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HUMANITARIAN INTERVENTION AND PEACE BUILDING IN THE NORTH OF IRAQ FROM 1992 TO 2003

HIWA MUSA   RAHEEM

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ABSTRACT

HUMANITARIAN INTERVENTION AND PEACE BUILDING IN THE NORTH OF IRAQ FROM 1992 TO 2003

Since the collapse of the Soviet Union, humanitarian intervention and Peace building became one of the most controversial subjects in the field of international relations and academic discussions. There are two reasons behind these fervent debates. First one refers to the end of the Cold War, which brought civil war and conflict that obligated the international community to intervene. Second one refers to the opportunity, which the end of the Cold War provided to the Security Council and some inter-governmental alliances such as NATO to intervene in some cases. This thesis will provide an overall perspective on humanitarian intervention and Peace building and then focus on the case study of North of Iraq from 1992 -2003. The main research question is whether humanitarian intervention and Peace building succeed in the North Iraq. This study evaluates the obstacles that mitigated the Peace building process in the region. Within this context, it questions the role of NGOs in the process of democratization, promotion of civil society, development of education and the agricultural sector in the North Iraq and discusses the negative role of the militia in the Peace building process and democratization. Lastly, the thesis will highlight how the absence of an international Peacekeeping force impaired the Peace building process in the North of Iraq.

Keywords: Humanitarian Intervention, Peace building, militia groups, Protection,Democratization.

ÖZ

HUMANITARIAN INTERVENTION AND PEACE BUILDING IN THE NORTH OF IRAQ FROM 1992 TO 2003

Sovyetler Birliği'nin çöküşünden bu yana, insani müdahale ve barış inşası uluslararası ilişkiler ve akademik tartışmalar alanındaki en tartışmalı konulardan biri haline geldi. Bu ateşli tartışmaların ardında iki neden var. Birincisi, uluslararası topluluğun müdahale etmesini zorunlu kılan iç savaşı ve çatışmayı getiren Soğuk Savaş'ın sona ermesidir. İkincisi, Güvenlik Konseyi'ne verilen Soğuk Savaş'ın sona ermesi ve NATO gibi bazı hükümetlerarası ittifakların bazı durumlarda müdahale etmesi olanağını ifade ediyor. Bu tez, insani müdahalelere ve barış inşasına genel bir bakış açısı sağlayacak ve daha sonra 1992 -2003 yılları arasında Irak'ın kuzeyindeki vaka çalışmasına odaklanacaktır. Ana araştırma sorusu, insani müdahale ve barış inşasının Kuzey Irak'ta başarılı olup olmadığıdır. Bu çalışma, bölgedeki barış inşası sürecini hafifleten engelleri değerlendirmektedir. Bu bağlamda, Kuzey Irak'ta STK'ların demokratikleşme, sivil toplumun teşviki, eğitimin gelişimi ve tarım sektöründeki rolünü sorgular ve milislerin barış inşası sürecinde ve demokratikleşmedeki olumsuz rolünü tartışır. Son olarak, tez uluslararası bir barışı koruma gücünün bulunmamasının Irak'ın kuzeyindeki barış inşa sürecini nasıl bozduğunu vurgulayacaktır . .

Anahtar Kelimeler: İnsani Müdahale, Barış inşası, milis grupları, koruma, demokratikleşme

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CHAPTER ONE

INTRODUCTION

1.1 Introduction

Kurdish guerrilla groups have fought against all Iraqi governments to gain the rights of autonomy and self-rule for the Kurdish people. In the Post-Cold War era, people were suffering from unstable life. It could be said that a new form of war which occurred. After the Cold War the victims generally were civilians not soldiers. The new global threat faced people which brought about the attention of political scholars around the World. Those threats generally occurred inside countries which is called internal war and civil wars happened generally within the borders in a countries. According to the organizations of human rights and political scholars mentioned that in only 1990s, forty nine percent of wars were civil wars which happened inside countries from Africa to central Asia. Internal violence and failed / collapsing of states became the clearest features of the post–Cold War political era. At the last decades of the twenty century the conflicts which took place were mainly between civilian noncombatants and government, and almost all their victims were civilian, in contrast to two decades and half of the twentieth century that ninety percent of victims were soldiers. Ethnic conflicts became the main cause for arising refugees' crisis. In the early 1990s those crisis obligated international community to take the responsibility to provide humanitarian assistance in emergencies. Chronic civil wars were not only threat for civilian or minority of people inside a country; they were also huge threat for international system and the region, such as the case of Rwandan conflict which occurred in the mid-1990s because of collapsing of the Zaire government. In the case of Balkan civil war millions of people became refugees and called international community to have responses. To achieve that goal, the international community used tactics and strategies to end and

