Not to speak out against the launch of war – an event that inevitably causes or worsens humanitarian situations – or to refrain from criticizing violations during armed conflict that cause human suffering, in many cases would seem blatantly unethical. However, an NGO's denunciation of a government's violations can undercut the NGO's provision of humanitarian assistance on a politically neutral and impartial basis at ground level.

This ethical dilemma involves also difficult political and practical dilemmas for NGOs. Humanitarian NGOs can work much more effectively where they form part of an overall, integrated approach to reconstruction and relief efforts so as to avoid duplication and maximize the effective use of scarce resources in their totality.⁴² For example, it makes little sense for NGOs to expend their time and energy trying to extend humanitarian assistance where the destruction of roads and bridges have rendered access impossible or where other logistical preconditions have not been met. At the practical level, coordination and integration in relief efforts requires cooperation among UN agencies, bodies, and programs, country authorities, and humanitarian NGOs. However, highly critical NGO political advocacy can jeopardize such coordination and cooperation, particularly when NGOs have to rely on occupation Powers for security and other forms of logistical support to gain access to people in need of humanitarian assistance.

⁴² The problem of coordination among humanitarian NGOs arises in many other major relief operations, for example, those dealing with the aftermath of the Indian Ocean tsunami that claimed the lives of perhaps a quarter of a million people on 26 December 2004. See Stephanie Strom, "Asia's Deadly Waves: Coordination amid Good Intentions, Aid Workers Try to Bring Order to the Generosity," *New York Times*, 3 January 2005.

Putting it another way, the dilemma between speaking out against the use of violence to solve international disputes can conflict with effective NGO provision of humanitarian assistance once war has started. If humanitarian assistance should be politically neutral and impartial, then, arguably, opposing the onset of hostilities itself involves humanitarian NGOs in a political dispute with the occupying Power. If NGOs are seen as opponents of the war, they risk being shut out of occupying Power operational strategy and planning, as NGOs in fact have been in coalition-occupied Iraq, and this can severely hamper the aid effort. Access under security provided by armed forces almost always comes at a price, and that price can be the image if not the fact of neutrality and impartiality, as discussed later in this chapter.

One way to solve this dilemma could be to adopt the approach taken by the International Committee of the Red Cross (ICRC), which, although neither an intergovernmental organization nor an NGO, exemplifies a strictly neutral and impartial approach to humanitarian relief operations in war zones. The ICRC refuses to take any side in hostilities or engage at any time in any political, racial, religious, or ideological controversy whatsoever. On this basis, the ICRC has been more successful than any intergovernmental or nongovernmental body in gaining the confidence and respect of all sides to an armed conflict. This in turn has afforded ICRC delegates an unrivalled degree of access to detainees, prisoners of war, refugees, internally displaced persons, and other persons protected by the Geneva Conventions of 1949.⁴³ The ICRC's unique history, image, and role make it difficult for humanitarian NGOs to emulate its example, however.

Would humanitarian NGOs be willing to give up political advocacy to guard their neutrality and impartiality in the field? Probably not. Political advocacy forms an essential activity for many NGOs. Aside from its obvious value as an instrument to influence decision making on the part of governments and intergovernmental organizations, it also enhances public visibility, helps to generate funds, and increases membership. Moreover, many humanitarian NGOs might consider that, in any case, armed conflict zones inevitably involve NGOs in politically controversial issues. For any NGO wishing to speak out on political issues, the ICRC's approach of strict neutrality again would be difficult to follow.

Independent NGO Action or Dependency on UN Coordination?

As discussed earlier, an important component of effective humanitarian NGO action lies in good coordination and a certain minimum level of basic logistical support including security. Because of strained relations between coalition authorities and the humanitarian community, NGOs had to rely more heavily on

⁴³ Geneva Conventions, *adopted* 12 August 1949, *entered into force* 21 October 1950.

the presence of the UN to facilitate their work. When security conditions forced the UN to reduce its presence in Iraq, humanitarian NGOs again had to depend on coalition authorities for security, which raised fresh dilemmas.

In his report of 15 July 2003, UN Secretary General Kofi Annan expressed his concerns over the deteriorating security situation in Iraq,⁴⁴ noting that three of eighteen governates were deemed “off-limits” to UN personnel and that

[t]he work of the United Nations humanitarian agencies is further impeded by the massive presence of explosive ordnance, mines and unexploded ordnance, which pose an immediate humanitarian threat to the local population. A sharp increase has been recorded in the number of casualties, as a result of people tampering with stockpiles and caches of munitions. Freshly laid landmines, and submunitions used during the recent conflict, have exacerbated a serious existing problem of landmine and unexploded ordnance contamination.⁴⁵

Significantly, the Secretary General also recounted that although UN personnel had not yet come under direct attack, “One exception to this was an incident in Basra on 17 June when a crowd trapped two United Nations vehicles, apparently not distinguishing the United Nations from the [coalition] Authority.”⁴⁶

In mid-August 2003, the UN Security Council, concerned about the deteriorating security conditions, adopted resolution 1500⁴⁷ establishing UNAMI from 1 September 2003.

