Brookings Forum
Brookings-SAIS Project on Internal Displacement

PREPARING FOR WAR IN IRAQ: PROTECTING THE CIVILIAN POPULATION

The Brookings Institution
Falk Auditorium
February 11, 2003

Moderator:

ROBERTA COHEN
Senior Fellow, The Brookings Institution; Co-Director, Brookings-SAIS Project on Internal Displacement

Panelists:

KENNETH H. BACON
President, Refugees International Former Assistant Secretary of Public Affairs, Department of Defense (1994-2001)

CHRISTOPHE GIROD
Head of Regional Delegation for North America and Canada, International Committee of the Red Cross

ROY GUTMAN
Senior Fellow, U.S. Institute of Peace, Chief Diplomatic Correspondent, *Newsweek*; Co-author, *Crimes of War*

SANDRA MITCHELL
Vice President, Government Relations/Advocacy, International Rescue Committee

WILLIAM L. NASH
Major General, U.S. Army (Ret.); Director, Center for Preventive Action, Council on Foreign Relations

LARRY SAMPLER
Consultant, Institute for Defense Analysis and USAID; Former U.S. Director of Operations, Afghan Emergency Loya Jurga

VICTOR TANNER
Consultant on humanitarian issues; Faculty Member, Johns Hopkins University (SAIS); Co-author, *The Internally displaced People of Iraq* (Brookings Report, 2002)

MS. ROBERTA COHEN: Good afternoon and thank you all for coming to this forum on protecting the civilian population of Iraq. I'm Roberta Cohen and I Co-Direct the Brookings-SAIS Project on Internal Displacement. The project seeks to promote a more effective international response to the plight of people who are uprooted in their own country by conflict and human rights abuse.

Brookings has been holding a series of events on the Iraq crisis and I wanted to report to you that they will be having a meeting every Thursday from now on, and the next weekly meeting on Thursday is going to be on the allies and Iraq. More information on the Brookings programs on Iraq can be found in the web site.

Our panel today is a rather formidable group. It's seven experts in various aspects of protecting civilian populations. A full description of each panelist is in the packet.

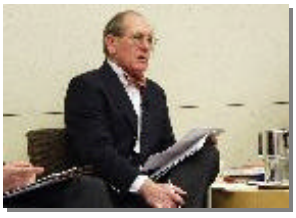
Let me begin by saying that no one doubts the ability of the United States military to win a war against Iraq, but if the U.S. earns the animosity of the civilian population the peace can easily be lost.

While we are told that attention is being paid to ensuring that food and other basic supplies will reach the people of Iraq, it's not clear that sufficient attention is being paid to protecting that population from the brunt of military action, whether it's collateral damage, cluster bombs, landmines, or from the use by Saddam Hussein's army of chemical and biological weapons.

It's also not clear that sufficient attention is being paid to protecting the civilian population from the assault, reprisal, revenge killings and other human rights abuse that often accompany the overthrow of a brutal regime and with the longstanding competing claims for power and new resources by different ethnic and religious groups.

our first panelist is Ken Bacon who is the President of Refugees International and a former Pentagon spokesman.

Ken, how can the United States provide maximum protection for civilians while waging a military campaign?



MR. KENNETH H. BACON: Thank you.

I think there are a number of things the U.S. can do, but before getting into those let me just lay the scene briefly here.

In the last several conflicts in which the U.S. has been engaged, civilian casualties have been remarkably low. The estimates are that about 3500 civilians died during Desert Storm in 1991. Why is this? Why were the casualties so low over an extended period of bombing?

First, we bombed primarily military targets. Second, we had very precise weapons. And third,

we have real bias in our targeting towards electronic and communication targets. It's a "you emit, we hit" type of philosophy for the military. Thirty-five percent of the bombs dropped in recent conflicts were aimed at electronic and communications facilities, and frequently these aren't in major cities, they're electronic communications relay facilities, they're radars, they're facilities connected with missile and other military installations.

But the civilian casualties could potentially be vastly higher this time around in Iraq, and I think there are three reasons. One is there's a threat, of course, that Iraq could use weapons of mass destruction. And although the blame for this would fall squarely on the shoulder boards of the Iraqi generals and leaders, we would get some of that blame as well.

Second, there's a possibility that Saddam should use human shields, or another way of putting that is that he would integrate his military into civilian populations by putting military installations in mosques, hospitals, schools, etc. Again, Saddam Hussein would be responsible for that but we would get some of the blame.

Third, and probably most worrisome from our standpoint, is that from everything we read there will be a substantial ground war element if we attack Iraq. Remember, there was a ground war but it was in the desert and it was 100 hours long in Desert Storm. There was some ground fighting by Special Forces in Afghanistan. There was no ground fighting in Kosovo. So a ground war, particularly a war in and around cities, would be different for us, potentially very messy, and potentially comprised of large civilian casualties.

I don't have to go into the reasons why limiting civilian casualties is important. First of all it's a moral imperative. Second, it's a legal imperative under the fourth Geneva Convention. Obviously it's important for rebuilding Iraq and for trying to win the faith and the trust of the Iraqi people and of the Arab world generally, to hold civilian casualties to a minimum.

So how can we do that? First of course, is target selection and weapons mix. To the extent that we can select targets outside of urban areas, purely military targets, targets outside of civilian areas, we're going to hold civilian casualties down. They will be lower than they would be otherwise. This is how we have tended to fight in Kosovo and in Baghdad and Iraq in Desert Storm. It's quite remarkable. I know [pointing at a person in the audience]Dan Serwer just came back from Belgrade, where you can see buildings that were completely wiped out by one or two bombs and the buildings next to them were virtually untouched. So our ability to hit precisely is quite extraordinary.

But weapons mix is also very important because if we use cluster bombs, for instance, they could have a much higher rate of civilian casualties than not. There were cases where cluster bombs went awry in Kosovo and produced civilian casualties that we had not planned on. Also the use of anti-personnel landmines could produce casualties long after the fighting was over and I think poisons the Iraqi people towards what is supposed to be seen as American liberators. So weapons choice is important.

Target choice in terms of hitting electric generating facilities or water pumping stations could also have a huge impact on civilian casualties, particularly in the post-conflict period. There are reports that we're not going to hit electrical generating facilities for a variety of reasons. I don't know whether those reports are correct or not.

There are also weapons that do not destroy electrical generating facilities but temporarily prevent electricity from being transmitted. We used those in Kosovo.

Fighting in cities. How we fight in the cities--if we fight in the cities--will be extremely important. You can start with the assumption that we will not see any Grozny-type situations and that the United States will not be involved in the types of flattening of Grozny that the Russian forces were involved in. That's certainly our goal, and we ought to be able to deliver on that goal. But there are ways to fight in cities that can reduce or hold down civilian casualties. One is to not go into a city immediately but create a cordon around a city to freeze it off, blockade it, take time, establish sanctuaries and routes out for people who want to leave, they can be checked on the way out, they can be fed as they come out, they can get medical care as they come out, and to target very critical nodes, the critical services that cities depend on to survive. You could shut off the water rather than blowing up the water reservoirs or the pumping facilities.

Finally, most casualties occur after the conflict. They occur from displacement. So it's very important that the U.S. and its allies have a very good plan in place for providing food, medical care and shelter immediately to hold down the post-conflict casualties and to do that as we attack.

Thank you.

MS. COHEN: Thank you, Ken.

The next panelist is Christophe Girod, on Ken Bacon's right. He is the head of the International Committee of the Red Cross, Regional Delegation for North America. I want to mention that Christophe was in charge of the ICRC task force during the 1991 Gulf War.

Christophe, can you comment please on the rules of war, on international humanitarian law, and the responsibilities of an occupying power?

MR. CHRISTOPHE GIROD: Thank you.

I will underline two sets of rules which are both embodied in international human law. The first one is the combat atrocities which principles and rules you can find in the four 1949 Geneva Conventions, and most particularly in the first 1977 additional protocol. Despite the fact that this additional protocol has not been ratified by the U.S. in particular, [inaudible], its rules are, most of its rules are considered

as customary law and as such you find them in war manuals among which the U.S. are among those.