tackle the crisis. One of the responsible actors is The United Nations, because it is responsible to keep Peace everywhere as it is claimed. Also some international actors as states and intergovernmental actor like NATO intervened in numbers of countries to stop massacre and killing innocent people such as Rwanda, Liberia, Kosovo, and Iraq. Their interventions were humanitarian assistance such like basic needs and shelter to protect civilian people in the midst of war. Some of interventions were carried out by sending military to stop genocide or attacking an oppressive state and leader like Kosovo and Slobodan Milosevic. Here a question is rising if humanitarian intervention emerges at the beginning of 1990s or before? This is a question that I am focusing on here. Also some of international military were staying for a purpose to prevent civil war, this was called post-conflict missions and then became known as "Peace building" operations as Kofi Annan says that "the aim of Peace building mission is "to create the conditions necessary for a sustainable Peace in war-torn societies, that is, a Peace that would endure long after the departure of the Peace builders themselves. Before Annan Boutros Boutros Ghali, similarly defined the purpose of Peace building as the attempt "to identify and support structures which will tend to strengthen and solidify Peace in order to avoid a relapse into conflict (Paris 2004).

In 1990s after Iraqi regime invaded Kuwait, the international community led by the United States warned the Iraqi regime to withdraw military in Kuwait but Saddam Hussein (the former president of Iraq) did not consider it. The outcome was that the Security Council set out the Resolution 660 to stand action against Iraqi regime and attacked Iraqi's military Kuwait.(Rear 2008)United States made a wide coalition among states that were opposite Saddam's regime including some Arab states. Then this war was known as Gulf war. Some political observers and scholars believe that the first Gulf war is the beginning of humanitarian intervention. Because after Iraqi military destroyed by the wide coalition in the first Gulf war, the uprising in Iraq started by Shia in south and Kurdish in the North of Iraq, from 5/3 to 21/3 Kurdish people could liberated their cities included the most richest city of oil in the World which is called Kirkuk. Immediately Shia uprising was suppressed and ended by Iraqi regime, to end Kurdish uprising the Iraqi

military moved toward North. After intensive war between them the Kurds escaped their home and went to both Iran and Turkey's border. For the first time three million people escaped their homes and they became refugees. This crisis brought International Community, especially Security Council permanent members to set out a resolution to Protect Kurds people. Eventually, the UN Security Council adopted UN security council resolution 688(UNSCR 688 on 5 of April in 1992. It also demanded that Iraq must end the repression of its own people and allow access by international humanitarian organizations but this resolution was rejected by Iraq. Later international community without went back to Iraq decision. Eventually, European leader in 8 of April in Luxemburg endorsed, in principle, the idea of creating UN "safe havens" in Northern Iraq backed by military force to protect the Kurds from further Iraqi attacks. At the end, United States assisted the founding of "safe haven" in the North of Iraq above the 36th parallel. According to many scholars the creating of "safe heaving" in the North of Iraq is the birth of humanitarian intervention. Because it is the first time after the establishment of UN the Security Council set out a resolution without using veto by the its permanent members (Rear 2008).

After that, the humanitarian intervention became the main issue in international law and conferences. In the end of the Cold War the scholars divided for two and more groups to support and against humanitarian intervention. In this thesis, another question I would like to focus on is whether the Charter of The United Nations and international law allow humanitarian intervention. To deal with this question I intend to use some political and law theories, and compare with the Charter of The United Nations.