On 19 August 2003, a truck bomb was exploded at the UN Headquarters in Baghdad, claiming the lives of twenty-two persons, including that of Sergio Vieira de Mello, who served as both the Secretary General’s Special Representative for Iraq and the UN High Commissioner for Human Rights. Another 130 others were injured, many severely. On 22 September, the UN compound suffered another bombing that took the life of an Iraqi policeman and left a further nineteen wounded.⁴⁸ These horrendous attacks forced the UN to reduce drastically its presence in Iraq, severely hampering the ongoing humanitarian relief efforts of intergovernmental agencies and NGOs.⁴⁹

⁴⁴ See Report of the Secretary-General Pursuant to Paragraph 24 of Security Council resolution 1483 (2003); S/2003/715 of 17 July 2003.

⁴⁵ *Ibid*, paragraph 31.

⁴⁶ *Ibid*, paragraph 32.

⁴⁷ S/Res/1500(2003) of 14 August 2003, was adopted following the UN Secretary General’s report of 15 July 2003 on the situation in Iraq (S/2003/715). The resolution recalls all the Council’s previous relevant resolutions, in particular resolution 1483 (2003) of 22 May 2003 in which the Council, acting under Chapter VII of the Charter of the United Nations, *inter alia*, appealed to all member States and concerned organizations to assist the people of Iraq to rebuild their country.

⁴⁸ “UN Cuts Iraq Staff after Second Bombing,” *Associated Press*, 26 September 2003.

⁴⁹ Brian Knowlton, “More UN Workers Told to Quit Iraq: But Annan Stops Short of Full Pullout: Reductions Hinder US Efforts to Get Aid,” *International Herald Tribune*, 26 September 2003.

Once the United Nations evacuated its staff from Iraq, many NGO personnel felt demoralized and decided they also had to leave. Agence France Presse reported that

Many of the humanitarian NGOs operating in Iraq also cut back, or even closed down, following the August 19 attack on the UN offices at the Canal Hotel. But according to officials of those still operating here, housed in discrete hotels, protected by local security guards, NGO personnel are being subjected to violence on the roads, are being threatened by unknown extremists and even having grenades thrown at their offices.⁵⁰

Given the radically scaled down UN presence in Iraq, and the coalition's failure to secure general conditions of security throughout Iraq, international NGOs could not realistically take their own chances, which in many cases meant they could not continue with their humanitarian assistance missions without coalition security. Yet, as discussed in the next section, NGO reliance on the coalition for security pitted this reality against the ideal of neutral access.

Neutral Access or Coalition Security?

Humanitarian NGOs have had to choose whether to speak out against coalition action in Iraq at a time when they also have to rely on coalition authorities for security. Once the image of NGO neutrality has been weakened, it can be difficult or impossible to restore, and the taint of partiality can make all humanitarian NGOs direct targets of armed hostilities. At the same time, governments waging war have themselves increasingly mixed politics with humanitarian assistance.

This point was further driven home with the bombing of the ICRC Headquarters in Baghdad on 27 October 2003. Médecins sans Frontières (MSF) issued an angry statement that declared that humanitarian NGOs in Iraq were not participants in the war against terrorism and blamed the U.S. government for worsening the confusion.⁵¹ MSF complained in particular that U.S. Secretary of State Colin Powell had linked the continuing presence of NGOs in Iraq as

⁵⁰ Beatriz Lecumberri, "As UN Pulls Out of Iraq, NGOs Lose Heart," *Agence France-Presse*, 26 September 2003.

⁵¹ "MSF Statement on Independent Humanitarian Aid in Iraq: We Are Not Actors in the War on Terrorism," Médecins sans Frontières Press Release, 31 October 2003. MSF reiterated that "We are not part of the US-led Coalition in Iraq nor actors in the war on terrorism or any other war. Those responsible for the attack on the ICRC have made it even more difficult than before for independent aid organizations to continue providing assistance to the Iraqi people. . . . And, each time politicians describe humanitarian aid as an instrument of foreign policy or ask humanitarian organizations to take sides in a conflict, our independence – upon which the safety of our staff and the future of our ability to offer assistance to those in need depends – is further eroded."

an indicator of the coalition's supposed success in establishing normal conditions, which identified NGOs with U.S. policy and thereby unnecessarily politicized NGO work throughout the country. MSF felt obliged to distance itself from the coalition as far as possible to preserve its neutrality and independence from it:

