From Operation Iraqi Freedom to the Battle of Mosul: Fifteen years of displacement in Iraq

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Abstract

The displacement of civilians during a protracted war is a difficult issue that deserves our attention, and Iraq is unfortunately an emblematic example of this phenomenon. Based on the literature produced by humanitarian organizations and academia, this article aims at analyzing what triggers displacement in protracted conflict, highlighting the role of international humanitarian law (IHL) violations. It discusses how Iraq has been struggling with acts of violence, hostilities and IHL violations that have generated displacement and human suffering.

Keywords: displacement, international humanitarian law, IDPs, refugees, conduct of hostilities, Iraq.

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Introduction

In recent years, humanitarian organizations have consistently emphasized the long duration of many armed conflicts and the ways in which that duration affects humanitarian aid. In a report published in 2016, the International Committee of the Red Cross (ICRC) stated:

> The ICRC spends about two-thirds of its budget on protracted conflicts. The average length of time the ICRC has been present in the countries hosting its ten largest operations is more than 36 years. Protracted conflicts are a major source of human suffering and a cause of protracted displacement, migration and development reversals.[1]

Long wars are not a new phenomenon – there are historical conflicts with evocative names such as the Thirty Years' War and the Hundred Years' War, and the twentieth century also saw many long-running conflicts. In fact, this kind of war is as old as humanity itself. Recently, however, "protracted conflict" has become a concept in its own right, and there is now an awareness that such conflicts change the nature of humanitarian aid. They require responses that go beyond the usual ways of providing protection and assistance: they require a response in which the boundary between humanitarian aid and development is much more blurred, and in which different time frames coexist, for example by combining emergency aid with long-term programmes. As the ICRC report mentions, the displacement of civilians during a protracted war is a difficult issue that deserves our attention. How does a protracted conflict affect displacement? Does a protracted conflict automatically lead to protracted displacement? To what extent is the displacement in these conflicts linked to violations of international humanitarian law (IHL) rather than other factors? How do those violations affect patterns of displacement? This article seeks to provide some answers to these questions, focusing on the example of Iraq from 2003 to the present day.

Modern Iraq gives the impression that it is constantly dealing with internal population movements, whether they are caused by armed conflicts – international or domestic – or by other violence. The ICRC has taken action repeatedly in Iraq since 1950, and that action has become much more diverse since 1991.[2] Between 1980 and 2003, the country suffered three conflicts: the Iran–Iraq war (1980–88), the Gulf War (1990–91) and the aftermath of the invasion by a US-led coalition (2003).[3] The international sanctions that followed the Gulf War also affected the country's infrastructure and generated many humanitarian problems, which have

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1   ICRC, *Protracted Conflict and Humanitarian Action: Some Recent ICRC Experiences*, 20 June 2016, available at: www.icrc.org/en/document/protracted-conflict-and-humanitarian-action (all internet references were accessed in June 2020).

2   Daniel Palmieri, "Crossing the Desert – the ICRC in Iraq: Analysis of a Humanitarian Operation", *International Review of the Red Cross*, Vol. 90, No. 869, 2008.

3   Nasir Ahmed Al-Samaraie, "Humanitarian Implications of the Wars in Iraq", *International Review of the Red Cross*, Vol. 89, No. 868, 2007.

cost the Iraqi people dear. Worse still, the country has been in a constant state of war since 2003.

It is true that the classification of the conflict, the parties to the conflict and the methods of warfare have evolved over the last fifteen years. For instance, the 2003 conflict has been qualified as an international armed conflict. It preceded a period of occupation that lasted until 28 June 2004. After that date, hostilities were classified as non-international armed conflict.[4] Although children, women and men are still being killed every day, the reasons have changed significantly and new participants have appeared over time, with fronts developing as alliances are formed and dissolve. Whether the confrontations are logically connected and interdependent or have little to do with each other, the fact is that Iraq has not seen any real let-up in the violence since 2003. Episodes have merged together to form a long war that has affected large swathes of the Iraqi people indiscriminately, for varying lengths of time. Whatever the reasons behind the fighting and regardless of the changing alliances, the country's never-ending conflict has taken a heavy toll on Iraq's people.[5] The same is true of displacement. Waves of internal displacement – people and communities forced to move by the parties to the conflict – and refugees have left an indelible mark on the country in the last fifteen years, and Iraq's internal organization has been in a state of constant flux. The Syrian conflict has also had consequences in Iraq. As it suffers from a protracted conflict and the accumulated effects of various conflicts with no prospect of peace in sight, Iraq unfortunately provides a good case study of displacement in this kind of conflict.

This article aims at analyzing what triggers displacement in protracted conflict, highlighting the role of IHL violations. It focuses on the case of Iraq and is based on various pieces of literature issued both by humanitarian organizations and by academia. To better understand displacement in the Iraqi context, the article will first look at the challenges that displacement creates for humanitarian aid. After briefly showing how displacement is a fact of life in modern Iraq, it will provide a more detailed history, looking at the various waves of displacement from 2003 to the present time. Next, by looking at the role of violence and of IHL violations in causing and triggering displacement, the article will show how lack of respect for the law can cause civilians to flee. The subsequent two sections describe the various types of violence in Iraq, including IHL violations, and how they have caused different patterns of displacement. The final section will look at the role that cumulative IHL violations play in protracted conflicts. The article

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4   Knut Dörmann and Laurent Colassis, "International Humanitarian Law in the Iraq Conflict", *German Yearbook of International Law*, Vol. 47, 2004, available at: https://www.icrc.org/en/doc/assets/files/other/ihl_in_iraq_conflict.pdf.

5   On this subject, several articles from 2007 were already making clear how devastating the various consequences of the war were for Iraq. See Ekmeleddin Ihsanoglu, "Assessing the Human Tragedy in Iraq", *International Review of the Red Cross*, Vol. 89, No. 868, 2007; N. A. Al-Samaraie, above note 3; Beth Osborne Daponte, "Wartime Estimates of Iraqi Civilian Casualties", *International Review of the Red Cross*, Vol. 89, No. 868, 2007.

will conclude with some reflections on the nature of protracted conflicts and their impact on displacement.

Displacement: Challenges for humanitarian aid

Displacement during a protracted conflict creates a number of challenges for humanitarians. When a conflict is protracted, its very nature as an armed conflict is unclear: there may sometimes be a clear number of belligerent forces which, unable to achieve superiority on the ground, engage in a long-term conflict. In other circumstances, as in Iraq, the situation is more complicated. Looking back over the last fifteen years, Iraq has been in a continuous state of conflict, but what is at stake, the parties involved and the ways in which war has been waged have changed. Iraq's protracted conflict can be seen as an accumulation of crises that are interrelated to varying extents and sometimes coincide, but do not always feature the same parties. For humanitarian organizations, therefore, one of the main challenges is to establish and maintain a dialogue with all parties to the conflict as they emerge.[6] That dialogue is necessary as a way for humanitarian organizations to remind the parties to the conflict of their legal obligations, to ensure that humanitarians organizations can access areas under the parties' control, to make the parties understand role and remit of humanitarian organizations, and to ensure those organizations' acceptance and safety.