The humanitarian intervention does not reaching its goal without taking any initiation to promote the idea of Peace building in the conflicted country and Peace building could not fulfilled without international military support for Peace. The important of Peace building is a democratic and modern method to manage civil conflict in post war area; Peace building process will try to control uncontrolled violence, it also works to transfer a conflict phase in a

society into stability and Peace, and provides strengthen to modern institution as parliament and election in civil society. At the beginning, in Iraq, military support along with the NGOs and UN had a good presence, for example the troops landed in North of Iraq. But the removal of the troops after a few month became an obstacle for establish of Peace building. Since NGOs and UN programs reduced to some basic assistance in providing basic needs and shelters not build a social cohesion to ban any threat in starting civil war. In North of Iraq international Peace building commission participated in raising the idea of civil society, also worked hard and assisted free election which held in 1992. It supported freedom of speech and human rights this done by many organizations. In spite of all they did, still there were some gaps which was become an obstacle in promotion Peace building in this region like disregarding of the role of local militia in this region which didn't allow Peace building process be successful. I will come back to mention the civil war between two main politic parties in this region which was the outcome of their militia, and how did these political parties divide that region for two zones, two militaries, and two local governments. Then I will bring about the last question which is the negative impacts of absent of international Peace military for building Peace process in this region. I also mention the role regional countries such as Turkey and Iran during the civil war and how the absent of international Peace military gave a chance to Iraqi regime to invade and occupied North of Iraq again, while that region is under fly zone policy.

1.2 Literature Review

The date of the beginning of humanitarian intervention is not an easy task. Gary Bass and Martha point to the nineteenth century as an epoch in which compassionate, altruistic European powers launched humanitarian interventions to stop atrocities abroad. They mention three examples as the date of humanitarian intervention. First, when France, Britain and Russia sent troops to stop mass killings in the Ottoman Empire in 1821 and 1827. At that time Greeks fought to gain their independence and Ottoman soldiers had committed mass atrocities when they suppressed the Greek rebellion. Secondly, the three super powers states of Russia, Britain and France responded to Ottoman Navy by maritime force and destroyed it in 1827. The

third example of intervention is the one by France state against the Ottoman Empire to stop mass murdering Maronite revolt Christians in 1860 and 1861; they were killed by Sunni Muslim people with the complicity of Ottoman soldiers.

In 1830, major powers such as Russia, France and Britain provided independent guarantee to Greece; the 1830 treaty or protocol imposed the condition that the Greece should protect the religious right of Turks. After thirty five years in 1865, Austria – Hungary, France and Britain, as the victors of the Crimean war, in the Paris treaty mandated similar conditions upon Wallachia and Moldova, who became independent under Ottoman Empire. But they didn't agree that protection of minorities become a normal requirement on new European states until 1878. In 1878 all European major states such Russia, Prussia, Austria- Hungary, Britain, France and Ottoman Empire agreed that the protection of minority groups should became a normal requirement on new European states. Some small countries, which under Ottoman Empire, they gained independent such as Bulgaria, Romania, Serbia, Montenegro by the decision of the congress of Berlin in 1878. The congress obligated those countries that they should protect their minorities as Muslim and Jews; the congress obligated Ottoman Empire. The winners of the First World War protected and provided guarantee for minority rights. When the First World War had finished the league of nation was founded, this organization could oblige some countries to Protect minorities; Turkey was obliged to Protect Kurdish and other's rights (Rajan 2016).

The end of Cold War brought new disasters and humanitarian crisis such as emerging ethnic conflicts, civil war, genocides, increasing refugees as the conflicts in the post-communist areas. The Balkans uprising and their aspirations to become independent countries, also the invasion of Kuwait by Iraq and following uprising in Iraq in south and North of that county. The regime responses to these uprising made international community to intervene to stop these dilemmas and resolve tensions. Because the existence of ethnic conflict causes instability in the international community and makes a voice among people to resist and put pressure on country to stand their efforts like hundreds of thousands of Australians went on the

streets, screaming and marching against Indonesia. They asked international Peace-keeping force into Timor to save the East Timor from Indonesian army who killed and harmed east Timor people, since that time the concept of humanitarian intervention has come in the international community. It also became one of the widespread issues among both political and law scholars. The humanitarian intervention and willing to use of force to stop humanitarian crisis in a specific area under the name of protecting international humanitarian value played a major role in the international relations field like using NATO to intervene and resolve the Balkan's tensions. Other examples include the use of force by Security Council to save east Timor in Indonesia, or settle UN security council resolution 688(UNSCR 688 in Security Council for making safe haven in North of Iraq to Protect Kurdish people who became refugees in both Iran and Turkey border (Orford 2011).

