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I

Iraq's Transformation and International Law

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There is a great delight in returning to the US Naval War College. My time in Newport as a Stockton Professor of International Law was wonderful indeed. But few of us at the War College in the academic term of 1998–99 could foresee the momentous events of the next five years. No one foretold al Qaeda's attacks of September 11, 2001. And we could not know that the United States and the United Kingdom, alongside their allies, would commit their fortune and fate to intervene again in Iraq, this time to defeat Saddam's Baathist regime. But trouble was brewing, even in 1998. At the time, Saddam limited and then excluded United Nations weapons inspectors, and the allies conducted a limited military campaign in Operation Desert Fox. A broad debate on the use of force began to reenter the public square—when and on what authority military force could be used to compel Iraq's compliance with post-Gulf War disarmament obligations.

In the immediate moment, we are in the midst of Operation Iraqi Freedom. Faced with Saddam Hussein's continued intransigence in accounting for his weapons programs, in March 2003 the United States and its coalition forces mounted a fast-moving ground campaign against the Baathist regime, and quickly reached Baghdad. Public conversation has again focused on important issues of international law, including standards for the use of force, the role of the Security Council, the methods of enforcing disarmament obligations, and the claims of humanitarian intervention.[2] But I will concentrate here on the practical problems and the law governing occupation and reconstruction.

The opinions shared in this paper are those of the author and do not necessarily reflect the views and opinions of the U.S. Naval War College, the Dept. of the Navy, or Dept. of Defense.

Our panel today is graced by its commentators. Professor Thomas Franck is a profound scholar on whose foundational work all of us have built. Dr. Nicholas Rostow has a twenty-five-year career of dedicated public service, including work as the legal adviser to the National Security Council and as general counsel to the US Mission to the United Nations. I should be providing comments on their views, and not the reverse.

Let me start with a speculation on the more general implications of the current conflict for Iraq and the Middle East. It is a cause for celebration to see that Saddam Hussein is gone. Not even the most vocal critics of the war have suggested that Saddam should be restored to power. No one argues that the Baathist dictatorship reflected the free will of the Iraqi people. Saddam Hussein was a callow and cruel leader, and the allied intervention toppled an authoritarian regime of unremitting harshness. Saddam used chemical weapons to attack Iraq's Kurdish villages. He attempted to destroy the Marsh Shia. He was ruthless in suppressing political opponents. Among the supporters of Iraqi sovereignty, no one can confuse Saddam's regime with the claims of democracy.

The end of Iraq's Baathist regime may advance the Middle East peace process. The roadmap process for Palestinian-Israeli peace still has only a limited chance of success. But Iraq's threatening stance towards Israel had obvious consequences, and the end of an aggressive regime in Iraq may change how Israel regards its security space. The Baathists supported terrorist attacks against Israel, through financing and perhaps through training. In the first Gulf War, Saddam Hussein launched Scud missile attacks against civilian centers in Israel, hoping to create a wider war. The elimination of an unpredictable and looming threat to the eastern border may facilitate crucial Israeli concessions on the West Bank.

After September 11, it is unacceptable for any country to provide financing or physical sanctuary to international terrorist groups. This includes any insurgent group seeking to attack civilians as targets. The Security Council has endorsed new standards for State responsibility, forbidding any and all assistance to international terror groups in Resolution 1373.[3] Iraq's financial and material support for terrorism contributed to the spoliation of Middle East politics, and removal of that threat also may produce salutary results for the region as a whole.

One hopes that the intervention in Iraq will affect other countries in the region through the example of an emerging democracy. Saudi Arabia and Egypt need to create some space for popular voice and competition in their politics. Iraq may demonstrate, if things go well, that there can be a secular, prosperous, heterogeneous State in the region under a democratic government. Support for a new and moderate democratic State should enjoy support from both sides of the aisle in American politics. The long-term goals of democracy are a realist's agenda, as well

as an idealist's hope. Harnessing the energies and ambitions of people who have been excluded from governance is one of the elements of real power. And the claim that totalitarian repression is the only way to preserve stability deserves to be disproved. Iraq is a resource-rich country, and may be in a better potential position to demonstrate that a modern democracy can work, than impoverished States such as Afghanistan or East Timor or other economically desperate places where the United Nations has intervened.