The principles of the rules regarding the combat atrocities is, I would like to give two main principles. [Proportionality], which is the warring parties have to take into account what [inaudible] can have if they hit a target. A target they have to choose, [inaudible] which is one of discrimination [inaudible] shall distinguish between civilian and military targets. There are also other principles. I will not comment upon the right to assistance for the civilian population and so on.

Going to occupied territories, there are 41 articles in the fourth Geneva Convention related to the obligations, duties of the occupying power and rights of the occupied populations. But the general rule is that persons cannot be deprived of any benefit or right under humanitarian law by any change introduced, in other words the occupations, into insufficient [inaudible] occupied territory. This has to be understood more as a humanitarian [inaudible] and perfecting and preserving the protection of the population, political institutions of an occupied territory.

Despite the fact that when Grozny [inaudible] in 1949, then Minister [inaudible].

The occupying power is bound to restore and maintain law and order of the territory it occupies. It shall ensure the humane treatment of civilians. There are popular articles on women and children, protecting women against rape and any degrading treatment -- no torture, no hostage-taking.

The [protected] person and [inaudible] the entire population is free, is [inaudible], it is [inaudible] civilians, shall have access to the ICRC who in this case acts as a monitor and reminds the occupying power of its obligations and the rules they have to abide by.

the occupying power shall also ensure food and medical supplies to the occupied territory and also ensure that medical facilities -- hospitals and the like -- shall function normally and be kept supplied.

One also very important article is one which prevents the occupying power from deporting, transferring people outside the occupied territory, which is when [inaudible].

The applicability of the fourth Geneva Convention regarding the law of occupation and one year after the general flow of military operations [inaudible]. Despite the fact that if this occupying power remains an occupying power longer, it has still to abide by the number of articles which are listed in the Geneva Convention even one year after the close of the hostilities.

Thank you.

MS. COHEN: Thank you very much, Christophe.

The next panelist is Victor Tanner, a consultant on humanitarian issues and a faculty member of

SAIS.

Vic, what are the protection flash points of Iraq? When and where are abuses likely to occur?

MR. VICTOR TANNER: Thank you very much, Roberta.

In the last few days and weeks in Washington both the press and sort of the chatter about town, be it interagency chatter or conversations between people is increasingly focused on the potential of intra-Iraqi violence, either during or in the immediate aftermath of a regime change in Iraq. this is something which I think is very important to look at. What I'd like to do is just go through a few of these basic fault lines that I see and then offer some comments on the issue.

The main focus of concern geographically is the city of Kirkuk and we've seen that in the press recently, a report that Brookings put out a few months ago focused on that, and the notion that Kirkuk particularly were a security vacuum to occur either just before or just after the departure of Iraqi forces could create intense tensions between the various communities who have a vested interest in Kirkuk.

A couple of words about Kirkuk. The last census that all Iraqis agree on is the census of 1967. In the census of 1967 in Kirkuk town the Turkmen have a plurality, followed by the Kurds, followed by the Arabs. In the Kirkuk [southern range], the province around Kirkuk town, the Kurds have a plurality, almost a majority, followed by the Arabs, followed by the Turkmen. Which means that several groups have a legitimate claim to Kirkuk. Add to this that over the last 20-30 years and particularly in the course of the last ten years, we have witnessed a very intense legal policy of expulsion of non-Arabs from Kirkuk town and Kirkuk [southern range], so Assyrians, Turkmen, Kurds have been [felled], and resettlement of either -- the voluntary or force settlements of Arab settlers in Kirkuk town and Kirkuk [southern range]. Of course Kirkuk means oil, Kirkuk means fertile land, Kirkuk is something that will be a bone of contention between the various groups.

Add to this the fact that Kirkuk lies perhaps a 45 minute from both Irbil and Sulaymaniyah, therefore both the KDP and the PUK strongholds or "capitals" and a mere four or five hours drive from the Turkish border. All this on excellent roads. So were Saddam to withdraw his forces, either just before or just after the beginning of the war from Kirkuk and add to this some perhaps proactive acts and violence, he could stir up a situation where you could see either individual acts of violence or communal violence that could very quickly spiral out of control.

The next area of geographic concern is the town of Tikrit which is the hometown of Saddam himself and of the regime, so to speak. Here you can imagine either groups opposed to the regime converging on Tikrit, or elements of the Iraqi armed forces, the Iraqi regime withdrawing forces to Tikrit, and either way a focus of attention and possibly violence around Tikrit town and the area surrounding it.

A third area of geographic concern is the capital, Baghdad itself. Baghdad is the historical capital of Iraq for many placers, as you know. It is a town where most of the ethnic groups in Iraq have ethnic labeling. Were Baghdad to become an area where there was political tension, that political tension, one can imagine, could quickly degenerate into communal tensions. As I mentioned earlier, given the fact that the city is very much organized in ethnic neighborhoods.

Another area of geographic concern which is much less clear to me, I have to admit, are the Shia cities of the south. Essentially Basrah, Nippur, Najaf and Karbala. These are cities that are mostly Shia, so you can imagine on the one hand violence between the Shia population and the remnants of the regime, and you can imagine, that's why I don't have a solid handle on it, tensions between the Shia political groups. Perhaps [SCIRI] on the outside and Dawa on the inside, and these groups mobilizing neighborhoods against and the population behind it.

Finally I want to draw your attention to a non-geographic group of people who might represent fault lines for protection. First of all, Ba'th party members. There are over a million, probably 1,200,000 Ba'th party members. I think it is unlikely that you would see widespread retribution against members of the Ba'th party. However you might very well see retribution, reprisals against individual members of the Security and Intelligence Forces, of which there are a number in Iraq as you know, and who will probably be seeking protection paradoxically, ironically, from the coalition forces and they find some to protect them from their own people.

I think other groups such as the Arab sellers, for instance, and [inaudible] such as non-Arabs who are seen as conflicted with the regime, the [inaudible] Kurds come to mind, or Christian Arabs are people who are particularly afraid in Baghdad because they're seen as having close commercial ties to the regime.

Finally, a few points of comments to close up. First of all I think that reprisals and prevention of reprisals is very important because it represents a convergence of all these interests at stake. At stake are the long-term interests at stake in Iraq -- stability, a democratic Iraq. At stake are the short-term interests of this Administration who wants to prove that its intervention in Iraq can protect the Iraqi people and particularly Arabs. At stake are also the tactical interests of the U.S. military. If you have communal violence that spirals out of control it could be a real problem not only in terms of law and order but also from the warmaking capability of the U.S. military. Finally, it is I think one of the most important humanitarian issues that faces the international community in Iraq.

Secondly, the second comment to make is the fact that the only actors that will be able to do anything about this is the U.S. military. I think that is clear and it's hard to argue a way out of that. There will be actors, international actors present on the ground, mostly the ICRC, but I do not think that the, for example the U.S. military will be able to count on anyone else in the very short term. So the U.S. military will have to look to itself to take measures to prevent and manage these reprisals.

Thirdly there is progress. I see it in the press. I think the more we go on with waiting for this war

to happen or waiting for it not to happen, planning for it, the issue of reprisals comes as an issue that must be dealt with, and indeed I think that the news we're seeing out of the North at the moment where the Kurdish leaders are saying they will not go into Kirkuk is proof that the U.S. are aware of this problem and are dealing with it.

Finally I would add that there may be progress in the South, but I don't think there is yet enough understanding of what could happen in the South or ways to deal with that. The only way to deal with it would be to start talking to the groups that are in Iran or the Iranians themselves and I don't see that happening in the near future.

Sorry for running over time.

MS. COHEN: I was going to ring my doll -- I brought a doll with me. [Laughter] But I actually was so interested in what you had to say that I didn't stop you.

The next panelist is Larry Sampler. He's a consultant with the Institute for Defense Analysis and USAID and the Department of Defense and other places. He served in Afghanistan and the Balkans.

Larry, how ready are the U.S. armed forces civil affairs officers, aid workers, to provide protection to Iraqi civilians in the wake of a crisis?