The second challenge is to identify those displaced – especially within host communities in major urban areas – and their real needs.[7] In general, displacement patterns vary widely depending on the situation.[8] Displacement may take place *en masse* – for example, following large-scale military operations. Sometimes displaced people may go to camps, but in many cases they take shelter with friends or family, or move to urban areas. At first glance, it would appear much harder to identify and assess the needs of displaced people who do not move to camps. For those people, recent displacement studies by the ICRC show that humanitarian action is often driven by assumptions that are not necessarily based on fact, making it harder to ensure that the response accurately addresses their real needs.[9] In addition, the challenge arising from displaced people moving to cities is especially great since urban areas have their own specific characteristics

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6   Regarding the acceptance of humanitarian aid in Iraq, see Greg Hansen, "The Ethos-Practice Gap: Perceptions of Humanitarianism in Iraq", *International Review of the Red Cross*, Vol. 90, No. 869, 2008; Karl Mattli and Jörg Gasser, "A Neutral, Impartial and Independent Approach: Key to ICRC's Acceptance in Iraq", *International Review of the Red Cross*, Vol. 90, No. 869, 2008.

7   For an overview of the possible consequences of displacement, see ICRC, *Displacement in Times of Armed Conflict*, Geneva, 2019, pp. 17–23.

8   *Ibid.*, pp. 43–49.

9   See ICRC, *Displaced in Cities: Experiencing and Responding to Urban Internal Displacement Outside Camps*, Geneva, December 2018; Angela Cotroneo, "Specificities and Challenges of Responding to Internal Displacement in Urban Settings", *International Review of the Red Cross*, Vol. 99, No. 904, 2017; Catherine-Lune Grayson, "Internal Displacement: Some Reflections on Cracking the Urban Challenge", *Humanitarian Law and Policy Blog*, 23 September 2018, available at: https://blogs.icrc.org/law-and-policy/2018/09/23/internal-displacement-reflections-cracking-urban-challenge-2/.   Regarding

and difficulties. In particular, the ICRC has looked at how services are provided in cities in the context of protracted conflicts, using Iraq as a case study.[10] In any case, the communities hosting displaced people must be taken into account, and their needs must be factored into the humanitarian response. The longer a war lasts, the more those communities will be under pressure and will require support from humanitarian organizations. According to the ICRC's experience, unless ethnicity, political affiliation (real or perceived) or religion make their attitude towards the newcomers more hostile or unwelcoming, host communities are usually generous first responders. The problem starts when people who were supposed to stay for days or weeks end up staying for months or years. This is when generosity turns to frustration and exhaustion, and when tensions related to sharing scarce resources and overwhelmed services become more acute.

A protracted conflict, where it results in prolonged displacement, changes the nature of humanitarian aid. When people are suddenly forced to flee, this requires emergency aid that is in theory temporary, such as water, food, shelter and medical care depending on the context. To remain in contact with their loved ones, displaced people also need access to modern methods of communication: for example, they need to be able to charge their mobile phones or get online.[11] Very often, however, displaced people cannot or do not want to return home in the short, medium or long term. In some situations, those displaced take up residence in cities for an extended period, while still having urgent needs.[12] In protracted conflicts, emergency relief is no longer enough, and all civilians – but particularly displaced people – need other types of help.

When a conflict becomes protracted, the State can struggle to provide basic services such as health care, water, electricity and education, and these needs are sometimes partly addressed by humanitarian organizations. Three examples can be provided to illustrate this. Firstly, children who have had to leave home can no longer go to school, and may miss out on education for a long time if they cannot be integrated into host communities. In Iraq in 2007, more than half a million children were displaced, and a large proportion of them no longer had access to education.[13] In line with the work done by organizations such as UNICEF and Save the Children, the ICRC is paying increasing attention to the education of displaced children.[14] Secondly, emergency support for hospitals

the specific costs and challenges of hosting Iraqi refugees, see Andrew Harper, "Iraq's Refugees: Ignored and Unwanted", *International Review of the Red Cross*, Vol. 90, No. 869, 2008, pp. 177 ff.

10   ICRC, *Urban Services during Protracted Armed Conflict: A Call for a Better Approach to Assisting Affected People*, Geneva, September 2015, available at: https://www.icrc.org/en/document/urban-services-protracted-conflict-report.

11   International Federation of Red Cross and Red Crescent Societies, "World Humanitarian Day – 10am: Low Battery Anxiety?", 18 August 2016, available at: http://media.ifrc.org/ifrc-pages/2016/08/18/world-humanitarian-day-10am-low-battery-anxiety/.

12   ICRC, above note 9, pp. 44–45.

13   E. Ihsanoglu, above note 5, p. 922.

14   ICRC, "Access to Education", available at: www.icrc.org/en/access-education; Elizabeth Ferris and Rebecca Winthrop, "Education and Displacement: Assessing Conditions for Refugees and Internally Displaced Persons Affected by Conflict", Background Paper commissioned for the *Education for All Global Monitoring Report 2011*, 2010; Sarah Dryden-Peterson, "Conflict, Education and Displacement",

sometimes becomes more permanent, and health-care services set up close to camps can become established facilities, treating both displaced people and local communities. Finally, in Iraq, the ICRC is involved in restoring water supplies. In 2016, more than two million people enjoyed renewed access to drinking water following repair or construction work by the ICRC.[15] These three examples show how humanitarian organizations have a role to play in supporting essential services, and how they can help displaced people to regain their independence.[16] However, ongoing adjustments are needed to ensure that the response matches the needs.

Displacement in modern Iraq

Although this article focuses mainly on the situation in Iraq since 2003, it should not be forgotten that displacement has been a constant theme in Iraq's history, and not just because of the series of conflicts it has suffered during that time.[17] Displacement dates back to the colonial era, caused by clashes between British forces and dissident movements in the 1930s and 1940s.[18] More recently, population movements have been caused by wars and political events. During the 1980–88 Iran–Iraq War, hundreds of thousands of civilians were displaced. The Kurdish people were the ones most affected by the conflict: thousands of villages were destroyed, leading to the formation of camps containing hundreds of thousands of people,[19] and more than half a million Kurdish civilians were forced to move to detention camps or to find new homes.[20] In March 1988, the Iraqi army carried out a chemical attack on the city of Halabja, occupied by Iran, in breach of the 1925 Geneva Protocol and the ban on the use of chemical weapons under customary IHL.[21] Around 5,000 civilians were killed, while others were seriously injured or fled.[22] Repeated violations of the law during the conflict – publicly criticized by the ICRC on numerous occasions – were directly responsible for some of the displacement and a great deal of other suffering. Moreover, according to military historian Pierre Razoux, "[t]he massive violations of the laws of war and

Conflict & Education, Vol. 1, No. 1, 2011, available at: https://wcfia.harvard.edu/files/wcfia/files/sdryden-peterson_conflict_education_and_displacement.pdf.