With respect to weapons of mass destruction (WMD), we should recall the immediate purpose of the Iraqi intervention. At the time of the first Gulf War, Saddam had embarked on ambitious programs to develop nuclear weapons, produce chemical weapons, and manufacture biological weapons. After he invaded Kuwait, he attempted to speed up the production of a nuclear bomb. When coalition troops drove him out of Kuwait, and had the Republican Guard on the run, Saddam agreed to stringent and unique conditions as part of the cease-fire. Under Security Council Resolution 687,[4] as a condition of the ceasefire, Iraq was required to shut down its programs to develop weapons of mass destruction and medium-range or long-range missiles, and to do so in a transparent way. Resolution 687 placed the burden of proof on Iraq to demonstrate the dismantling of these weapons programs, as well as the destruction of components and precursors, and this burden of proof did not change during the next decade. But to the great surprise of the allies, Baghdad refused to account for the programs of WMD development, defying the demand for verifiable destruction of weapons components under the UN resolution.

The predicate for allied intervention in 2003 was "smoking documents"—not "smoking weapons." Iraq was in the midst of active nuclear, chemical, and biological weapons programs at the close of the first Gulf War, and was required to show how and when they would be abandoned. Even in the last Iraqi declaration to the United Nations filed in December 2002, Baghdad failed to give a plausible account of its weapons inventories and their disposition. It refused to allow weapons scientists to be interviewed outside the country. Ambassador Hans Blix opposed any military intervention, at least at that time, but as executive director of the UN Monitoring, Verification and Inspection Commission (UNMOVIC), he acknowledged the unsatisfactory character of Iraq's continued game of hounds and hares. In the world after September 11, accounting for WMD inventories and their required destruction is not an optional matter.

Even after the retreat of Saddam's forces, the continuing war in the streets of Baghdad and elsewhere in the Sunni triangle has presented difficult problems for the United States and coalition forces in Iraq. Saddam has gambled that the Baathists can return to power by continuing to inflict damage on the allied forces and the Iraqi people. He has counted on a version of the "Somalia syndrome"—an

exhaustion of the United States' political will to continue. He looks forward to an imagined moment, based on the example of Vietnam, when we will simply withdraw, whether or not the military and security forces of a democratic Iraq are ready to take over the fight. He predicts that we will wither, and that the field will be reopened for Sunni and Baathist hegemony.

Overcoming the ongoing insurgency will be a great challenge. It is difficult to create a new Iraqi law enforcement capability. We have had this same struggle in far more benign environments, whether in Haiti, in Bosnia, or in Panama. It has occurred every time an existing authority is displaced, so it should not be surprising that we face the issue again. To vet and stand up a police force that is suitably independent, robust, and reliable, especially in a country with ethnic divisions, is not an easy task. It is crucial to have a local face as the intermediary with a large population. Defeating an insurgency requires information and cooperation from local citizens. Baathist retaliation against Iraqi citizens who are seen as cooperative with the new transition has been ferocious. Yet it is clear that if the Sunni resistance is to be defeated, information from Iraqis about insurgent activities will be critical.

A second practical problem is the wasting and destruction of critical infrastructure. The arrival of allied forces in Baghdad was followed by a rampage. The disorder and debellation would not surprise UN veterans who saw the razing of East Timor by paramilitaries and militias, after the UN-organized vote for independence. Part of the violence may be the reaction of a people whose political psyche was battered by three decades of suspicion and fear. The lesson for military force structure and capabilities seems clear. In peacekeeping, over the last 15 years, we have discovered that even if a mandate calls for a limited peacekeeping operation, forces must have a robust capacity for peace enforcement. Security environments change too fast, and can render under-equipped forces helpless on the ground. Now, in Iraq, we see the opposite problem. In the follow-on to a robust combat operation one needs a strong police capacity, with troops trained in security operations, arrest, and the responsible processing of prisoners. It may no longer be viable to confine the functions of military police to the reserve components of the US armed forces. This capability may be needed in the active-duty force to sustain such situations in the future.