Humanitarian intervention is supported by many scholars; though not by all. There are some clear cases that International Community intervened by using force to stop humanitarian crisis; however, this doesn't mean that humanitarian intervention didn't confront reaction by some scholars and international organizations. Legal and legitimate intervention has been criticized by international law scholars who support realists' theory in the international relations and international law. For example, pragmatists who value order prudence, realists who insist preservation of state sovereignty, they also believe that humanitarian intervention makes instability and insecurity in the international system. That's why they don't have loyalty with intervention. Also realism as one of the dominant theories in the international field believes that state is the rational and main actor that has sovereignty. The system is anarchy and the states search for security, power and national interests. (Hehir, Murray 2013) It's reasonable to say that intervention has been criticized by two dominant theories of international relation, such as realism and neorealism. They both disagree with intervention and political changes. According to them, the states are the main actor which participates in drawing the political changes. Since Westphalia, states have played the main role in the international field. National interests come before intervention and ethical beliefs. In realism's view, humanitarian intervention as a new

model and morality form for international relations makes a pivotal role for international relation. Even the father of realist theory such as George Kennan, Reinhold Niebuhr, and Hans Morgenthau believe the impulse to prevail others including through violence. The realist theory confirms national interests not centralizing normative principle and human rights; they ask how and when the leaders use military power to intervene? That's why the concept and idea of normative principle is not clear even by Morgenthau (Rajan 2016).

In humanitarian intervention, we directly face the concept of just war. The argument of just war refers to the Christian philosophy in the service of the powers (Walzer 2006).

Walzer interpreted Augustine's achievement: he replaced the radical refusal of Christian pacifists with the active ministry of the Christian soldier. Now pious Christians could fight on behalf of the Worldly city, for the sake of Imperial Peace (in this case but they should fight for the sake of Peace and fight justly. But some scholars see the theory of just war as an argument which Christians needed to make the others not to deny Roman Empire orders (walzer 2006). In spite of international law and realism concentration on sovereignty, there are many scholars who worked to define sovereignty, which provide guarantee to respect human rights and the safety of people inside a country. Their efforts were based on the idea that the government and international community have responsibility to Protect people inside a country. To achieve that goal, the notion of responsibility to Protect was presented and proposed by Francis Deng in Africa in 199os. During conflict management, which was based on this idea (sovereignty as responsibility) Deng and his co-authors had argued that responsibility, rather than control, should be seen as the essence of sovereignty (Orford 2011).

The concept of using military force by international community stems from the end of the Cold War, at the beginning of 1990s. When Kofi Annan the - UN secretary general, announced his intention to allow humanitarian intervention. In September 1999, he encouraged such a furious backlash. This notion was seen by many countries as threat for their own sovereignty

and they wondered about its future. After six years, that notion was supported by some World leaders in the summit in 2005 (Weiss, and Thakur 2010).

In 2005 World Summit, some states, NGO, academic and political figures have expressed their support to 'responsibility to Protect' (R TO P). In fact, the commission of responsibility to Protect originates from the report of (ICISS) international commission on intervention and state sovereignty. The R TO P posited that the Security Council could authorize use of force on a case by case basis. Initially, the states were obligated and accepted it certainly and they have responsibility to their citizens. How much the use of force is needed to stop genocide in a country where people are suffering to rebuild those areas intervened by International Community? It is true that after conflict and violence, building sustainable Peace is difficult since Peace building requires transformation of power from old regime to new actors. Peace building process concentrates on three dimensions: legal realm when it focuses on training law, rebuilding court, punishing perpetrators, establishing human rights commissions, economic dimension includes providing entrepreneurial capital, opening trade, generating tax revenue, priming markets and the last dimension is the political realm. This focuses on decentralization, democratization, constitutional revisions and governing institutions(Aggestam and Bjorkdahl 2014).