MR. LARRY SAMPLER: It's a great question and it's one that's becoming more and more important. Several of the panelists have answered parts of that question for me. It's always a pleasure to see Vic and to follow Vic because he sets the bar for accuracy and excellence, and I learned to pronounce the words I'm going to have to use from listening to him do it.

But I'm going to phrase the question a little differently. I agree with the point that topical literacy on this issue has increased across the board among the military, among the think tanks, among the decisionmakers here in Washington, and among the field staff, but the nuances are important. I draw revenge management or reprisals into a larger body of what I would call post-conflict violence because dead is dead, whether it was a reprisal or an economic crime, or as a British colonel in Bosnia used to approach it, ordinary decent crime. It had no political motive at all. It was just crime.

So I'm going to answer the question how are we approaching the problem of stemming post-conflict violence of all forms? I'll name three players that I think in contradiction slightly to this point can be equally important in addressing the issue.

Certainly the military will have a key role to play in preventing post-conflict violence but they'll have to work in close concert with the NGO community as they remain in Iraq because NGOs are not just the international staff, but working with the existing network of humanitarian assistance and other NGOs, and then working with civilian organizations like USAID who will have people on the ground as

well. So it has to be a collaborative effort among all three parties to make this work.

Another comment about the nature of violence. For us to address this properly in a post-conflict of intra-conflict setting it helps to know a lot about it. This is perhaps an area where there's not been a lot written.

One of the interesting observations that Andrew Natsios actually shared in a conversation was that among the officers who were the first into Kuwait City during the Gulf War, they noticed, and this is my phrase, but they noticed a “Maslovian pause” in the violence. Immediate post-conflict people have other priorities. People are worried about physiological -- food, water, sleep. They're worried about the safety of their wife and their children, their immediate family. But then they begin to focus on things like reestablishing a sense of belonging. They need to be part of a club, whether it's a family or a religious and ethnic group or a gang. And last is the need for self-assertion. They need to do things, to be seen by their colleagues and to earn their respect.

It's fairly easy to imagine that this Maslovian pause would lead to, or might lead to people going out and doing things that maybe they shouldn't.

So the second comment I have about the nature of the violence is, in my experience in Bosnia and Afghanistan, it's a form of hysteria. People do things that they wouldn't normally do. Ordinary reasonable people become hysterical or are prone to do things that they wouldn't normally do. So it's incumbent on the intervenors to understand the opportunity presented at the end of the conflict or during the conflict, and to seize that opportunity as it occurs, and to understand that there's a limited period of time during which they have to provide what the [positions] for human rights calls strong leadership and a sense of maturity. If they can provide that in a short to medium term, rational behavior returns.

Again, those are observations that are shared by civil affairs commanders when you first go forward.

I'll close with two effective tools that we the international community or the U.S. government have to use. The first I've mentioned already and it's collaboration. We can no longer afford to approach intervention in an ad hoc or uncoordinated manner, and that's whether we were talking about the agencies of U.S. government or the international community at large. There has to become or there has to emerge a better sense of shared purposes and shared objectives. Even if we don't always have the same end state or the same goal. NGOs can maintain their neutrality and impartiality while the military maintains their particular objective. That doesn't mean that the two can't work together to some degree.

The second and perhaps most important point I'll mention is the need for a planned and focused and well-executed information campaign. What that means is we the intervenors have to agree in advance what our priorities will be. We can't have the U.S. military with their tremendous authority and power and technology broadcasting one message that's contravened by something that's being put out

by other players in the game. We need to focus on prevention of post-conflict violence as a priority for the community at large, and then we use that information campaign proactively to make sure that people are focused on the things we want them to focus on, and reactively to disabuse the rumors, the lies, the innuendos that promote so much of this violence.

As an example I'm sure most of us are familiar with is the use of the radio in Rwanda. We have to prevent that kind of thing from happening.

I'll stop.

MS. COHEN: Thank you, Larry.

Sandra Mitchell is the next panelist. She's the Vice President of the International Rescue Committee and she has broad experience in the Balkans.

Sandra, how do you think we can best address the security vacuum after a war and what role can NGOs and international organizations play?

MS. SANDRA MITCHELL: Thanks Roberta.

I agree with the previous speakers which is how best to prepare to prevent it and protect the civilians in Iraq after the war is really going to fall on the U.S. military or the coalition forces, however that's constructed. How effective they are is going to require really significant starting paradigm shifts [inaudible] interventions.

Currently in Iraq all policing is conducted by Ba'th party loyalists. After the fall of Saddam the internal security framework is going to collapse and until there's a political solution for that, international forces will have to be prepared to undertake immediate policing actions.

Given the varied and disparate skills of the military there's going to have to be some sort of a mix between soldiering and community policing types of activities. Clear rules of engagement will have to include arrest procedures, treatment and detention, management of detention facilities, access to detainees by counsel, by family members, by the ICRC, and this has got to be done in advance of any military intervention.

Combined with that, and picking up what Larry just said, there's going to need to be a plan to roll this out to the Iraqi people if we expect them to have any confidence in any security measures that the military forces could be engaged in. But to conduct any type of meaningful policing activities we're going to have to really examine the current force protection guidelines that effectively limit direct contact of the U.S. military with the local. civilian population.

Typically U.S. forces move in two-vehicle convoys when they're overseas. They're heavily armed and very rarely do they get out of their convoys and conduct foot patrols in the immediate aftermath of the conflict. How then are these U.S. forces going to garner the necessary trust and confidence of the local community leaders, of the local religious leaders which is so central to managing the crisis and the environment where revenge can quickly get out of control? Building this trust and confidence is going to be required by the very first ground forces. We can't wait until we have [simic] officers coming in. We can't wait until we can set up these civil administration structures. That confidence is going to be required immediately with the first soldiers on the ground, the first people that the Iraqi civilians enter into contact with.

The fourth Geneva Convention is, as Christophe mentioned, does require that an occupying power be prepared to provide safe [inaudible] and due process guarantees in the aftermath of conflict. This is a very uncomfortable topic not only for the military but also for the civilians. We're talking about military rule. But U.S. forces are going to have to be ready to roll out a very transparent and fair process to administer justice in the immediate months following a military intervention. Judges, prosecutors, investigators, all of these people are Ba'th loyal supporters. They're likely to flee. They're likely to run from threats of reprisal. They're likely to run from revenge. If they stay, how much confidence will the local population have in them to begin with? There will have to be a serious system for the vetting.

What kind of system will be available after day one, after the regime falls to ensure these basic rights? Not only for prisoners but also for the common criminals. We want looter arrested. We want criminals arrested. There will be hardliners, there will be spoilers, there will be people out there seeking to fill these security vacuums that will be created when this regime falls. What law will be used? Do we know the Iraqi law? Are we ready to implement it?

Unfortunately the civilian sector is really ill-equipped to assist in filling these immediate security and judicial vacuums. There's very very little standby capacity for policing or the administration of justice. And even if that capacity is there, at the current time the dialogue between the military and the civilian players is so one-way that it's really not meaningful.

What role can NGOs play in such vacuums? Again, unfortunately, NGOs are largely absent from Iraq and largely absent from the discussions. This is not like Kosovo and Afghanistan where you had hundreds of NGOs that had been in the region, had been in the country, knew the local populations, knew what the needs are. We've had years of sanctions, ongoing sanctions, which are preventing NGOs from entering into Iraq at this time.

In the first 100 days after a regime change NGOs will be focused primarily on providing the humanitarian needs of a population that is extremely dependent on the current UN Oil for Food program. The movement of NGOs is also going to be very restrictive by security constraints and also by an ongoing fear that weapons of mass destruction may be discharged.

Now on the issue of weapons of mass destruction, one big question remains unanswered. Who's going to assist the Iraqi people if there is an intentional or a non-intentional release of weapons of mass destruction? The NGOs have no capacity, no training, no supplies, no equipment. The United Nations and the ICRC similarly have very very little capacity to help if this is the situation. What's the capacity of the U.S. military to help these civilians? A serious review and discussion of this issue remains outstanding.