We also need to be frank about how long peacekeeping operations will last, whether in Bosnia or in Iraq. The time horizon for an international presence in Bosnia was ignored by at least one White House. An attempt at realism about a time horizon can improve our training for the tasks at hand. For example, when allied forces are called upon to support local police operations, it would be useful to have some language capability, to avoid operating in a deaf and dumb show. In Iraq, we should seek to train allied personnel in rudimentary Arabic. In the work of

a *gendarmerie,* it is useful to know who started a quarrel, or to solicit tips without having a security breach through an unknown interpreter. Independent language capability will usefully allow each allied unit to check whether a local interpreter is providing faithful translations.

Another practical difficulty—and another lesson learned from post-conflict peacekeeping missions—is the importance of quick and visible economic progress. The slow decision and funding cycle of the World Bank and other aid agencies is a terrible obstacle to this, since the period for formulation, approval, and funding of projects may be two to three years. "Quick impact" projects are critical to showing Iraqi citizens that their material lives can change for the better. The Army Corps of Engineers and other US government components have an important role here, to facilitate the rebuilding of the national infrastructure and the jumpstart of the economy. Though freedom is a most precious commodity, a prolonged delay in starting the economic recovery of Iraq will result in the loss of goodwill, and a greater hesitation to embrace the transformation of Iraqi political society.

The ultimate puzzle is how to substitute civic nationalism for a cult of personality and ethnic division. A new set of institutions is needed as the touchstone for Iraqi allegiance and commitment. We faced similar challenges in post-war Germany and during the Cold War, though the differences to be overcome in those cases were more singularly ideological. The act of voting and organizing a government can be inspiring. But there were other important efforts in fighting fascism and communism; in particular, using effective cultural tools. Those days seem to be gone. Fifty years ago, international funding for a host of cultural and educational projects was key in restoring German political culture. We have forgotten how to use cultural power to stabilize a fractious political situation.

And then there is the legal challenge of finding a framework that allows us to accomplish these worthy purposes. Are the United States and coalition forces in Iraq to be considered under the law as an "occupying" force? In Bosnia, NATO was not characterized as an occupier. The Dayton Peace Accords acknowledged NATO's role as a peacekeeping force.[5] Characterizing the presence of allied forces as an international "occupation" also would have slighted the importance of Bosnia's reestablished civilian government. NATO military commanders were concerned that the legal category of occupation presumed a degree of control that might not be realistic, and in particular, were aware that they might not be immediately able to initiate searches for top-level Serb, Croat and Bosnian war criminals, a duty that applies to occupiers under the Geneva Conventions. Rather, it was argued that NATO served in Bosnia in the tradition of a classical peacekeeping force, that is, as intermediaries tasked to keep the opposing sides apart.

In Iraq, with Saddam Hussein's removal, we are once again in an uncertain area where international law is asked to handle new situations. The Hague and Geneva Conventions may be read to suppose that an occupying power should leave intact, as much as possible, the existing institutions of a society. But Saddam's political institutions were savage and totalitarian, and to maintain their operation would prolong a gross violation of human rights. It is hard to conclude that the Hague rules of land warfare could be intended to protect the Baathists' violent monopoly of political power or to bolster Baghdad's disregard for the Shiite and Kurdish communities. Treaty law must be read as part of a legal landscape in which human rights law makes its own demands.