15 ICRC, *Iraq Activity Report 2016*, 2017, p. 7, available at: www.icrc.org/en/document/iraq-activity-report-2016.
16 ICRC, above note 9, p. 46.
17 Joseph Sassoon, *The Iraqi Refugees. The New Crisis in the Middle East*, I. B. Tauris, New York, 2011, p. 99.
18 *Ibid.*, pp. 97–98.
19 Ina Rogg and Hans Rimscha, "The Kurds as Parties to and Victims of Conflicts in Iraq", *International Review of the Red Cross*, Vol. 89, No. 868, 2007, pp. 827–828.
20 Karin Mlodoch, "The Indelible Smell of Apples: Poison Gas Survivors in Halabja, Kurdistan-Iraq, and Their Struggle for Recognition", in Bretislav Friedrich *et al.* (eds), *One Hundred Years of Chemical Warfare: Research, Deployment, Consequences*, Springer, Cham, 2017.
21 I. Rogg and H. Rimscha, above note 19. See also Jean-Marie Henckaerts and Louise Doswald-Beck (eds), *Customary International Humanitarian Law*, Vol. 2: *Practice*, Cambridge University Press, Cambridge, 2005, Practice relating to Rule 74, available at: https://ihl-databases.icrc.org/customary-ihl/eng/docs/v2_rul_rule74.
22 K. Mlodoch, above note 20.

international humanitarian law did not give either the Iranians or the Iraqis any decisive advantage".[23] IHL violations were senseless from a legal, strategic and human perspective, and they definitely triggered displacement and made the situation worse for people affected by the conflict.

Shortly after the Iran–Iraq War ended, another war shook the region. After Iraq invaded Kuwait in August 1990, coalition forces started a military operation in early 1991. Operation Desert Storm was short-lived, and most of the displacement took place after it ended. After the 1991 ceasefire, Kurdish fighters opposed to the central government staged an armed uprising. They quickly took control of a large part of Iraqi Kurdistan. But they were not well trained or prepared, and Saddam Hussein, who had remained in power, crushed the uprising, as well as suppressing certain Shia groups in southern Iraq. In March, the rebellion was defeated and the subsequent repression caused hundreds of thousands of Kurds to flee to Iran and Turkey.[24] The ICRC started to provide assistance in Iraqi Kurdistan in 1991, and continued to do so for a long time.

For many years, the regime in power at the time had been carrying out "Arabization" campaigns, seeking to change the population's ethnic and religious make-up. It expelled first hundreds and then thousands of families, replacing them with others. Kurds, Shia Muslims and religious minorities were the worst affected.[25] Those expulsion campaigns took place in several waves, for example between late 1996 and mid-1997, when the ICRC helped more than 5,000 displaced families.[26] In the second half of 2001, Arabization campaigns resumed in the Kirkuk and Mosul regions. When the Gulf War ended, a much more short-term type of displacement began in Iraqi Kurdistan. Frequent artillery fire and aerial bombing in that region during summer 2001 led to brief episodes of displacement. They took place periodically, in several waves, with low-intensity artillery fire preventing displaced people from returning home in some cases, although some went back and forth to maintain their businesses while others left their homes at night and came back in the morning.[27]

Various estimates suggest that in 2002, there were between 600,000 and 800,000 internally displaced persons (IDPs) in the north of the country, along with 300,000 in the centre and the south.[28] This means that even before the start of the 2003 war, Iraq already had between 700,000 and 1 million IDPs.[29] When the 2003 war started, the Iraqi population had already experienced the

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23 Pierre Razoux, *La guerre Iran–Irak 1980–1988*, Tempus, Paris, 2017, p. 729.

24 I. Rogg and H. Rimscha, above note 19, p. 829.

25 J. Sassoon, above note 17, p. 96.

26 ICRC, *Annual Report 1997*, Geneva, 1998, pp. 260–266.

27 Walter Kälin, "A Tragedy of Increasing Proportions: Internal Displacement in Iraq", *Forced Migration Review*, Special Issue, "Iraq's Displacement Crisis: The Search for Solutions", 2007.

28 Roberta Cohen and John Fawcett, *The Internally Displaced People of Iraq*, Memo No. 6, Saban Center, Brookings Institution, Washington, DC, November 2002; John Fawcett and Victor Tanner, *The Internally Displaced People of Iraq*, Brookings-SAIS Project on Internal Displacement, October 2002, cited in Roberta Cohen, "Iraq's Displaced: Where to Turn?", *American University International Law Review*, Vol. 24, No. 2, 2008, available at: https://www.brookings.edu/articles/iraqs-displaced-where-to-turn/.

29 Norwegian Refugee Council, *Profile of Internal Displacement: Iraq*, June 2002, p. 24.

consequences and struggle of several armed conflicts and was already facing massive displacement.

Armed conflicts since 2003 and their consequences

The military operations carried out by the US-led coalition in 2003 could have prompted large-scale displacement. As the invasion was being prepared, the ICRC, many other humanitarian organizations and several States made forecasts in order to anticipate the humanitarian assistance required.[30] The displacement estimates varied hugely, ranging from a few tens of thousands to several million in the case of a protracted conflict. This shows how hard it is to predict the consequences of an armed conflict with any accuracy. In the end, population movements directly caused by the 2003 invasion remained limited.[31] Various theories could explain why large-scale displacement failed to materialize. Firstly, the hostilities were short and targeted; except for a small number of people caught between the warring parties, the Iraqi people largely avoided any direct damage. There was no acute humanitarian crisis and little urgent need, and few people had to flee their homes. In northern Iraq, the ICRC saw some pre-emptive movement out of cities to more rural areas. Fifteen years after the Saddam Hussein regime's chemical attack on the city of Halabja, the memory of the event and the fear of its recurrence were still strong enough to trigger some pre-emptive displacement. However, it was short-lived.