Oliver Richmond describes Peace building era in liberal democracy perspective; he believes that liberal democracy model could become the only model which confront the state of nature hegemony. He states that human security is a new features in that era which emerged during 1990s, one can describe that era as a time of transformation from state definition to individual definition, from managing inter-state relations to building Peace by introducing social, political and economic reforms. According to Richmond liberal democracy depends on economic institution- building and reconstruction (Richmond, 2010).

Albrecht Schnabel and Hans-Georg Earhart believe that since the Post-Cold War or the post international World, a general opinion has emerged, that its

very necessary for international society, for the sake of moral reason, even for more strategic and security reasons – to think about violent, conflicts, massacring, genocide rationality and try to resolve them; Not only concentrate on stopping war but also to rebuild conflict area. That issue was designed as recommendation under the name of agenda for Peace by the former UN secretary Boutros Ghali. It is an important step to strengthen diplomacy, Peace keeping and Peace building. Later he called it post conflict Peace, as an effort to identify and assist structures in the post conflict area, it will try to strengthen society to leave war and to start negotiate to reduce tensions and make stability for themselves (Ehrhart 2005).

According to Boutros Ghali, Peace building process is not temporary and a short process, vice versa it is a long term process for rebuilding and renewing conflict society and community and transfers it to a Peace society. Also Peace building such is actions that will tend to assist structures which strengthen Peace prevent the emergence of war and conflict again. Peace building process also focuses on promoting and rebuilding sectors like security, political, social and economic sectors. The Peace building process will resolve the roots and causes of conflicts and weakens them. In addition, it provides ability and chances to make them participate in democratic process. Peace building will continue to find a solution to resolve crises and tensions through dialogs and negotiations. One of the main efforts which Peace building commission needs to fulfill is overseeing the process of demobilization, disarmament and reintegration (DDR) as well as security sector reforms. Building Peace needs the development of social and economic justice as well as the rule of law and the establishment of political structure of governance. These activities are ultimately striving to bring about the healing of a war-affected community through reconciliation (Murithi 2009).

1.3 Methodology

The impact of humanitarian intervening on Peace building in the North of Iraq has been studied in this research by applying qualitative studies on humanitarian intervention theories as realism and idealism; using the scholars who are working in the international laws. The research method of the study is qualitative. There are some other qualitative studies in this field,

but this is first study which has been conducted on the impact of humanitarian intervention on Peace building in the North of Iraq. It can also shed lights on the role of militia to weaken the promotion of Peace building in the North of Iraq between 1992 and 2003. I use the concept of failed state by some scholars as Martin Kaplan, and the subject of security after failing state (Peleg 2007). The concepts of demobilization, disarmament and reintegration (DDR) have been used to inspect the role of militia and its negative impact in the absence of international military to prevent civil war in the region. People who held major positions in the parties involved in the civil war have been interviewed. I will use the comparative method between the concept of just of war and none just war between normative and liberalism with realism and international law theory to argue about the legitimacy and illegitimacy of intervention. To shed light on the role of International Community to promote Peace building as the soft power in the North of Iraq, some non-governmental organizations have been mentioned in the study. Those organizations provide evidence to the fact that international communities helped North of Iraq people to promote Peace building by holding elections, and building governmental institutions. They supported people to settle back their villages and making houses in that region, and providing fresh water by pipeline. Those organizations devoted their activities to promote Peace building process as enhancing civil society and role of law.