The United Nations also has kept eyes and ears, and a voice, on the ground in Iraq, through a special representative of the UN Secretary-General. This is Brazilian diplomat Sergio Vieira de Mello, who has served also as the United Nations High Commissioner for Human Rights in Geneva and has worked in a number of senior United Nations positions, including as Transitional Administrator in East Timor. He can be a vital link in mobilizing the UN's specialized humanitarian agencies, as well as contributing to cooperation among competing Iraqi factions.[6] In an environment of confrontation, the United Nations could serve as a useful symbol of multilateral commitment. Though the military effort was conducted by a "coalition of the willing," the reconstruction of Iraq has been mounted under a broader aegis, in which even countries opposing the war will be invited to contribute. A visible United Nations presence in Iraq may make it easier for those countries to participate in the key tasks of reconstruction.

To be sure, we have learned that the United Nations does not enjoy automatic legitimacy in every situation. Multilateral endorsement is not a respected or comprehensible cultural artifact in some corners of the globe. This point has been made by Sir Brian Urquhart, in a wonderful memoir of his dangerous adventures during the early days of UN peacekeeping.[7] Sir Brian served as a key aide to Dr. Ralph Bunche and UN Secretary-General Dag Hammerskjold in the UN peacekeeping mission in the Congo in 1960.

Sir Brian was dispatched to the Congo's Atlantic port at Matadi, passing through an area where the Congolese Army had staged its mutiny. He found a train to transport a hardy contingent of Moroccan peacekeepers and had a UN flag draped across the front of the train. But the UN's emblem did not have the desired effect. The Congolese, as Sir Brian reports, "had never heard of the United Nations. 'L'ONU? C'est quelle tribu?' (The UN? What tribe is that?) a local Congolese official inquired."

So, too, we should not assume that Sunni clan members living in the Iraqi city of Tikrit will show any great deference to the United Nations. The United Nations will

be perceived as the institution that helped to enforce weapons inspections and economic sanctions in the 1990's. In other quarters of Iraq, the United Nations may be seen as the institution that failed to protect the Kurdish and Shiite communities after the first Gulf War. This will not enhance its local legitimacy. Nonetheless, in the eyes of foreign countries, the United Nations' presence may make it easier to contribute to the Iraqi reconstruction effort.

It is often said that the law of armed conflict seeks to solve the problems of the last war—catching up with worthy innovations demanded by circumstances on the ground or allowed by new technologies. But there are occasions when even post-war rules fail to reflect important problems of the most recent conflict. We should direct a few more words to the problems of adapting the law of occupation to the project of democratic transformation.

In the aftermath of World War II, the goal of the allied occupations was to transform the militaristic societies of Germany and Japan. Yet the 1907 Hague Regulations Respecting the Laws and Customs of War on Land[8] were and are still in force, and posed some problems even for lawyers in 1945. The 1949 Geneva Convention IV,[9] on the protection of civilians, did not remedy these problems. Article 43 of the Hague rules states that the occupier should "take all the measures in his power to restore, and ensure, as far as possible, public order and safety, *while respecting, unless absolutely prevented, the laws in force in the country*." Article 64 of Geneva Convention IV notes that "The penal laws of the occupied territory shall remain in force, with the exception that they may be repealed or suspended by the Occupying Power in cases where they constitute a threat to its security or an obstacle to the application of the present Convention." And "the tribunals of the occupied territory shall continue to function in respect of all offences covered by said laws."

In Iraq the goal is to transform a Baathist culture of oppression. Certainly that is going to require an intrusion into and transformation of local law, mitigated in practice by the democratic participation of Iraqis and the United Nations, but nonetheless, a change of local law that might appear inconsistent with the thrust of some Hague rules and Article 64 of Geneva Convention IV.

Of course, even forces operating under the mantle of "occupiers" have powers that could aid a democratic transformation of the country. Under Articles 55 and 64 of the Geneva Convention IV, the occupier has to provide for the basic needs of the population and maintain orderly government.[10] Security Council Resolution 1483 of May 22, 2003, enacted under Chapter VII of the UN Charter, refers indirectly to the Coalition Provisional Authority as a temporary governing body, pending the organization of a democratic Iraqi government. It recognizes "the specific authorities, responsibilities, and obligations under applicable international law of these states [the United States and United Kingdom] as occupying powers under

unified command,"[11] as well as calling on all States "to assist the people of Iraq in their efforts to reform their institutions and rebuild their country."[12] Maintaining orderly government and assisting the reform of institutions surely could not include restoring the chaotic brutality of Baathist hegemony.