Once the US-led coalition effectively occupied Iraq, other, larger waves of displacement began. Firstly, hundreds of thousands of people displaced during the Arabization campaigns tried to return home, sometimes after decades of displacement either internally or abroad.[32] Some members of the elite and technocrats from the previous regime also left, either anticipating trouble or because they suffered direct political persecution.[33] In addition, the occupation did not mark the end of all hostilities, and fighting between the coalition and insurgents also caused displacement,[34] the scale of which varied according to the military operation in question. For example, the Second Battle of Fallujah in November 2004 forced between 150,000 and 200,000 people to leave over a period of around ten days.[35] Finally, displacement resulted from the general security situation, as ethnic and religious groups came under threat. For all of

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30   See, for example, ICRC, *Overview of Operations 2003*, Geneva, 2002, pp. 3, 22, available at: www.icrc.org/en/doc/assets/files/other/over2003_bkmk.pdf.
31   J. Sassoon, above note 17, p. 10.
32   *Ibid.*, p. 11.
33   Nabil Al-Tikriti, "There Go the Neighbourhoods: Policy Effects vis-à-vis Iraqi Forced Migration", in Dawn Chatty and Bill Finlayson (eds), *Dispossession and Displacement: Forced Migration in the Middle East and North Africa*, Oxford University Press, New York, 2010, pp. 267–268.
34   Regarding Iraq's ethnic and religious make-up, see Pierre-Jean Luizard, "Islam as a Point of Reference for Political and Social Groups in Iraq", *International Review of the Red Cross*, Vol. 89, No. 868, 2007.
35   J. Sassoon, above note 17, p. 11; Mary Kaldor, "From Just War to Just Peace", in Charles Reed and David Ryall (eds), *The Price of Peace: Just War in the Twenty First Century*, Cambridge University Press, Cambridge, 2009, p. 265.

these reasons, hundreds of thousands of civilians were displaced between April 2003 and December 2005. In central and southern Iraq, until 2006, displacement was directly related to military operations and, for many of those affected, did not last for long. After each battle, several thousand families that had fled the violence and fighting returned home.[36]

The situation became much worse in February 2006. The attack on the Al-Askari Mosque in Samarra marked the start of very violent clashes between Shias and Sunnis, resulting in a new wave of displacement.[37] In October of the same year, tens of thousands more people were displaced internally.[38] In 2007, the ICRC publicly voiced its concern about the consequences of the fighting:

> Since the bombing of the sacred Shiite shrine of Samarra in February 2006 and the subsequent increase in violence, the problem of displacement in Iraq has become particularly acute. Thousands of Iraqis continue to be forced out of their homes owing to military operations, general poor security and the destruction of houses. And the outlook is bleak, particularly in Baghdad and other areas with mixed communities, where the situation is likely to worsen. The Iraqi Red Crescent estimates that approximately 106,000 families have been displaced inside the country since February 2006. It estimates that two-thirds of the displaced are women and children, often living in female-headed households.[39]

A 2007 report by the International Organization for Migration (IOM) stated that 89% of displaced people surveyed said they were forced to leave because of their religious or ethnic identity.[40] In that same year, the Internal Displacement Monitoring Centre found that 2.5 million people had been internally displaced in Iraq.[41] Also in 2007, it was estimated that around 60,000 Iraqis had to leave their homes every month.[42] Overall, 2.7 million civilians were displaced within Iraq between 2003 and 2008.[43] That was in addition to the Iraqi refugees in other countries,[44] most of whom were in Syria (1.4–1.5 million), Jordan (700,000–750,000), the Gulf states (200,000), and Egypt, Lebanon and Iran (175,000–

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36 Dina Abou Samra, "Military-Induced Displacement", *Forced Migration Review*, Special Issue, "Iraq's Displacement Crisis: The Search for Solutions", 2007, p. 37.

37 J. Sassoon, above note 17, p. 10; N. A. Al-Samaraie, above note 3, pp. 938 ff.

38 Philip Marfleet, "Displacement and the State – the Case of Iraq", in Khalid Koser and Susan Martin (eds), *The Migration-Displacement Nexus: Patterns, Processes, and Policies*, Berghahn Books, New York, 2011.

39 ICRC, *Civilians without Protection: The Ever-Worsening Humanitarian Crisis in Iraq*, Geneva, 2007.

40 IOM, *Iraq Displacement 2007 Mid-Year Review*, 2007, p. 2, available at: https://tinyurl.com/ydfbu2af.

41 Internal Displacement Monitoring Centre, *Internal Displacement: Global Overview of Trends and Developments in 2007*, 2008, available at: www.internal-displacement.org/sites/default/files/publications/documents/2008-global-overview2007-global-en.pdf.

42 Roberta Cohen, "Iraq's Displaced: Where to Turn?", *American University International Law Review*, Vol. 24, No. 2, 2008, available at: www.brookings.edu/articles/iraqs-displaced-where-to-turn/.

43 P. Marfleet, above note 38; A. Harper, above note 9.

44 See Lahib Higel, *Iraq's Displacement Crisis: Security and Protection*, Ceasefire Centre for Civilian Rights and Minority Rights Group International, March 2016, p. 8; Chris Champman and Preti Taneja, *Uncertain Refuge, Dangerous Return: Iraq's Uprooted Minorities*, Minority Rights Group International, 2009, pp. 11–13. These sources estimate the number of Iraqi refugees in other countries at 2.2–2.4 million, but no precise figures are available.

200,000 combined).[45] According to Andrew Harper and Joseph Sassoon, the eighteen months of ethnic conflict that began in February 2006 caused the Middle East's largest population displacement since 1948.[46]

Starting in 2008, the violence in Iraq diminished but did not stop. However, the improvement was enough that the number of displaced people also went down. Some considered going back for good, having up to this point returned home only for short periods of time.[47] The improved security situation led to a clear trend of people returning home starting in 2009, which continued until 2012. However, ethnic tensions and the resulting violence continued to cause displacement. Hundreds of families left Kirkuk in 2008, while thousands of Christian families fled the Mosul region between 2008 and 2010. Similarly, attacks on American property and bases, along with tensions during election periods, also caused waves of displacement.