On the role of the United Nations to assist with filling vacuums in the immediate aftermath, similar questions remain. To date the United Nations has been focusing on contingency planning for humanitarian response. The UNHCR is planning to help refugees on the border. The World Food Program is planning to help restart a suspended or a collapsed Oil for Food program. Other UN agencies are planning to care for vulnerable populations -- children, women, the displaced, etc. There's been very very little discussion between the NGOs and certainly within the United Nations on how to fill security and judicial gaps that will remain if Saddam leaves.

I would agree with what Ken said, that the greatest threat to Iraqi civilians is not likely to be from U.S. precision bombing. Recent inventions have shown that this can be used quite effectively to minimize civilian casualties. Instead, the greatest risks are going to come from the vacuum after Saddam has fallen. Once revenge, lawlessness and impunity begins, this cycle is very very difficult to stop.

MS. COHEN: Thank you, Sandra. That was sobering.

When all else fails we turn to the media. We have with us Roy Gutman who did break the story of the concentration camps in Bosnia when UN peacekeepers failed to do so, and won a Pulitzer Prize for it.

Roy, let me ask you how you see the role of the media when it comes to crimes of war which is also the title of a book edited by Roy Gutman that you all might want to get or take a look at.

MR. ROY GUTMAN: Thanks Roberta, both for the invitation and for the panel you've got here. I've learned a lot listening to my colleagues, and quite a few reality checks have been brought into the discussion.

On the whole the other panelists have dealt with the issue of protecting civilians during and after conflict and also what armies should be doing according to the Geneva Convention, the rules of international humanitarian law.

I'd like to focus on a slightly different angle which is when bad people do bad things, when soldiers commit crimes, when armies commit crimes, how as reporters do we uncover the facts? How do we get the story right?

I share my colleague's assumption that one doesn't expect U.S. forces in these many years of

reflection and rewriting of their rules and rethinking of their rules to be engaged in crimes of war, even for the most part by inadvertence, but you have to realize that U.S. forces work with allies, with proxies, and that as a superior force have some responsibilities, certainly indirect, for what others do in the name of this coalition, which is pretty thin, but will include more I trust than just the United States.

I recall from the Afghanistan intervention, for example, the story that we did in *Newsweek* some months ago about the killings of up to a thousand, maybe more, surrendered Taliban prisoners who were taken in container trucks into the desert to die and they were buried in mass graves.

The question that is still hanging, because the Administration really refuses to produce answers or to force the issue is how, with American forces embedded in the headquarters of the northern Alliance commanders, that not one single American soldier observed, heard or knew anything about these container deaths.

Another question, what happened in some of the precision bombing in Kabul? The destruction of the Al Jazeera studios, the radio studios. What was the military necessity in that? And how was it possible that they hit the warehouse of the International Committee of the Red Cross not once, but twice?

In Iraq I would expect that crimes, if they do occur, would probably come from the other side, but no matter where the allegations arise, the reporters want to be sure that we have our facts together, that we're not feeding someone's propaganda machine.

I can imagine that Saddam Hussein will once again make use of human shields, putting innocent people in the crossfire. He will position civilians in the crossfire. As Sandra said, he may well use weapons of mass destruction on his own people. He may make use of what are called [perfidious] means, putting people, putting his own troops or his own special forces in the uniform of American soldiers or some allied force so that he can put the blame on the other side. He might well welcome a bloodbath between the different communal groups.

then he would try to set up the media, television in particular, to convey his story be it true or false. Of course we don't want to fall for this but we should just be aware that that's one of the methods.

Ken Bacon mentioned Grozny and said that there would be no Grozny in Baghdad. But I want to tell you in our own research in doing this book we had Jeremy Bohen who was in Grozny, of the BBC, describe what had happened there and the horrific destruction of the city. And Grozny is not the clear-cut case of just simply the Russians going in and using everything they could and leveling the town. What happened was the Chechnyan resistance used civilian buildings, they moved around the town at will, they used these as shields, as cover. They were using civilians as shields, and the Russians in their military calculations thought that to take Grozny, which was a political objective and a central objective of their fighting, they had no choice but to shell Grozny and basically level it because of the way the buildings were being used.

I don't think we can rule that out, frankly, in Baghdad. I think that Saddam Hussein is perfectly capable of using his loyal forces to try to attract fire in the very same way.

So it's not necessarily what your intentions are, it's what the other side does and then what they've done in order to, sometimes, generate better television pictures, to sort of create the setup situation so it looks like, in this case it would be the United States is leveling Baghdad.

So one of the questions you have to ask as a reporter is how do you get this right? You have deadlines. You have images. You have a sequence of events that you can't really explain. You don't know the motives, you don't know the plotting. And it's not easy. So I have one very simple suggestion to pass on to my colleagues, which is a fairly obvious one but not always done, and that is do the obvious. Monitor the official media of the Iraqi government. See what they're saying. I would assume on the whole it would be the big lie, taking facts and standing them totally on their head. But you never know, they might even be telling the truth. In any case it's a good starting point. Take what they're saying, investigate it, determine the veracities of their assertions, and then you'll have to go to the American side as well and figure out what the Americans are saying. They'll be ready with an answer I think on everything. We know that. They're planning all sorts of organized distribution of information.

But the point is, you can't actually get this in real time. You have to realize our ability to gather facts in the midst of a conflict is limited. It takes time to sort out facts and propaganda. You have to give the stories the time they need or you have to return to them. You have to remember an uncompleted story is an uncompleted story. It should be completed, but it may be sometimes days or even weeks after the event before you can put it together.

And you have to remember just in general that crimes of war are not like other crimes. These are committed by a state or by its agents. It uses them for propaganda purposes, it uses them to settle scores, it uses them under the cover of war to settle old agendas. The motives are very complex and yogi can't sort them out always in real time, but they need to be sorted out because the ultimate story has to be told.

The same humanitarian law that my colleagues and Christophe in particular have stated and have described as providing protections for civilians in war time, for civilians in occupied territories. From a journalist's point of view I would look at it as a box of tools. Useful instruments, useful terminology that you'd want to have along if you were covering a conflict.

The tools of the trade in this case are the rules of war. Nearly everyone on the battlefield knows them, except on the whole for reporters. But if you can spend just a little time familiarizing yourself I think with the key concepts and rules it can lead to stories, it can lead to major stories, it can lead to defining stories. And the point is that these rules, they're pretty dry in the reading of them, but the way we do this in this book is we try to illustrate every one with a real case, and describe how the law interacts with a real event as reported by a leading reporter.

The standards are that you can divide them into three different categories. They describe what is legal in war, they describe what is illegal, and then they describe what is criminal. To write intelligently about targets you really have to know the difference.

Not everything in the law is intuitive and common sense, but an awful lot of it is. I'll just give an illustration. How many television reporters who during the Bosnian war for example, and who encamped at the Bosnian television station, Sarajevo Television, were aware that -- First of all, reporters themselves being civilians are protected. They're not to be targeted. You're not a legitimate target. You are anything but a legitimate target. But how many of them were aware that the television station itself by the customary interpretation of international law, by the International Community of the Red Cross and others. It is a legitimate military target. I am not saying it should be, I'm not saying it is advisable or that we want it to be, but that is the way it is.

So it's useful, and I hope that many of my colleagues in Sarajevo knew this, I think it's useful to know the rules. It could actually keep you out of trouble and maybe save your life.

They key concepts have been gone over, but let me just give them to you in really rapid fire form, because I think if one knows these, you really can have a grasp of the law.

Civilians are not to be the target of hostilities. They are to be protected. Wounded, surrendered soldiers are to be protected. They're not to be tortured, they're not to be killed.

Proportionality, military necessity, principle of discrimination between civilians and military, civilian immunity. Four terms. Or six all together. I think you can grasp an issue, you can ask better questions, you can put briefers on the spot.