And then there is the interplay between the law of occupation and human rights law. Geneva Convention IV was completed in the same historical moment as the Universal Declaration of Human Rights.[13] One thus has a strong reason to read the two instruments in harmony. The diktat of the Baathist party in Iraq has been a daily repudiation of the principles of the Universal Declaration of Human Rights. To be sure, in an earlier age, there was a much greater acceptance of positive power, even when exercised by undemocratic regimes. There was less willingness to openly test the legitimacy of State power before respecting it. But the two-year span of 1948-49 saw the anointment of both instruments, and it is not unreasonable to read them together.

Perhaps the simplest justification for the democratic changes that will affect Iraq lies in the sovereignty of the Iraqi people. The United States and its allies can have reference to the concurrence of the Iraqi people, expressed through the Interim Governing Authority and subsequent representative institutions. But one hard lesson of other peacekeeping operations is that mechanical political choices can also cement in place an angry nationalism. In Bosnia, elections should have been delayed until after 1996. By holding early elections there, we succeeded in electing nationalist parties who could claim democratic provenance alongside their virulent nationalism. In Iraq, we should not cement in place the sectarian angers that we—and the Iraqi people—would ultimately rather not have.

What does one do in peacekeeping when confronted with a tendentious law, with no other available? The problem of a legal vacuum during occupation is not new. A UN legal adviser has written elsewhere that it could be handy to have a temporary criminal code for post-conflict situations, so that peacekeeping forces would have a legal basis for action.[14] In East Timor, the UN civilian police would arrest and release those suspected of violent crimes in ongoing cycles, because there was no criminal code under which to hold and charge them. Nonetheless, in addressing these problems, we should not forget the major justification for the adaptation and amendment of prior Iraqi law, including interim measures by the Coalition Provisional Authority. The occupation of Iraq is meant to be transformational, to allow the Iraqi people the benefits of democracy and modern human rights law, just as the occupations of Germany and Japan were transformational. The law of armed conflict will in some way have to catch up to that.

There is a long-term problem for American strategy in these kinds of conflicts. We have been using ground surrogates in many of our wars. In Bosnia we relied

upon the Croatian ground campaign. In Afghanistan we had the Northern Alliance. The US Secretary of Defense has the vision, which indeed I share, that our combat forces need to be agile and mobile, able to get places where there are not good airfields and good seaports. As a consequence, it may be necessary to form alliances of convenience in the hotspots where we need to send our forces, choosing the better of the parties on the ground.

But reliance on light and mobile forces poses a potential problem in occupation and post-conflict policing. When we have succeeded in vanquishing an adversary, we still need a force structure to carry out the policing obligations of the Hague and Geneva Conventions. The Geneva Conventions require the occupier to maintain orderly government and ensure that the normal functions of government are met. This may be hard to do, until and unless local forces are trained and stood up.

The challenge for American forces in the Iraq intervention was to move quickly on the battlefield, to keep Saddam Hussein from using any chemical weapons and to prevent him from repeating the environmental attacks that he used in the first Gulf War. We must salute the coalition forces that punched their way to Baghdad so robustly. But a large ground presence will also be needed in post-conflict peacekeeping, to assure the police authority needed to sustain order. We may look for assistance from other countries, through the United Nations or our own coordination. Yet in a difficult environment, a core American presence may be essential. Thus, in such operations, we need substantial US contingents available to follow after the light and mobile forces that vanquish the enemy on the battlefield.