Actions and statements made by Western officials, however, have only contributed to the vulnerability of humanitarian organizations to attacks. Western officials constantly attempt to include humanitarian action as part of their "good" political intentions in intervening in other people's countries. . . . Whether dropping "humanitarian" food packets while simultaneously unloading bombs from warplanes over Afghanistan or deploying military personnel in vehicles marked "humanitarian assistance" in Iraq, the US's attempt to partially justify its military goals as "humanitarian" has seriously undermined the very principle of true humanitarian action: unconditional provision of assistance to those in need without taking sides in a conflict.⁵²

Even before the attack on the ICRC headquarters, other international NGOs had registered their concern that the deployment of armed forces from their own countries could render humanitarian NGO workers more difficult to distinguish from military personnel and could make NGOs more likely targets of attack.⁵³ Ultimately, many NGOs considered that they could no longer work under such conditions and left the country.⁵⁴

Terrorists have shown no qualms about attacking any target of opportunity, regardless of whether it kills or maims civilian men, women, or children, including Arabs and Muslims. The impact of the indiscriminate character of terrorism on the humanitarian NGO community in Iraq was graphically illustrated with the abduction of Margaret Hassan on 19 October 2004 and her probable murder some three weeks later.⁵⁵ Hassan, a British–Iraqi national, had dedicated almost thirty years of her life to providing humanitarian assistance to the Iraqi people as director of CARE (Iraq). She had converted to Islam, spoke fluent Arabic, and was noted for her staunch criticism of UN sanctions against Iraq.⁵⁶ Terrorist attacks are easier to carry out where there is support from the general public, however, and this support depends very much on perceptions of legitimacy, which brings us back to the issue of NGO independence, neutrality, and impartiality.

⁵² Ibid.

⁵³ Shinya Ajima, "Japanese NGOs in Iraq Worried about SDF Dispatch," *Kyodo News*, 5 July 2003.

⁵⁴ "Stay or Go: The Question for NGOs in Iraq," *Deutsche Welle*, 28 October 2003, available at <http://www.dw-world.de> (last accessed 4 February 2005 under "Current Affairs").

⁵⁵ As of April 2006, Margaret Hassan's body had still not been recovered.

⁵⁶ See Jason Burke, "Margaret Hassan: 1944–2004," *The Guardian*, 17 November 2004.

CONCLUSION: FUTURE IMPLICATIONS FOR INTERNATIONAL HUMANITARIAN NGOs WORKING IN CONFLICT ZONES

The choice between political advocacy and politically neutral humanitarian assistance does not always have to take the form of a serious dilemma for humanitarian NGOs. Effective humanitarian assistance frequently does require NGOs to draw international attention to the plight of persons in need of urgent care. NGO advocacy on behalf of victims of starvation, flood, war, or other disaster, hardly seems political in the sense that no moral person could seriously dispute the goodness of the humanitarian cause at stake, even if one could disagree about means and approach. More difficult issues arise where NGOs criticize governments for the use of military force that worsens the humanitarian situation or involves the occupying Power in such violations of human rights and humanitarian law as those perpetrated in Abu Ghraib prison,⁵⁷ while at the same time remaining reliant on the same governments for funding, security, access to certain zones in the territory, and basic logistical support.

Wherever governments expect NGOs to behave as their agents, the horns of the dilemmas for NGOs become dangerously sharp. The more that governments resort to the use of force on highly controversial grounds, the more we can expect to see them invoke humanitarian action and language to gloss over unpopular bombardment campaigns and legally questionable invasion and occupation. The muddier the waters, the more opaque will be the search for possible solutions to the vexing ethical, political, theoretical, and practical dilemmas likely to plague NGOs in future conflict zones.

The crisis between Save the Children (U.S.) and Save the Children (UK) is only one example of the soul-searching that humanitarian NGOs have had to undergo in reexamining their aims, objectives, and *modus operandi*. In principle, accepting funding from a belligerent to an armed conflict should not necessarily undermine an NGO's neutrality and impartiality and independence, because not all governments have adopted the hard-line approach of USAID and the Bush administration. Perhaps NGOs have to choose whether they wish to maintain high political visibility on contentious issues, or, rather, work more quietly to avoid becoming politicized at ground level. Perhaps a certain specialization is inevitable between human rights NGOs on the one hand, whose calling is to draw attention in the most effective manner possible to human rights violations and even to denounce governments, and humanitarian NGOs on the other hand, whose missions focus more on relief operations. Humanitarian NGOs might have to recognize that denouncing violations will likely undercut the effective extension of humanitarian assistance on a neutral basis.

⁵⁷ See Seymour Hersch, "The Gray Zone: How a Secret Pentagon Program Came to Abu Ghraib," *New Yorker*, 24 May 2004.

Of course, the ideal solution would be that the U.S. government return to its previous policies, which were to foster, encourage, and support NGOs as an invaluable element of the international community's social fabric and to tolerate gracefully disagreement from the nongovernmental sector. One can only hope that the Bush administration's approach to NGOs will not be adopted by other countries and that the U.S. government itself will return to its previous attitude of showing genuine respect for the immense contribution of humanitarian NGOs.