A final tip, there are a lot of gray zone stories. You're asking questions and you're going to find out like Grozny there are ambiguous cases. On the whole if you're trying to report on war crimes, I try to skip the gray zone case because frankly they're so hard to explain to the public. But there clear-cut cases as well. Focus on them. I think the public will be far better informed and I think you'll actually have, the journalism will be far better.

Finally, as I said, we will have some books to give away at the end in the back of the room. Thank you.

MS. COHEN: Thanks. Last but hardly least is Major General William Nash who says to call me Bill. He combines combat experience including Desert Storm with senior roles in international peacekeeping and diplomacy in Kosovo and Bosnia. So Bill, having heard all the other panelists, I wonder what your views are on the major issues raised and on the terms of engagement that our military and civilian officers should have in this particular conflict.

MR. WILLIAM L. NASH: Thank you, Roberta.

I guess I should begin by telling you that I am very confident that the soldiers, sailors, airmen and marines of our nation understand the laws of war. I guess I could add at this point that they understand the laws of war much better than most journalists understand the laws of time. [Laughter]

MR. TANNER: Oh, that hurt. [Laughter]

MR. NASH: But I'm very serious about that, in understanding the laws of war. It's something from the days of basic training, whether you're an officer or an enlisted man, that is engrained in you. It's engrained in you through all your training not only in the classroom but in the day-to-day training events that take place. Because most all training scenarios involve challenges and predicaments to the laws of war that soldiers have to deal with. I can regale you with stories of real war in real combat where real soldiers did the right thing.

But war is a horrific event. I would tell you that the soldiers, sailors, airmen and marines of our nation have read the Geneva Convention. They've also read Klausiwitcz, that war is a bloody affair. I would think you should expect that should there be a war in Iraq it will be a bloody affair and it will be a shock to the system to not only the Iraqi regime but to many of us in this room.

The issue of proportionality is understood. But proportionality also involves an issue of time. So I think you're going to see something that is going to be a war the start of which is going to be very abrupt and seemingly and actually extremely brutal at the point of attack, that the point of attack will be, if humanly possible, directed towards legitimate military targets.

What I see happening with this brutality onset is a rush to judgment by many, for understandable reasons but not necessarily wise reasons as you look at the spectrum of what the nation is facing.

I will tell you the challenges of dealing with the defeat of the regime, the impact of trying to minimize the potential use by the enemy of weapons of mass destruction, requires a speed and violence combination that we have not seen U.S. military use in many a day. Those are very difficult tasks and they're very difficult circumstances. One guarantee is it's not going to be perfect.

I think I also should very quickly comment on the post war environment. I think what the other speakers have talked about is largely the correct interpretation but I want to give you something that I have personally experienced both in post war Iraq 1991 where my brigade that I commanded occupied the southern portion of Iraq, centered on the town of [Safwan], but covering about a 30 mile width and about a 15 mile or so height to it, not as far as Basrah but in that direction. I experienced the same phenomena in Bosnia as we went in after the [inaudible].

The phenomena that you experience is you go from being very smart, of understanding the

military situation, having military intelligence that's unparalleled in the world today, to near blindness because the object of your intelligence changes from military formations to political, economic and criminal issues. There is no sensor in the military inventory, with a minor exception, obviously there's some stuff we can listen with, but my point is there is no setup to listen to political conspiracy.

So the soldiers, the military units on the ground, whether they be in Basrah or whether they be on the outskirts or in inner Baghdad or in any other city or town, you have to understand that the units on the ground will have a very difficult time understanding the political dynamics that are taking place. It's not their business, but yet it is. But yet it is. But it's a mission that's been thrust upon them because of lack of an alternative.

Working with the NGOs, and the things that concerned me we read in the paper today, a New York Times report out of Tampa, where the NGOs had not been brought in. Concerns about secrecy. I am concerned that the NGOs haven't been brought in to understand what the NGOs can do, and then the military can make their judgments and try to piece it together as they go along.

There are a lot of issues on that. The same thing is there are a lot of NGOs that have failed to be quite as aggressive in my view, now I'm speaking on behalf of my former brethren. There have been insufficient NGO aggressiveness in getting to a point where you could make influence. It ain't in the Pentagon and it ain't even in Tampa, it's in Qatar and it's in Kuwait. Get thee to Kuwait all ye. Thank you.

MS. COHEN: We're now going to hear from the audience and I'm going to take a whole bunch of questions, come back to the panel, and then go back out to the audience. Please wait to have the microphone before you speak, and then identify yourself and your organization.

QUESTION: I'm Kim Matlock with the American-French Service Committee. I've been in some of the same meetings with Sandra and Ken and others as the NGOs have tried to prepare to be ready to serve and to meet the needs.

One of the decisions the Administration has made which affects how that scenario will play out is to put what I guess is called the Post Conflict Reconstruction in Iraq Office in the Pentagon, and that creates some enormous difficulties in what would ordinarily be a civilian side process. I wonder if any of the panelists, particularly Ken and Sandra, might speak to that and explain why that's a difficulty that may hamper the best effects that the NGOs would wish to make. Both U.S. and international.

QUESTION: Good afternoon, my name is Rubin Briggity. I work for Human Rights Watch.

I have a question directed to Ms. Mitchell and General Nash. I'm intrigued by the Pavlovian pause that Mr. Sampler talked about. It strikes me that -- I was also intrigued by Ms. Mitchell's comment that it's quite important to have rules of engagement which allow the military to engage with the

civilian population immediately, as soon as they are there. But it strikes me also that the stages of fighting, I think the flow of combat, are not exactly that clear. And indeed what was post combat and pre combat or in combat are not distinct phases. So I'm wondering how do you address this need to address this Pavlovian pause while also providing for force protection and also allowing the military to conduct its mission properly?

QUESTION: Daniel Silvers from the United States Institute of Peace. I was very struck by Bill Nash's graphic description of going from being very smart to being very blind and I was saying to myself what's the proper approach to such a situation? A lot of you have described the problem very clearly, the security vacuum, there are people starting to move around, there are reprisals, there are people trying to reclaim their home. What are my rules of political engagement here? Should I freeze everything? Just say freeze. Everybody stay exactly where you are. Ba'thists, displaced people, everybody just stay where you are until I can straighten things out. That would be one possible approach.

Another possible approach is decapitate. Take out all the mayors, take out all the ministers, just decapitate and put in a new set of 50 people who can control the situation from the top.

What you haven't given me and I think what we need more than anything else is a plan for the military to engage the responsibilities it necessarily has in an occupation of this sort.

QUESTION: [inaudible] with USAID.

My question is very similar to Daniel's except I'm going to sum it up in two words. Now what? As Bill Nash says, it's not our job but it is. Vic Tanner, Larry Sampler, everybody was saying okay, you're going to have to match these organizations with these organizations. Military will go right away. What do we do? A lot of military organizations say policing is not our job, protection is not our job. What do we do?

QUESTION: My name is [Hosha Apsuweli]. I work as a Deputy Minister for the Ministry of Humanitarian Aid and Cooperation in [Irbil]. In fact I left the region, Irbil, on Sunday.

So with due respect the members of the panel don't seem to know much about Iraq and what's happening inside Iraq because I am coming from region.

I have a few questions to ask the panelists, but I have an obvious one which is for Mr. Vic Tanner. You mentioned that reprisals [inaudible] which might happen in Iraq like in Kirkuk. How much do you know about 1991 uprising when the Kurds took control of Kirkuk and they stayed inside that city for over three weeks? How many people? How many Arabs? How many Turkmen were you killed as you call the reprisal?

So there are other questions that I'd like to ask and see clarification from the panel but this is the

most important question because it has been exaggerated by outside regional countries that there might be bloodshed between the Kurds, the Turkmen, and the Arabs. I think the 1991 uprising is a good example and we have to learn from it. Thank you.

QUESTION: Michael Hartsman, U.S. Institute of Peace.

Assuming that the fourth Geneva Convention allows changing laws and setting up what it calls the non-political military courts under the circumstances to be focused just on the justice system, what is your opinion as to using non-Iraqi civilian police judges and prosecutors for those type of crimes and accused victims that may not get justice from the local justice system of Iraqis if that justice system is continued. In other words, the post December 2000 UNMIC or UNTAT East Timor scheme.