Let me mention Security Council Resolution 1483, and its effect on the Iraqi economy.[15] Economic sanctions have been lifted. Oil can be sold and efforts can begin to repair refineries and distribution equipment to facilitate petroleum production. The resolution renders Iraqi petroleum products immune from legal proceedings against them. Thus, Iraq can sell its oil without concern about a *replevin* action in a French port. Resolution 1483 also establishes an Iraqi development fund. Frozen Iraqi assets of the Baathist regime can be transferred to the fund, protected by required independent auditing.

Ultimately, Iraq will face the difficult question of how to form a new constitution and establish the political legitimacy of a new government. The process used in South Africa at the end of apartheid may provide a useful lesson. In that situation, consensus on foundational principles was sought, before addressing specific articles of a constitution. An unanswered question is who will participate in the development of the constitution. The process of drafting a constitution requires democratic voice as a foundation stone.

There are other crucial choices in the process of constitution-building. Should the constitution center upon civic nationalism or religious nationalism? One

American constitutional advisor has supposed that an Islamic Republic is the only sensible alternative for Iraq. But differences in the interpretation of Islam may cast this as a provocative course of action, rather than ameliorative. The alternative is a secular republic or a secular republic that helps to assist established religions. As Americans, with our history of separation of church and State, we would be uneasy with direct State support of religion. But this is not North America, and it could be an attractive alternative to the radical Islamism seen in some other Arab States.

There is a crucial choice to be made about federalism—the degree to which governing powers are spun out to the regions. Certainly one way of maintaining peace within Iraq could involve decentralization of political power, at least once order is restored. Significant authority can be vested in local government, in the north for the Kurds and in the south for the Shia. This territorial federalism may approach a form of local autonomy. The Kurds obviously would like nothing better. Or one could explore a form of so-called "consociationalism"—a community-based method of organizing political society, as seen in Belgium and some other multiethnic states. There is an economic caveat, however. Many of the petroleum reserves of Iraq are located in Kurdish areas. Iraqi oil and development revenues cannot be claimed solely by the Kurds. They must be a national asset. In addition, local autonomy cannot be used as a mask for ethnic cleansing and forced relocations.

Structuring the executive is a most delicate issue, after the abusive exercise of power by Saddam Hussein. The separate election of an Iraqi president may afford greater stability, since presidential leadership will not be immediately dependent on the waxing and waning of coalitions of minority parties in the parliament. Additionally, against a history of personality-driven politics in Iraq, a widely-recognized and democratically-elected president may provide a symbol of transition from the totalitarianism of Iraq's past to the democracy of the future.

Another difficult issue will concern the status and role of women. Women have had a more prominent role in Iraq than in some other Arab countries. Certainly, that prominence should continue.

Finally, the role of the armed forces is a critical issue for the future of Iraq. The Turkish and Indonesian model in which the armed forces have a role in the parliament is highly problematic for Iraq, particularly measured against the past and Saddam's declaration of war against his own population. Nonetheless, since Iraq is a centrifugal society, and since some actors in the region will be tempted to tear it apart, one needs to preserve a role for a democratic military in which the armed forces are honored, trusted and valued by the State—and very firmly under the command and control of a democratic republic.

The Administrator of Iraq's Coalition Provisional Authority, Ambassador Paul Bremer, has reemployed some portions of the Iraqi Army as an interim security

force. There needs to be Sunni participation in the new republic, rather than exclusion from all governmental institutions. If former government employees cannot participate, they will provide a continuing source of angry insurgents.

Constitution building will take time. One wishes for a flourishing civil society, with newspapers and civic associations and broad conversation, alongside the process of transferring power to organized political groups. In East Timor, Sergio Viera de Mello contemplated a slow and gradual transfer of political power, because there was no trained administrative class. (Under Indonesian rule, most of East Timor's managerial positions were filled by West Timorese or Jakarta-based administrators.) But very quickly, José Ramos-Horta and Bishop Carlos Belo, who had shared the 1996 Nobel Peace Prize, reminded the United Nations that Indonesian rule should not be replaced by practices that could be misapprehended as a new style of multilateral colonialism. There was great impatience for the visible participation of the East Timorese in governance. I think the same impulse will be felt in Iraq. The key is to find a way in which there is a prominent Iraqi role and yet not allow this to develop into crony capitalism or nationalist hegemony.