A few years later, in 2013, violence flared up again during anti-government demonstrations and in ethnic and religious clashes, prompting further waves of displacement. In April of the same year, violence increased after months of demonstrations against the central government. The situation worsened in 2014: the regions of Fallujah, Anbar and Mosul saw particularly large numbers of civilians displaced, fleeing ongoing or anticipated violence and hostilities.[48] In June, it was announced that

> Iraq has one of the largest internal population displacements in the world. Over 1.2 million people have been displaced since January 2014 (as of 25 June 2014). This is in addition to approximately one million people displaced from previous conflict and over 220,000 Syrian refugees.[49]

In spring 2015, when the cities of Tikrit and Saladin were recaptured from the so-called Islamic State group (ISG), 20,000 families were displaced.[50] In 2015 and 2016, the city of Ramadi also saw two waves of displacement when it was taken and then lost by ISG. A 2017 report stated that around a million people fled Mosul and its surrounding areas after the capture of the city and the resulting fighting.[51] Finally, battles to regain West Anbar also caused tens of thousands of people to be displaced.[52]

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45 Brookings Institution, "Iraq Index Tracking Variables of Reconstruction and Security Post-Saddam Iraq", Washington, DC, 29 October 2007, p. 29, cited in E. Ihsanoglu, above note 5, p. 920.
46 A. Harper, above note 9, p. 170; J. Sassoon, above note 17, p. 4.
47 Géraldine Chatelard, "What Visibility Conceals: Re-embedding Refugee Migration from Iraq", in D. Chatty and B. Finlayson (eds), above note 33.
48 L. Higel, above note 44, p. 11.
49 ACAPS, *Iraq Displacement Profile*, 4 July 2014, available at: https://reliefweb.int/sites/reliefweb.int/files/resources/iraq_displacement_profile_4_july_2014.pdf.
50 L. Higel, above note 44, p. 15.
51 Antonio Massella, *We Have Forgotten What Happiness Is: Youth Perspectives of Displacement and Return in Qayyarah Subdistrict, Mosul*, Oxfam, 2017, p. 10.
52 IOM, "UN Migration Agency Assists Thousands of Iraqis Newly Displaced from West Anbar", 10 March 2017, available at: www.iom.int/news/un-migration-agency-assists-thousands-iraqis-newly-displaced-west-anbar.

Although not comprehensive,[53] this overview of displacement in Iraq between 2003 and 2017 shows a close correlation between waves of violence and waves of displacement. It is therefore worthwhile to look at the possible causation underlying that correlation.

Triggers of displacement

Although displacement is caused by many factors – from socio-economic problems to more personal considerations – violence is often the first factor that people mention as the trigger for their displacement.[54] Iraq is no exception. To better understand this phenomenon, it is necessary to take the analysis further by asking which types of violent events prompt displacement and whether they necessarily constitute IHL violations, or whether they are simply the unfortunate but inevitable consequence of war.

Existing research about Iraq gives us a good idea of what causes displacement. Although the studies are based on relatively small samples, they give a fairly broad overview. They clearly show that displacement is caused by several factors, including several types of violence.[55] For example, in a 2007 study on Iraqi refugees in Syria, more than 70% of those surveyed said that violence was the main reason for their departure.[56] A July 2014 report was even more clear-cut. IDPs from 296 different locations were surveyed. For 90% of them, armed conflict and general violence were the main reasons for their displacement.[57] A third study revealed that, of those surveyed, 77% had been affected by the use of explosive weapons, 72% had witnessed a car-bomb attack, 75% knew someone who had been killed in the conflict and 68% had been interrogated or harassed.[58] Although not all of those factors necessarily represent IHL violations – this can only be established through a case-by-case analysis – some of them have been identified as such. The ICRC was already highlighting the wide array of displacement triggers more than ten years ago. In a report published in 2007, it gave details of certain factors that trigger displacement:

> Shootings, bombings, abductions, murders, military operations and other forms of violence are forcing thousands of people to flee their homes and seek safety elsewhere in Iraq or in neighbouring countries. The hundreds of thousands of

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53   This overview has focused on the violence in Iraq itself, and not on the Syrian refugees who fled the conflict in their own country, taking refuge in Iraq.

54   ICRC, above note 7, pp. 21–23.

55   L. Higel, above note 44, p. 11.

56   Ashraf Al-Khalidi, Sophia Hoffman and Victor Tanner, *Iraqi Refugees in The Syrian Arab Republic: A Field-Based Snapshot*, Brookings Institution–University of Bern Project on Internal Displacement, 2007, p. 46, available at: www.brookings.edu/research/iraqi-refugees-in-the-syrian-arab-republic-a-field-based-snapshot/; J. Sassoon, above note 17, p. 62.

57   ACAPS, above note 49.

58   United Nations Office of the High Commissioner for Refugees, "Trauma Survey in Syria Highlights Suffering of Iraqi Refugees", press release, 2008; A. Harper, above note 9, p. 173; J. Sassoon, above note 17, p. 72.

displaced people scattered across Iraq find it particularly difficult to cope with the ongoing crisis, as do the families who generously agree to host them.[59]

The same year, the ICRC even took the view that these factors were "in clear violation of international humanitarian law".[60] Looking more specifically at the actions that trigger displacement, violations of IHL have obviously occurred in some cases, and appear probable in others.

Displacement and military operations

The fighting between Iraqi forces and the US-led coalition in 2003 was short-lived, as was the displacement it caused. The brief nature of the displacement was partly because of the obvious asymmetry between the two sides: the coalition forces were vastly superior to the Iraqi troops, facing a "traditional" enemy that they quickly defeated. This kind of confrontation between two armed forces has become fairly rare – most modern conflicts are very different, involving much more asymmetric and protracted clashes, and their outcome (and length) is much more uncertain.

In the years that followed, military operations caused displacement both directly and indirectly, whether or not there were IHL violations during the hostilities. The best examples are probably the various battles that ravaged several Iraqi cities. From Basra to Mosul to Fallujah, episodes of violence naturally caused hundreds of thousands of civilians to flee, fearing for their lives. Several studies have confirmed that the use of explosive weapons in urban settings is a trigger for displacement.[61] For instance, some families had remained in Mosul after it had been taken by ISG, but they subsequently had to flee from the fighting, including the threat posed by the use of artillery in military operations.[62] Displacement may thus be caused by IHL violations such as acts of war that do not comply with the conduct of hostilities principles; the ICRC highlighted these types of acts in Iraq when it noted that "[m]ass explosions and indiscriminate attacks are claiming the lives of hundreds and leaving thousands more wounded every month".[63] When warring parties carry out indiscriminate attacks, when they fail to take the necessary precautions to protect civilians and their property, when the choice of weapons is inappropriate and the means of warfare are disproportionate, civilians are directly or indirectly affected and must flee.