MS. COHEN: Let's go to the panel now, but I'm going to ask everyone in answering to please try to be really very brief because we want to go back out to the audience. I don't think I have to rephrase all the questions, but I think one of the main issues is to what extent our military is prepared for an occupation and for running a country politically and the judicial system as well. What kinds of rules of engagement are required for this? And how well this works if you have post conflict reconstruction coming out of the Pentagon, how effective this will be.

We also have a question about reprisals.

I think we'll start with Sandra.

MS. MITCHELL: I'll take the most difficult question first, which is what do we do next? I realize I may not be mainstream on this but I think there are times when in order to protect the human rights of the civilian population that military rule may have to be used in order to provide the security that's necessary. The first six months after Kosovo we had security vacuums, we had security vacuums for much longer in Rwanda and we've seen some of the results.

Now how that's done, it has to be done in compliance with international law. It would be international human rights treaties that are out there that this country has signed onto and that Iraq has signed onto as well as with the Geneva Conventions. The Geneva Conventions do provide the framework for doing this.

Should we be bringing in international judges? I think that's something that's going to have to be discussed immediately with representatives from Iraq, but in order to deal with the past that may be required as an interim basis. We learned a painful lesson in Kosovo that we waited way too long for that and as a result we're still trying to recover from the lawless society that happened after that period, and Michael, you know better than most people having just served over there.

On the post conflict planning office in the Pentagon, I think the reason that is so concerning right now for the NGOs is because it politicizes humanitarian assistance to an extent that we haven't seen

before. By definition, humanitarian assistance is to provide aid to those most in need. By definition, military forces follow political objectives. The two cannot really be reconciled. Trying to talk to the Pentagon about this office, we're told the terms of reference for this office are classified. I think that pretty much sets the stage on how discussions are going, as to what that office will be doing.

The additional comment I would make about having that office in the Pentagon is how likely are we to get European NGOs to participate in the relief efforts and the reconstruction efforts that will be required if we have a military intervention inside Iraq, how likely are we to get our European partners, donors to participate, if all directions and all instructions are coming out of the Pentagon. It sends a very very bad message, and optically it's very difficult to reconcile with the types of activities and the principles that the humanitarian community still tries to abide by.

MR. NASH: I will not answer nor try to justify why that office is in the Pentagon.

This kind of goes a little bit to what Sandra talked about earlier, and I'm not going to get into a discussion with Sandra on force protection and rules of engagement issues between U.S. forces and a variety of human rights out there.

If you're not smart enough, you've got to be big enough to deal with the problem. [Laughter] I say that because what we found in a lot of situations in Bosnia in particular, but also a dozen years ago in Iraq, we came up with the phrase we used in Bosnia which was derivative of my earlier [inaudible] called IDAM. Isolate, dominate common situational awareness, and multi-level action.

Isolate your problem and dominate it, and that's why you'll see in a lot of these cases people travel in larger groups because in the absence of finite information you've got to be where you are in fact the biggest guy in the valley and you can take charge of all the property in view.

You have to take enough time to develop a common situational awareness. In Bosnia we literally went from the village to the presidency, through all the chain of IFOR trying to figure out what was going on. And after awhile we got to where we could do this pretty quick. Then when you take action on certain things you've got to ask not only at the local village level but at the provincial level and up the chain so you're doing something at the highest levels at the same time you're dealing with an issue at the lower level.

The problem is that when you wake up in the morning to go to people that you don't know what's going on in Iraq, but when you wake up in the morning and there's three dead bodies laying on a fence and you don't know if this was political retribution or an argument over home ownership, a wife, or whatever; or you walk into a refugee camp, standing there in a refugee camp and some group of people in the refugee camp look and identify one specific individual as an agent of the old regime and are almost at the point of tearing them apart before you can finally get enough soldiers in between everybody to pull them apart and grab the individual who's accused and hustle him off to try to figure out who in the hell are you? That kind of stuff.

So you've got to do it with a lot of presence. That's what worries me, because it won't take as many soldiers to defeat Iraq as it will take soldiers to stabilize Iraq and I don't see that happening.

MR. SAMPLER: On the what now question, and I will take a stab at the planning being done in the Pentagon.

I was in Bosnia, a lot of us were, I was in Afghanistan and a lot of us were again. If we're going to hold Geneva Convention standards as the standards to be met then I think it's fair to give them the ability to plan in order to do that. It's not the best solution, in fact it's the worst solution possible, save all the others to paraphrase Churchill. And it's what we have to work with at this time. I certainly think there has to be a lot more accessibility at some point in the process, and I think that's a fair question that should be asked often and asked loudly, but I don't necessarily think it's a horrendous thing as some people do.

Also, Albert your question, and I meant to include this in my comments and didn't. I don't accept the notion of protection as the paradigm of the day. There won't be enough soldiers in Iraq to protect civilians. There just aren't that many soldiers in the military. It has to be a notion of setting a preventive environment. That type of collaborative effort, everyone has to be involved.

Finally, I have to qualify, I shuddered when the Maslovian pause came up. I'm not talking about a matter of weeks or months. I do think there will be an opportunity right after, in a post conflict environment, where we do have to seize the initiative. There's work being done on that. There are people who are focused on what can we do to dominate, as General Nash would say, this situation.

MR. GIROD: One word on the reconstruction [inaudible]. There is nothing in the Geneva Convention preventing an occupying power from [inaudible] this business, despite the fact that where do you call it the humanitarian action? It might also be a question of [inaudible]. Humanitarian action as conducted has to be impartial, and one can question the impact of [inaudible] because it is an occupying power on the one hand, and it is an army and therefore [inaudible].

About the judicial system, my experience we know that armies are not especially good at law and order enforcement in terms of police action worldwide, and police are better equipped and trained to do that. The question is the occupying power will be responsible for law and order, and how will it be conducted? The UN, the police with UN [inaudible]? Once again, there is nothing in international [inaudible] that would say something on that.

MR. TANNER: This is to answer the gentleman from Irbil. You're quite right. I should have prefaced my comments by saying that I do not believe that the people of Iraq are at each other's throats. I do not think there is anything inevitable about Kurds going after Turkmen or Turkmen going after Arabs or Shia going after Suni and so on and so forth. What I do think, however, and that was the main gist of what I tried to present, is that there is so much pent-up violence, pain and resentment as a

result of this regime that situations [inaudible] are prone to manipulation by world leaders, by outsiders, certainly by the regime itself as it goes down, by regional actors who you alluded to and we're all aware of what we mean by that. And that there is not, on the contrary, I believe that many of the leaders in Iraq today in the south and in the north are committed to working together. I don't believe that civil war is inevitable.

But I really want to stress, I want to thank you for giving me the opportunity to do that. I was in Northern Iraq in '91 and the aftermath of the Intafada in the north or the uprising in Kirkuk. It is true that the record of the Kurdish authorities in Kirkuk were quite exemplary. There was very little abuse, you're quite right to point that out. However, you must also point out that the majority of the Arab population fled in the south, and this has to be said. And it was probably a good thing that it happened. But it must be said.

I think in terms of what now, if I may just bring a few things, sort it out in terms of what I think --

MS. COHEN: Could I ask you to wait on that? I'd like to go back to the audience, and everyone on the panel will have a chance before the end to make further comments.

MR. TANNER: I'll wait.

MS. COHEN: We can end at 4:15. I hope everyone can remain until that time. I know the panelists can.

QUESTION: Thank you. I'm Diane Paul and I spent the last ten years looking at precisely the issue of the protection of civilians in a variety of situations.

One thing that's clear is that in every single conflict or post conflict situation you have a short to mid-term very serious, very wide protection gap and the concerns I think that have been raised about who's going to be engaged in conducting protection activities is a very important one.

We know the ICRC will be there doing the best they can, but they can't do it alone. I think this idea of collaboration with especially the humanitarian NGOs is a non-starter. Humanitarian NGOs, despite their very best intentions, are not prepared and they are not able to conduct protection operations of the type that we're talking about.