1.4 Statement of the Problem

In this research, the humanitarian intervention and its effects on Peace building process in the North of Iraq from 1992 to 2003 is discussed. This thesis tries to explain how the absence of international military Peace in that region made obstacles for stabilizing Peace building process. The absence of international military left a security gap to the main and powerful political parties to use their own militia to control all political and economic aspects in that region; on the other hand, it gave a chance to Iraq's neighbors as Turkey and Iran to intervene in the North of Iraq. International Community can play a major role to promote Peace building process in post conflict areas such as Peace building mission since post war areas directly face security dilemma and other dilemmas. But security has the privilege to be present. Accordingly,

providing security to people would be a main duty for International Community in the post war areas. When the international military didn't stay in the North of Iraq (safe haven) the political parties' military dominated that region. This research explores and insists on the fact that post conflict areas will face civil wars; it also will not provide the guarantee that the post war area will not face massacring, waves of refugees again. That's how this research focuses on the fact that there is a strong relationship between international Peace military and the Peace building process.

1.5 Significance Scope and Objectives of the Study

This study is first academic thesis which investigates both the humanitarian intervention and the Peace building process in the Iraqi academia in general and Kurdish academia in particular. It is considered as an important academic research for Iraqi scholars to know the details of the international Community's intervention in their county, and the reasons behind that intervention. It's an important research for Kurdish young scholars, especially the young Kurdish scholars who study both international relations and political science, since this can provide relevant information to them on humanitarian intervention and Peace building processes.

One of the other important aspects of this study is to initiate an academic dialogue and discussion in the international relations field to rethink the importance of the existence of Peace military in the post conflict areas. The study pays attention to both the Responsibility to protect commission and international Peace building mission, to demonstrate the gravity and importance of the relationship between the Responsibility to protect commission and Peace building mission.

This study is also important to Peace building commission to present and show the mistakes the international Peace building mission committed in the North of Iraq during the practicing of Peace building process in that region.

This work focuses on both humanitarian and Peace building in the North of Iraq, which occurred in 1992 and continued until 2003. The timeline of the thesis is limited to the years ranging from 1992 to 2003. How and why did the

International Community come to Iraq? How did the international Peace building mission work in that area? It focuses on the relations between humanitarian intervention and Peace building in that area.

The study concentrates on different times during the Cold War and after the Cold War. The Cold War covered ethnic conflicts in the multicultural society, but after the Cold War the situation was changed radically and required humanitarian intervention in the World. This study will not indicate humanitarian intervention or any part of intervention which occurred in Iraq after 2003. It also will not try to understand how the international community supported Iraqi people under the Peace building mission in Iraq after 2003. This study will not argue about humanitarian intervention and Peace building in another country. The thesis is only focusing on Iraq alone; it also focuses on a specific time of Iraq from 1992 to 2003. Not before not after.

The purpose of this study is to show how necessary is the existence of the international Peace military in the post war areas since because the international Peace military provides guarantee that the post war area will not face civil war and insecurity. It also assists the Peace building process to be successful. This study will indicate how a gap of security emerges in an area where humanitarian intervention is present, because of the absence of national military. It also shows that one of the disasters that emerges after humanitarian intervention is the militia groups replace national military. And it is not easy to make national military very soon. That's how this study gives a message to the international Peace building commission that the international Peace military should stay in a post humanitarian intervention area to control it and prevent emerging civil wars and refugee waves as it was experienced in the North of Iraq. The result of this study will assist those researchers who want to know about humanitarian intervention and Peace building process which happened in the North of Iraq. The result of this study is very important to the international Peace mission to know about what are the obstacles which face international Peace process in that region and show them how they will resolve these dilemma and obstacles.

1.6 Questions, Hypotheses and Justification of the Study

The main and primary research questions are, did the Peace building process succeed in the North of Iraq? It seeks for the role of militia such as how it makes obstacles for promoting Peace building process in that region. The specific questions are indicated as they will be used as a guide to explore the relations between the Peace building and humanitarian intervention and Peace building process and existence of international Peace military in the post war area.

1- Could we consider the end of the Cold War as the birth of humanitarian intervention?
2- Is the humanitarian intervention allowed by international law and the Charter of The United Nations?
3- What's the negative impact of absence of international Peace military on Peace building process in the North of Iraq?