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59 ICRC, above note 39.
60 ICRC, "Iraq: An Ever-Worsening Crisis", Press Release No. 07/49, 11 April 2007.
61 See, in particular, articles in the "War in Cities" issue of the *International Review of the Red Cross*, Vol. 98, No. 901, 2016; ICRC, "Explosive Weapons in Populated Areas", available at: www.icrc.org/explosive-weapons-populated-areas-1; Ellen Nohle and Isabel Robinson, "War in Cities: The 'Reverberating Effects' of Explosive Weapons", *Humanitarian Law and Policy Blog*, 3 March 2017, available at: https://blogs.icrc.org/law-and-policy/2017/03/02/war-in-cities-the-reverberating-effects-of-explosive-weapons; L. Higel, above note 44, p. 11; J. Sassoon, above note 17, p. 72; Simon Bagshaw, "Driving Displacement: Explosive Weapons in Populated Areas", *Forced Migration Review*, No. 41, 2012, p. 12.
62 A. Massella, above note 51, p. 17.
63 ICRC, "Iraq: Ongoing Conflict Claims Hundreds of Civilian Lives Every Month", press release, 12 August 2009, available at: https://reliefweb.int/report/iraq/iraq-ongoing-conflict-claims-hundreds-civilian-lives-every-month.

The duration of the displacement can vary according to the duration of the military operations and the extent of the destruction they cause. The displacement may end when people think the security situation is sufficiently safe, after the fighting, for civilians to be able to return home, or when those displaced find other long-term solutions such as integrating within their host community or elsewhere. In Mosul, civilians fleeing the city and its surrounding areas mainly went to camps for IDPs, where conditions were sometimes very precarious. In 2017, of the million people displaced by the battle for Mosul, around 200,000 were able to leave those camps and return home, while others decided to remain displaced or to move and integrate elsewhere, including elsewhere within the city of Mosul.[64] This is clearly shown by the two phases of the battle led by Iraqi forces to take back the city:

> Large-scale displacement in the district of Mosul began in late 2016, with the start of a military operation to retake the city from the Islamic State group. Displacement reached a first peak between November 2016 and January 2017, as military operations were unfolding in the eastern part of the city. A second and greater peak occurred between February and June 2017 when the fighting concentrated on West Mosul, after East Mosul had been retaken. People who were displaced from East Mosul were mostly hosted in camps, whereas most of those displaced from West Mosul stayed outside camps as they moved in large numbers to East Mosul or other safer areas. By the end of June 2017, the city of Mosul was hosting nearly 384,000 displaced persons from Mosul itself. Many who had fled East Mosul at the outset of the military operation returned in the first few months of 2017 and are now hosting displaced persons.[65]

It would be easy to imagine that large numbers of people fleeing violence, sometimes urgently, would result in large camps of displaced people or refugees, where humanitarians would then come to provide protection and assistance. In Iraq, however, things were not so simple. It is true that large refugee camps were set up during and after the 1991 war. Camps have also been formed when civilians fled major battles to take control of cities since 2003. However, when the displacement is short-term, there is very little pre-existing assistance infrastructure. Many times, the ICRC has reported civilians flooding into neighbouring areas when clashes take place.[66] The choice of destination must be made very quickly, and it is often close by or somewhere where family members live. This choice is made by considering different factors:

> Reason for settling in a specific location: In 46% of the sites that were assessed in May, good security was seen as the primary pull factor for IDPs to the location, and for the IDPs in 43% of sites, the presence of family or friends was the key attracting factor.[67]

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64 A. Massella, above note 51, p. 10.
65 ICRC, above note 9, p. 19.
66 ICRC, "ICRC Concerned about the Plight of Civilians in Iraq", News Release No. 05/26, 16 May 2005.
67 ACAPS, above note 49.

When fighting becomes protracted or escalates, mass displacement becomes more frequent and more distant destinations are sometimes chosen. As a result, the displacement may initially go unnoticed because people go to another city, renting hotel rooms or apartments or staying with friends of family, or may be hosted directly by local communities.[68] The destination may also be selected on the basis of factors such as language, religion and ethnicity.[69] Fighting leads to displacement if it takes place in populated areas; even full compliance with IHL will not entirely prevent this kind of displacement, which is often the best way for people to save their own lives.

That said, the problem, first and foremost, is that the law is too often broken during hostilities. It is not always easy to establish with certainty whether specific acts carried out in combat are lawful, but it is apparent that the principles of precaution, distinction and proportionality are not always respected. Whether accidental or deliberate, such violations of the law affect displacement. The less the law is complied with, the more civilians will suffer directly or indirectly from the fighting, and this will make them more likely to flee. It may be stating the obvious, but IHL violations adversely affect civilians and generate or encourage displacement. Conversely, compliance with IHL helps limit the destruction and encourages displaced people to return home relatively quickly once hostilities have ended and once the security situation allows. It also helps limit the damage to infrastructure that is vital for civilian life.

Attacks that are indiscriminate or directly target civilians

If certain IHL violations, such as disrespect for the principle of distinction, may be accidental and may cause unintended displacement, others involve violence targeting certain portions of the population and are intentional breaches of the law in violation of the principle of distinction. In Iraq, some displacement has not been directly caused by major battles or military operations. In 2008, the ICRC publicly stated that in Iraq, "civilians are often deliberately targeted, in complete disregard for the rules of international humanitarian law".[70] Some categories of civilians were more likely to be displaced than others, because they were the target of direct attack. They were threatened or targeted because of their ethnic, religious or socio-professional status. For example, thousands of doctors fled the country after 2003;[71] many teachers, engineers and journalists were also targeted because of their status and decided to leave.[72] Ethnic violence was the most common cause of displacement. This primarily concerned people who were

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68   L. Higel, above note 44, p. 16.
69   *Ibid.*
70   ICRC, "Iraq: Millions Struggle to Cope with the Impact of Five Years of War", News Release No. 08/46, 17 March 2008.
71   Precise statistics are not available. Joseph Sassoon has collected various data, with estimates that between 12,000 and 18,000 doctors – out of a total of 34,000 living in Iraq in 2003 – left the country. The Iraqi Red Crescent estimated that 50% of doctors and 70% of specialists left Iraq. J. Sassoon, above note 17, p. 143. The figures are quoted in E. Ihsanoglu, above note 5, p. 921.
72   J. Sassoon, above note 17, p. 62.

targeted or threatened because they belonged to a certain ethnic or religious group. In January 2009, between 15% and 64% of Iraqi refugees were from Christian, Circassian, Turkmen or Yazidi minorities, depending on the host country.[73] A 2008 IOM report states that 63% of families surveyed left after receiving direct death threats and that 89% of them felt threatened because of their ethnic or religious background.[74] Another study of minorities in Iraq concluded that

> [t]hey have suffered from killings, kidnappings, torture, harassment, forced conversions and the destruction of homes and property. … [M]inorities [have] suffered disproportionate levels of targeted violence because of their religions and ethnicities, and have formed a large proportion of those displaced, either by fleeing to neighbouring countries or seeking asylum further afield.[75]

Many displaced people said they left because they had received threats and feared for their lives. Threats may have various objectives, such as forcing someone to do something or to convert – "some have received death threats, usually offering the same three choices: convert, leave Iraq, or be killed".[76] It is commonplace for people to be kidnapped and held to ransom; this prompts civilians to flee through fear of being taken hostage.[77] The same is true of sexual violence, another cause of displacement.[78] In some cases, displaced people have been raped before fleeing.[79] If people see violence being inflicted on friends, family or neighbours, they will obviously draw their own conclusions and flee pre-emptively, to escape potential harm and avoid falling victim to attacks or abductions, which are IHL violations.