I'll note in saying that as well that there is a glaring absence here of the discussion of the responsibility of the United Nations in protecting civilians and monitoring and reporting human rights violations and ensuring that those issues are addressed. There's an MOU currently between the UN and the government of Iraq which the UN has not, as I think Vic points out very well in his report, has not taken advantage of.

the question is really, if the UN is not going to be there, is the U.S. military ready to take on the responsibility of the protection of civilians when the primary focus is going to be, first of all, the war making, and then troop protection, which is always a priority. I know Bill and I have gone head to head on this issue in the past.

So what's the training? How do troops which are predominantly equipped with only lethal weapons and don't have the experience on dealing with communal violence, don't have the equipment to deal with communal violence, riot control, negotiations, crowd control issues, etc., looking at detention issues, observing violations at checkpoints and so on. What kind of training is going on? Are they going to be prepared? And where is the leadership on this?

QUESTION: [inaudible] with Iraq Specific Action Network.

I was in '91 actually across the line from the General there. I was at [inaudible]. In 20 days Iraq lost 180,000 victims in 20 days. All [inaudible] of Americans and right across there, and they can tell a lot of stories about the rules on the ground, not the rules in Geneva. I don't see any role for the Iraqis themselves at the grassroots and I don't think, well, I could ask you if there are any Iraqis on your staff planning with you.

The last thing, I want to invite you with Iraq Specific Action Network we have a conference. It is grassroots conference. It's going not be on February 22nd. You can come yourself or anybody else and listen for the Iraqis as a people, not the political parties, not Kurdistan government, not religious people. Welcome and share our opinion with us. Thanks much.

QUESTION: [inaudible] and the project I represent hosted 12 Kurdish Opposition, front line positions, and they have three questions for the American public. Number one, why aren't help, supplies and materials being stockpiled in the no-fly zone in Northern Iraq? Number two, why have not U.S. restrictions of what can go into Iraq be lifted with the likelihood of war being waged? And three, as the woman commented on the United Nations, what about an expanded role for the UN in a post-war conflict?

QUESTION: I'm with the Boston Globe newspaper.

I wanted to ask because collectively you represent, or you at least have knowledge about both government planning and what humanitarian groups are going to do, a group, I was wondering if you could give us more of a picture in concrete terms of the degree of devastation.

For example, a recent study that just came out indicates that 16 million Iraqis are dependent upon food rations. Do you know, for example, that food supplies will still be available based on what the military is planning? Are they going to hit roads? Are they going to hit bridges? Are there going to be transport facilities?

I was just wondering if collectively, since you seem to have information from all different directions, if you could paint a more concrete picture of the devastation and the degree that we're talking about. Are they going to hit electrical lines? What is the sort of military planning specifically, and how is that going to impact on the civilian population?

MS. COHEN: I'm going to turn back to the panel and ask you to give a few concluding comments on what you've heard, but I'd like you to give particular reference to some of the questions that have been raised. In particular, the issue of the protection gap as it was called, and who really is trained to deal with protection on the ground. The ICRC is. They have a special protection mandate. But other UN agencies don't really have this. They may not be inside the country. Humanitarian organizations, very few have any sort of protection role. The International Rescue Committee does have one that Sandra might want to comment on. But we really do have an international problem here where everyone is able and ready and quite skilled in addressing starvation issues and humanitarian assistance issues but not the kind of security issues that we're talking about.

Another question had to do with a role for the Iraqis themselves, how to work with local communities. We have had conversations here that have somewhat excluded that very important element.

The restrictions on NGOs and why these aren't lifted was also raised. And of course if anyone wants to speculate on the degree of devastation, depending I think largely on military strategy.

So let's start with Ken, and Roy and then go to Christophe and then come down to the end, and you'll be the last.

MR. BACON: In terms of devastation, your last question, the military is very aware that they have to rebuild the country after they defeat it. And it is my understanding that they are planning with that in mind, so they would like to hold the devastation of infrastructure to a minimum. A lot of this will depend on how long the war takes: a lot of it will depend on the degree of resistance they run into, but their going-in plan is to try to preserve as much infrastructure as possible because that will make the reconstruction process much better.

In terms of the protection gap, no matter what happens or what planning the government did there would be a protection gap, but this has been a real and shameful missed opportunity by the U.S. government. The U.S. has had ample time to work with NGOs, to work with the UN, to work with allied forces, to pull together police forces and security forces that could go in from NATO allies or new NATO allies or Partnership for Peace countries who have worked with us well in Kosovo and Bosnia and they have simply dropped the ball.

Maybe we'll be surprised when we learn the full breadth of their planning but I don't think so. I think there have been weeks and months for them to do this and they simply have not done it and I think we will pay a heavy price for it.

MR. GUTMAN: -- the discussion that points so very clearly to a central contradiction in U.S., in the Administration's approach. You have an Administration which is viscerally opposed to nationbuilding, they closed down the peacekeeping institute at [inaudible] Barracks, they are holding these discussions in secret and keeping everybody else out. The NGOs are such a treasure in terms of approaching these problems and dealing with them. On the other hand they have this enormous challenge ahead of them which is to nation build, to recreate, help create a state from the ground up.

All I can say is, right now they're blue skying the outcome. They're saying we might be able to pull out troops in 60-90 days, the things on the record are kind of surreal. I have to hope that they will get their act together very quickly.

The simple problem to an observer is that DoD is in charge and they basically almost closed down the State Department Future of Iraq project. Maybe not closed it down, but they're sort of working around it. They're ignoring it to some degree.

You need, in a situation like this with an enormous challenge like this you need all hands on deck. You need them within the government. You need them from every other government and from every ally, from every friend, from every country in the region. You don't want to be alienating people. You want to bring them into the common effort. And I'm baffled that they are operating this way.

Just to go over one other point that I mentioned earlier, maybe Bill misinterpreted it. I have very little doubt that U.S. troops are extremely well trained in the laws of war and have really learned the lessons of the past. I think we've really seen this. And more than that, they know how to manage some of these situations. In Bosnia, the capabilities of U.S. forces to manage very tricky situations without the use of force, some brilliant innovations.

The other thing I want to tell my colleagues in the media that we all have to be aware of is that in targeting in a conflict the effort made in the U.S. military now to lawyer this through, to vet every target against the rules and to think it through and make sure the collateral damage is reduced to the minimum and so on is really enormous, it's prodigious, it's unique, and it's a very positive thing.

That being said, we as journalists have an obligation, and the obligation is to watchdog. We should be questioning, we should not take people's word for it, just double-check it. That's the only thing that we do that's useful, in a way, is to check the facts out, make sure they're right, and then the public is going to buy them much more readily than if they come out of the mouth of spokesmen. So we have our work cut out for us, and as I said, on the whole I'm very sure that in the war crimes department we're going to see a lot of action on the Saddam Hussein side.

MR. GIROD: Two points. On the protection gap [mandate] and responsibility. The protection responsibility lies with the belligerents and [inaudible]. We're the occupying power. It is the occupying power's responsibility to ensure law and order and food supply and everything. How it does that is

another question.

The ICRC has a mandate and [inaudible] the belligerent, the United States, to monitor the situation. Of course one can argue that the presence of ICRC people on the field is a deterrent factor to avoid too many things to happen. But the protection responsibility lies with the States and with the occupying power.

Of the devastation, we don't know what the devastation might be. But what we know is that the food supply [inaudible] the Oil for Food program it is at least I hope that the U.S. and for the coalition which might be an occupying power but States will ensure that. If something like [inaudible] so that the U.S. people can be [inaudible].

MR. SAMPLER: In Bosnia working with the OHR I threatened to come up with a heraldic design for OHR in the international community and it was going to say we have met the enemy and he is us. I'm alluding to Diane's comment that collaboration is a non-starter. That's unfortunately true. I agree to this point that it's true. But what I said in my comments I stand by which is it can no longer go that way. We have to find a way to make collaboration work. It will require enormous patience on the part of the civilians, and enormous patience on the part of the military in different ways. Both sides will have to be very patient.