Writing about humanitarian intervening in North of Iraq is one of the most interested research for all the Iraqi people and especially people from the North of Iraq because 1991 intervention was one of the best examples where International Community intervened. This study will give us a context for making relation between humanitarian intervention and Peace building. It will show us that Peace building is the second step that International Community should stabilize after humanitarian intervention. None of these two will be successful alone. Both humanitarian intervention and Peace building should be carried out together. To justify this doctrine, I believe North of Iraq is the best example of it because the form of humanitarian intervention which applied in North of Iraq had some shortages. Above all was the absence of international military (blue cap) or any international militaries which didn't participate and stay in the conflict areas. They only stayed for 4 months, after that they left the North of Iraq. That's why the process of Peace building confronted huge obstacles as emerging militia groups fought each other which later led to civil war in the North of Iraq. And North of Iraq was indicating divided for several zones of war and for two main zones directly. Unfortunately people became refugees between the zones again. This thesis warns that to succeed and establish Peace building process, the international

military should be kept in the post conflict areas. To prevent wars from starting again and it works to support Peace building process.

This thesis is composed of five chapters. The first chapter comprises introduction and literature review and argues about humanitarian intervention theory before the Post-Cold War and after the Cold War, uses many scholars and theory about humanitarian intervention and Peace building. Chapter two analyses what's the date of humanitarian intervention and what the role of the collapse of Soviet Union is for the increase of intervention. How different scholars and theories see humanitarian intervention how do the Charter of The United Nations, international law, natural thirty, realism and normative theory look at humanitarian intervention. This chapter discusses about the role and situation of both humanitarian intervention and concept of after creation the committee of Responsibility to Protect. Last part of the chapter argues about fly zone historically. Third chapter discusses the identity dilemma in Iraq and examines if the Iraqi people have united identity or not have Iraqi state created one and united dilemma for all Iraqi people. It also discusses the impact of destroying Iraqi military in Kuwait on Iraq people, how and why both of Shia and Kurds uprising started in Iraq, why international community intervened in Iraq.

 Chapter four discusses about Peace building socially in North of Iraq and what's the relation between humanitarian intervention and Peace building. How much Peace building is successful in that region, whether Peace building not success so what are the obstacles of Peace building, what's the relation between Peace building and role of militia in that region? Besides, how much NGOs supported Kurds in Iraq. Chapter five includes conclusion.

CHAPTER TWO

HUMANITARIAN INTERVENTION

2.1 Humanitarian Intervention – The Case of Somalia

Somalia is an African country, its south of the Arabian Peninsula, its' propulsion almost 10,661,600.its surrounded by Ethiopia on the west, by Djibouti on the north of west, by Kenya on the south of west, and Indian Ocean on the south and east. The capital of Somalia is Mogadishu. The majority of people who live in Somalia are Somali. They are Sunni Muslim also Islam is the state religion. They speak Cushitic language. Along with Somali language Arabic, Italian, English are used by people officially. But Somali is a national language. Somaliland people are considering such as clan people, they divided into five principle clan and many sub clans. Pastoralism is the dominant mode of life for Somali people; they have sheep, goats, and camels. Mangoes, banana and sugarcane are Somali major cash crops. There is a small Fishing industry. Somalia is one of the sources for getting uranium, petrol found in that country and a refinery was built in 1979. House of people or Federal Perelman consists of 275 seats, generally whose members are chosen for four years, the president was elected in the parliament for four years. Between the 7th and 10th century immigrant Muslim Arabs and Persians established trading posts along Somalia's Gulf of Aden and Indian Ocean coasts; Mogadishu began its existence as a trading station. During the 15th and 16th century Somali warriors regularly joined the armies of the Muslim sultanates in their battles with Christian Ethiopia. (I. M. Lewis, 1999)

During the 19th century the great actors such as Britain, France and Italy came to that country to search their interests. For instance the Great Britain's concern depended on trade links with Aden, when the Egyptian force left Somalia to challenge in 1884 to fight the Mahdi in Sudan. Great Britain led to make some agreement with local tribes in 1884-1886 and 1887.