When civilians are intentionally targeted, IHL violations are much more obvious. Although violations in connection with the conduct of hostilities may be subject to debate or explained away as mistakes, the reasons for targeted attacks against civilians are much harder to understand. Such attacks may result from ignorance of the law and a lack of training among those bearing arms, but they are often carried out deliberately and knowingly in order to make people flee or suffer. Unlike displacement inevitably caused by hostilities, displacement caused by targeted attacks on civilians is more likely to be long-term or permanent. One author sees targeted attacks against ethnic groups in Iraq as a way of countering the demographic change caused by the previous regime's Arabization campaigns, by preventing the return of these ethnic groups.[80] A study on minorities returning to Iraq even states that:

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73 C. Champman and P. Taneja, above note 44, p. 13.
74 IOM, *Iraq Displacement 2007 Year in Review*, 2008, available at: https://reliefweb.int/report/iraq-displacement-2007-year-review.
75 C. Champman and P. Taneja, above note 44, p. 9.
76 *Ibid.*, p. 13.
77 *Ibid.*, p. 13.
78 *Ibid.*; José Riera and Andrew Harper, "Iraq: The Search for Solutions", *Forced Migration Review*, Special Issue, "Iraq's Displacement Crisis: The Search for Solutions", 2007.
79 C. Champman and P. Taneja, above note 44.
80 L. Higel, above note 44, p. 14.

> The daily situation faced by Iraqi refugees from minority communities in
> neighbouring countries puts a large amount of strain on individuals and
> families to survive, as well as to keep their religious and cultural traditions
> alive. It is telling that despite these conditions, however, a large proportion of
> those interviewed for this report say that they have no intention of ever
> voluntarily returning to Iraq.[81]

Similarly, civilians suspected of having been, or having someone in their family who
has been, affiliated with ISG are unable to return because they fear for their life and
so may be permanently displaced.[82] The IOM study on return notes that 64% of
displaced people and 81% of people who have returned home fear reprisals.[83]

The type and objectives of violence also influence displaced people's
destination. Where attacks are targeted against them or where the security
situation is generally poor, the displacement will not only last for a longer time,
but people will also potentially move further away. This was particularly clear
after the attack on the Samarra mosque and the violence that followed.
Previously, displaced people moved to certain regions because they were regarded
as safer, but the displacement that followed the ethnic conflict caused civilians to
move to specific areas depending on their ethnic background or preference. This
does not mean that the usual short-term displacement – caused by people fleeing
violence – ceases to take place; the two types of displacement, along with their
consequences, coexist. In any event, when displaced people move to other
locations for a longer period, without being formally identified or helped, their
presence may become a source of resentment among host communities if it
pushes up prices, rents or unemployment, or causes tension in other ways.[84]

Unfortunately, it is harder to put a stop to IHL violations if they are
deliberate. Becoming aware of such violations and their intentional nature is a
first step towards taking wider action.[85] Although there is no ready-made
solution to this problem, some suggestions can be made. Firstly, the parties to the
conflict must comply with the law and ensure that those bearing arms do not
break it. Where that is not the case, they must take suitable measures to change
the situation, such as education, training, prevention and punishment. If the
parties are reluctant to make changes, for example because they are intentionally
seeking to violate the law, their allies, sponsors and the international community
as a whole must put pressure on them and ensure that they respect their legal
obligations.[86]

However, attacks targeted against civilians – a clear breach of IHL – do not
just affect the communities they are directly aimed at. The ICRC has found that

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81   C. Champman and P. Taneja, above note 44, pp. 28–29.
82   L. Higel, above note 44, p. 21.
83   IOM, *Obstacles to Return in Retaken Areas of Iraq*, 2017, p. 14.
84   ICRC, above note 9, pp. 29–31; ICRC, above note 7, pp. 20–21.
85   ICRC, above note 7, pp. 38–40.
86   Knut Dörmann and Jose Serralvo, "Common Article 1 to the Geneva Conventions and the Obligation to
     Prevent International Humanitarian Law Violations", *International Review of the Red Cross*, Vol. 96, No.
     895–896, 2014. See also ICRC, above note 7, pp. 62–65.

violence also affects displacement in a much more general way.[87] Families that are not directly targeted leave home because the environment has become too dangerous. Among the warning signs that prompted them to flee, those displaced mention checkpoints manned by insurgents, curfews, increasing interrogation of civilians, and fighting between insurgents and government forces. It is therefore not surprising that the number of Iraqi people displaced increased dramatically from February 2006 following ethnic violence, because the violence also affected civilians who were not specifically targeted.

The cumulative effect of violence

In Iraq, therefore, displacement has been caused by various factors acting in parallel. One of these factors relates directly to the conduct of hostilities, and another consists of targeted breaches of the law. These two factors can coincide, for example during ethnic clashes that result in particularly severe episodes of violence – in both cases, displacement may result from either the violence and violations of the law, or a decision taken in expectation of that violence. The literature clearly shows that displaced people are not passive spectators, and while some decide to leave urgently to escape an imminent threat, many others decide to leave after due consideration of their various options.[88] Perception of danger therefore drives displacement. The fear of becoming an unintended victim or a target prompts people to take pre-emptive action – i.e., to flee. However, the line between reactive and pre-emptive displacement is blurred, and decisions are driven by highly personal factors. While some civilians are unable to flee or are prevented from leaving, some prefer to stay because they think it is the best solution, because they do not want to lose their possessions, because they are concerned about what could happen during their displacement, because they are afraid of being mistaken for a member of a warring party, or because they are worried they will not adapt to their destination.[89] Others, in the same circumstances, prefer to flee pre-emptively.

This pre-emptive displacement may be motivated by the memory of past events. This article has already touched on the fact that in 2003, the chemical attack on the city of Halabja was still sufficiently fresh in the public memory to prompt some people to flee and later return after realizing that there was no real danger. This memory of past IHL violations deserves more in-depth research, because it could shed light on their long-term negative impact.