In conclusion, one can modestly admit that bundles of legal rules will not be the determining factor in the immediate days ahead and in the development of a viable democratic governing structure in Iraq. A successful transition depends on respect for the principles and values of Hague and Geneva law, while at the same time, reestablishing a civic culture after thirty years of tyranny. Although there are many hurdles to overcome, both by the United States and its coalition partners and by the Iraqis themselves, I am optimistic that at the end of the day we will see a democratic and prosperous Iraq.

Notes

1. Edward B. Burling Professor of International Law and Diplomacy at the School of Advanced International Studies, Johns Hopkins University, in Washington, D.C.
2. *See, e.g.*, Ruth Wedgwood, *Legal authority exists for a strike on Iraq*, FINANCIAL TIMES (London), Mar. 14, 2003, at 19; Ruth Wedgwood, *The Enforcement of Security Council Resolution 687: The Threat of Force Against Iraq's Weapons of Mass Destruction*, 92 AMERICAN JOURNAL OF INTERNATIONAL LAW 724 (1998).
3. S.C. Res. 1373, U.N. Doc. S/RES/1373 (Sept. 28, 2001).
4. S.C. Res. 687, U.N. Doc. S/RES/687 (Apr. 3, 1991).
5. General Framework Agreement for Peace in Bosnia and Herzegovina, Annex 1A, Dec. 14, 1995, 35 INTERNATIONAL LEGAL MATERIALS 75, 92 (1996), *available at* http://www1.umn.edu/humanrts/icty/dayton/daytonannex1A.html.
6. Editor's note: On August 19, 2003, Sergio Vieira de Mello was killed in an insurgent bombing of the UN Headquarters in Iraq.
7. BRIAN URQUHART, A LIFE IN PEACE AND WAR 149 (1987).

8. Hague Convention (IV) Respecting the Laws and Customs of War on Land, Annex: Regulations Respecting the Laws and Customs of War on Land, Oct. 18, 1907, 2 AMERICAN JOURNAL OF INTERNATIONAL LAW (1908) SUPPLEMENT 90, *reprinted in* DOCUMENTS ON THE LAWS OF WAR 69 (Adam Roberts & Richard Guelff eds., 3d ed. 2000).
9. Geneva Convention Relative to the Protection of Civilian Persons in Time of War, Aug. 12, 1949, 75 U.N.T.S. 287, *reprinted in* DOCUMENTS ON THE LAWS OF WAR, *supra* note 8, at 301.
10. *Id.*, art. 55, at 319 ("To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring the food and medical supplies of the population . . ."); *id.*, art. 64, para. 2, at 322 ("The Occupying Power may . . . subject the population of the occupied territory to provisions which are essential to enable the Occupying Power to fulfill its obligations under the present Convention, to maintain the orderly government of the territory. . . .").
11. S.C. Res. 1483, preamble, U.N. Doc. S/RES/1483 (May 22, 2003).
12. *Id.*, operative paragraph 1 ("Security Council . . . Appeals to Member States and concerned organizations to assist the people of Iraq in their efforts to reform their institutions and rebuild their country, and to contribute to conditions of stability and security in Iraq in accordance with this resolution").
13. Universal Declaration of Human Rights, G.A. Res. 217A, at 71, U.N. GAOR, 3d Sess., 1st plen. mtg., U.N. Doc. A/810 (Dec. 12, 1948).
14. Hans-Jorg Strohmeyer, *Collapse and Reconstruction of a Judicial System: The United Nations Missions in Kosovo and East Timor*, 95 AMERICAN JOURNAL OF INTERNATIONAL LAW 46 (2001).
15. S.C. Res. 1483, *supra* note 11.