And maybe I should clarify, I'm not expecting civilian organizations to don body armor and helmets and assume protective services or go out on presence patrols, but to proactively find ways that they can work to increase the levels of protection or again, to use my paradigm, the levels of prevention, that will soothe the local population that will be different in every area. But the NGOs can do [flow-back] into these areas and Albert, the civilian organizations of the U.S. government that follow in have a responsibility as well. It's no longer enough to say I'm with OTI and my job is to sign contracts. As they say in the south, that don't won't hunt any more. We have to find ways for each organization to build on their strengths and to work with the weaknesses of other organizations so that we can do this together. Because I assure you, the soldiers, sailors, airmen and marines, they don't want to stay in Iraq. They want to come home. The civilian agencies want them to go home.

So there are common objectives and we have to work to make those happen.

A comment was made about going in without allies, and I agree that a key gap facing us still at this point is the issue of civilian police. The military doesn't do that. It's not part of their job description, and it has to be done. We've had a really hard time coming up with how do you ask allies to do something that we haven't decided we're going to do yet and for which they don't support? So there's a chicken and an egg problem with identifying the allies to pony up police.

The last thing is the role for Iraqis. I'll just point out from open source and the news, there are a lot of initiatives going forward with Iraqis. One of the things that I'm happy to see though is while we have [Zal Halizad] working with the Iraqi Opposition and talking to them in hearings and orchestrating

their views, that a place has been saved at the table for the Iraqi indigenous population who are not expatriates. There's a limit to how much and how far I think engagement should go with the expatriate community because there needs to be a very significant place at the table for the Iraqis who life in Iraq today.

So I would disagree with whoever it was that suggested there are no roles for Iraqis as this goes forward. They are engaged on a regular basis, officially and unofficially, and again, there's a big placeholder for down the road.

MS. COHEN: I know Ken Bacon has to leave and I want to thank him very much for participating.

I'm going to ask the next three speakers in winding up to try to be as brief as possible so that we can really finish by, not military time, 4:15, but thereabouts.

MR. TANNER: I just have to disagree at least in part. I think the reality is that in the first days, the first maybe even weeks after the beginning of the war, the only actor on the ground that will be able to do anything in terms of security, in terms of jumpstarting the food distribution system again, will be the coalition military troops, if there is a coalition led by the U.S. And that I think is pretty obvious. I think the NGOs, the humanitarian agencies are not on the ground for the reasons we know outside of a few up in the north. They will not be able to be operational. They do not have the knowledge of either the logistics or the physical aspects of their work or of the society in which they are about to step. The UN, who has been on the ground, particularly in the sense of the south, their record quite frankly over the last ten years has been so dismal in terms of their subservience to the regime in Baghdad in terms of their turning a blind eye to what has gone on under their noses and their eyes that I do not think they can be counted upon and besides they will evacuate and therefore will not be on the ground. So the only people that are going to be there are going to be the U.S. military and the ICRC, and one is slightly bigger than the other. [Laughter]

There will be I think very valuable cooperation, hopefully, between the two. But I think that the U.S. military will be the only actor and to do that they will need to recognize that, A, and maybe that won't happen but that's the first step. They will need to try and address those problems of blindness that General Nash was talking about. They will have to have good local contacts with local leaders. They'll have to have a good understanding of what the local fault lines are. They'll have to have real-time intelligence. If a problem is brewing in a neighborhood in Basrah or in Kirkuk they have to know about it in time to be able to deploy the HMMVs that might be able to address that problem. But I think it all starts with a realization of the fact that they will be the main actor.

We can talk about food later, if you will.

MS. MITCHELL: Absolutely right, the only people that are going to be able to protect the Iraqis in the first weeks, months, 100 days after is the U.S. military or the coalition forces and ICRC

that will be on the ground. The NGOs won't be there, and if they're there, as I said, they'll be focusing on the humanitarian situation and trying to jumpstart the Oil for food program which we do expect to suspend if not completely collapse because it is run by the regime and the center in the south. As well as, remember, there are existing humanitarian needs, unmet needs in Iraq. So that will be the focus. And I completely agree with you that the humanitarian community as a whole needs to get more involved in protection activities. Absolutely right. But like it or not, it is going to be the U.S. military. I do not see them being successful at this task unless they change their force protection requirements, get out of their cars, sit down with the local leaders, talk to them immediately, from day one. Driving through villages heavily armed will not instill confidence in the population. It will leave them with a feeling of lawlessness and from lawlessness you get impunity and from there hardliners, spoilers, etc. can really take advantage of the situation.

Why are there no supplies being prepositioned in northern Iraq right now? Because this government has sanctions in place which are preventing the Office of Foreign Disaster Assistance from disbursing any funds which can be spent inside Iraq. These are [OFAC] sanctions, they've been in place, they continue to be in place, that is the reason we do not have American NGOs in Iraq at this point in time of any type of substantial number. Why? It's politics. You'll have to ask the President why he won't lift these sanctions.

Fast track procedures that OFAC was talking about will not work. It needs to be lifted. We cannot mount an emergency response with OFAC in place. It just won't happen.

Iraqis? We absolutely need them. let's face it, dismissing the entire Ba'th party from Iraq is not the answer. We need to get the bureaucracy up and running as quickly as we can. What vetting procedures are in place? I would turn to the Pentagon to ask them, since they seem to be leading the post reconstruction period. How that's going to be done I don't know, but we cannot just dismiss an entire bureaucracy of a nation. We need the Iraqi people, and they will, we will find quickly, be most interested in getting their water systems back up. They will be most interested in getting the power grids back on line.

UN leadership, couldn't agree with you more. Where is the United Nations? Why? Why won't the Secretary General push the humanitarian issue further and harder? The simple reason is he's had gag orders in place. They find it inconsistent to be advocating strict compliance with a weapons inspection regime while doing contingency planning for a war. I see them as parallel, complimentary tasks. The United Nations has an obligation to the Iraqi people to raise these issues further. WE would like full UN leadership on the humanitarian situation and the humanitarian response and let's take it away from the Pentagon. Put it squarely where it belongs, with the United Nations.

MR. NASH: I'd like to say Sandra is absolutely wrong about force protection issues overriding -- It's been six years since I was in charge of that, and I know she was wrong then but I'm not sure she's wrong now. If I knew what the plans were, I wouldn't tell you. [Laughter]

Diane, let me just come back -- First of all going to coordination. If this Administration won't work with France, Germany, and NATO, what makes you think they're going to work with the Society of Friends? [Laughter] Okay.

Given that, I'm going to go back to what I said before. you're not going to make any progress in Washington. Why aren't you in Tampa taking out a full page and telling them what you can do? Just say IRC is prepared to do this. There are people that are about to go get in this morass that are desperate for your help. Diane, you and I have had this discussion. Diane failed to come see me in Bosnia. See, I told this group too.

There are people in Kuwait, there are people in Qatar that are going crazy to understand what to do and how to make this sucker work. They are not ideological. They've got to go out there. So don't talk to the Washington office. Go to St. Petersburg, Tampa, go to Qatar, Kuwait and start doing, and just start knocking on tents. You will get rebuffed for awhile, but finally you'll get a path to the outer circle.

Iraqis. Absolutely essential that the Iraqis be involved and that we use everything possible to understand -- The American knowledge about Iraq is very very low. But the four million or so Iraqis living outside of Iraq and the 22 to 24 million Iraqis living inside Iraq have different views of the world. The genius in the way the American politically has got to work this is we've got to use the ones we can use, but when it happens we've got to allow the growth of other constituencies inside the country. Otherwise we're going to put a puppet into place. It's a very difficult political dynamic to work through and I don't know anybody who's smart enough to pull that sucker off right now.

United Nations, yes. The United Nations has got to, I would say it less pejoratively toward the United Nations. We need to pull the United Nations in more on that.

Thank you, Roberta.

MS. COHEN: I want to thank the panel very much and thank you all for coming. I think ultimately this Administration is going to need other governments and international institutions and non-governmental organizations even if it's after the 100 days, they're going to have to do that.

Thank you again.

# # # #