When accumulated in time and space, the combined effect of violence and violations of the law – real or perceived – is even more severe for the entire

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87 Robert Zimmerman, "Responding to Iraq's Ever-Deepening Violence", *Forced Migration Review*, Special Issue, "Iraq's Displacement Crisis: The Search for Solutions", 2007, pp. 29–30; ICRC, "The Ever-Worsening Humanitarian Crisis in Iraq", Press Release No. 07/49, 11 April 2007.
88 Emilie Combaz, *Effects of Respect for International Humanitarian Law on Displacement*, GSDRC Helpdesk Research Report No. 1393, Birmingham, 2016, p. 14; A. Massella, above note 51, p. 7.
89 A. Massella, above note 51, p. 7.

population. For example, when conditions remain unsafe for an extended period, people start to see no prospect of an end to the violence, and its negative effects increase. The chances of ending the conflict, either by military or political means, begin to seem very remote. An unsafe environment becomes the new normal, insidiously forming part of everyday life. Similarly, the longer or more repeated military operations are, the more risk there is that serious destruction will take place, affecting civilian objects and vital infrastructure. For example, if systematic destruction takes place, people may no longer have access to electricity or fuel. Power cuts can also disrupt the water supply and medical facilities. Although they may not be directly targeted, many civilians pay the price for the constant build-up of destruction, which makes life almost impossible, to the point that they need to flee. The cumulative effect of violence and violations of the law is a characteristic of protracted conflicts, and displacement is not just a direct, contemporaneous consequence of high-intensity fighting. Situations worsen over time, and eventually force people to leave their homes. The cumulative effect of hostilities also has an impact on the duration of the displacement.

However, this does not mean that a protracted conflict will necessarily cause protracted displacement. The varying intensity and duration of protracted conflicts create a complex picture. Large waves of displacement over a short period take place alongside longer-term displacement.

Sometimes, those displaced seek long-term solutions such as establishing a home and integrating into their host community or another destination.[90] Others seek to return home as quickly as possible, even if the security situation remains volatile and large-scale destruction has taken place. In Iraq, as in many other conflicts, displaced people often have a great desire to end their displacement and move back home:

> There was a strong desire to return to home communities to resume their lives, to be reunited with extended family, tribal members and neighbours. … Remarkably, they have expressed consistent desires to return to their communities of origin, to resume their lives and livelihoods, and to rehabilitate their homes and community structures.[91]

An IOM report found that 76% of displaced persons surveyed wanted to return home one day.[92]

An IOM report on people returning to various regions of Iraq states that 52% decided to do so because they regarded the situation as sufficiently safe, while 28% of those displaced chose not to go home because of the unsafe situation, destruction and lack of services in their home region.[93] Access to basic services such as drinking water and electricity is often mentioned by displaced people who are reluctant to return home.[94] The same is true of health care, which

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90   ICRC, above note 7, pp. 51–57.
91   A. Massella, above note 51, pp. 7–8, 19.
92   IOM, above note 83, p. 12.
93   *Ibid.*, p. v.
94   A. Massella, above note 51, p. 19.

displaced people regard as important for their future, especially when their household includes children or the elderly.[95] It is in the nature of war that civilians will flee fighting and temporarily leave their homes, and compliance with IHL is important to protect people's living conditions and safety at all stages of their displacement.[96]

Conclusion

Displacement is an intrinsic part of war, and even full compliance with IHL cannot remove the root causes and triggers of displacement. Unfortunately, however, as the example of Iraq shows very clearly, breaches of the law play a direct role in displacement. Violations of the IHL principles on the conduct of hostilities lead to displacement, not only directly when civilians flee to save their lives, but also indirectly when the cumulative effect of the violations, for example on vital infrastructure, forces civilians to seek better living conditions elsewhere. Often, IHL violations are committed intentionally, with certain categories of people being targeted. Such cases typically lead to long-term or permanent displacement. All these elements are amplified and prolonged in protracted conflict. The simultaneity or accumulation of different conflicts over the same territory makes it very hard for displaced people to find durable solutions.

While this Iraq-focused article has aimed to shed light on displacement and the role of IHL in protracted conflicts, many more general questions on protracted conflict remain. Is it possible or even desirable for humanitarian organizations to take over the responsibilities of States, for example by distributing food, over the long term? How can displaced people become more independent and less reliant on assistance and protection? How can the humanitarian response be adjusted to the various types of displacement? These questions force us to consider the long-term role of humanitarian organizations and what they tell us about protracted conflicts. Humanitarian action is obviously necessary, because it responds to genuine and often vital needs. But does it also symbolize a sort of transfer of skills and duties from the State to other organizations? Does this broadening of humanitarian organizations' remit suggest that the international system is broken? Although emergency situations still arise during a protracted conflict, the long-term involvement of humanitarians, carrying out tasks that are normally done by States or development organizations, suggests that a kind of "normalization" is taking place, making war – which should be an exceptional event – the norm. People find it hard to imagine an end to the hostilities, and living conditions that should be only temporary become entrenched. Worse, in Iraq and other countries affected by protracted conflict, generations of people are being born and growing up in the context of war, with no experience of what it means to live in peace. This has major consequences for their cognitive

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95 J. Sassoon, above note 17, p. 158.
96 ICRC, above note 7, pp. 60–61.

development, their worldview, their culture and, in the final analysis, the way they live and interact with the world. Unfortunately, Iraq illustrates this perfectly. This may be one of the main features of protracted conflicts: even more than their duration, they are characterized by the fact that war ceases to be exceptional and becomes the norm.

We should remember that although humanitarian organizations can make up for the shortcomings of States and the international community – albeit partially and imperfectly – it is not their job to end conflicts. The primary intention of humanitarian action and IHL is not to bring wars to an end, but to minimize the damage they cause. The responsibility for ending armed conflicts falls on the parties involved, States and the international community in general. Although the financial and moral support of third-party States is crucial in ensuring that humanitarian action is effective, that support must never absolve those States of their responsibility to ensure respect for the law and to help achieve a political resolution.

Humanitarians and IHL naturally have a role to play as well – a recent ICRC study shows that better compliance with IHL helps to prevent displacement.[97] However, this is only part of the solution to protracted conflicts.

In 2007, the editorial of a double issue of the *International Review of the Red Cross* focusing on the conflict in Iraq stated:

> Perhaps one way back to a stable Iraq, one that would serve equally the needs of its entire people, is through the unanimous acceptance of impartial humanitarian action. Such action, which makes no distinction between victims, could foster reconciliation and serve to counter the pernicious idea that human lives must inevitably be sacrificed – an idea that will only further encourage hatred and then more hatred, revenge followed by more revenge. … At the same time, humanitarian action can and must be supplemented by political measures aimed at preventing the country's slide into a much vaster conflict that could engulf the entire region.[98]

Alas, these partly prophetic words have lost none of their relevance a decade later.

97   *Ibid.*, pp. 60–61.
98   Toni Pfanner, "Editorial", *International Review of the Red Cross*, Vol. 89, No. 868, 2007, p. 783.