An Anglo-French agreement of 1888 defined the boundary between the Somalia possessions of the two countries. Italy came to that area in 1889 by creating a small protector in the central zone. In 1925 juba became the part of Italian colony. During the Second World War Italy invaded British Somaliland. But Britain could retake it in 1941 and ruled it until 1950 after that Italian Somaliland became a UN trust territory under Italian control. In 1956 UN recognized Italian Somalia with Somali and became independent in 1960. At the same year Britain declared the end of protectorate in June, later the two new states crated UNITED republic of Somalia. In 1964 the conflict between Somalia and Ethiopia broke out. Kenya also involved in the conflict with Somalia, those conflicts were continued until peace process 1967. Hostilities between Somalia and Ethiopia erupted in 1964, and Kenya became involved in the conflict as well, which continued until peace was restored in 1967. The people of French Somaliland voted to continue their French association.(I. M. Lewis, 1999)

Under Barre's leadership Somalia joined the Arab League (1974) he also promoted his tie with Soviet Union. In the late of 1970s the Somalia supported ethnic Somali rebels, those rebels were seeking to gain their independent in Ogaden region in Ethiopia, after that the Soviet Union defended Ethiopia and Somalia returned to the United States and Saudi Arabia. War fare among rival factions within Somalia intensified, and in 1991 Barre was ousted from his power center in the capital by nationalist guerrillas.

Later in 1980 the former British Somaliland began revolution and claimed the republic of Somaliland independent. In Mogadishu Mohammad Ai Mahdi was considered and elected by one group. And Mohammad Farah aided by another. As fighting between rival factions continued, Civil war and the worst

African drought of the century created a devastating famine in 1992, resulting in a loss of some 220,000 lives.

In the early 1992 the UN peacekeepers and food supplies arrived in Somalia. Later In 1992 The United States and others nations sent their troops to that area. They also tried to resolve problem and restore economic and political stability. Those troops worked hard to protect ports, airport, and roads with the intention of keeping food and aids. However, there was widespread looting of food-distribution sites and hostility toward the relief effort by heavily armed militant factions.

International troops couldn't help establish a central government because they involved a tribal conflict which destroyed society.in 1993 the United States troops failed to capture Aidid when he was wanted by the United States because he was one of the Somali militia commander who killed Pakistani peacekeepers. When the United States and others nations troops withdrew in Somalia in 1994 the clan fighting increased. (Seybolt, 2018)

The last UN peacekeepers left the following year. Aidid died in 1996 from wounds suffered .In Feb 2012 the extremist Islamic group Al Shabab declared that it has linked with Al Qaeda After many serious fighting with KENYA and other group it could controlled some parts of Somalia. In early 2014 the UN peacekeeping force and Somalia faced Al Shbab group and they removed AL Shabab group around the capital and Kenya borders. Even AL Shabab group lost Barawe its last costal stronghold. In July 2015 the African Union force and government could liberate Bardere in south west of Somalia, it's the last town which controlled by AL Shabab group. In 2017 the former Prime Minister Mohamed Abdullahi was elected, he appointed Hassan Ali Khaire as prime minster. (Seybolt.2018)

2.2 What is Humanitarian Intervention?

Humanitarian intervention is using threat or force by a state or group of states to prevent or end humanitarian crisis as violation, massacring and genocide in a state without taking permission of that state where forced is applied. Its aim is to protect fundamental human rights of individuals. This definition confirms that humanitarian intervention is not only using force; at the same

time, International Community has another way to obligate the states to Protect their own people and stop committed genocide by enforceable intervention as economic sanction, cutting diplomatic relations. But forcible intervention is directly using force on a state to Protect human rights. There are two parts of humanitarian interventions: unauthorized humanitarian intervention and authorized humanitarian intervention.

Authorized humanitarian intervention means using force by International Community with the permission of the UN Security Council to threaten another state to stop humanitarian crisis in a country. That intervention should pass in the Security Council, It wouldn't be abandoned by members of the Security Council (Holzgrefe j.L, Keohane 2003).

When settling fly zone in the North of Iraq in 1992, the Security Council voted the UNSCEAR UN security council resolution 688(UNSCR 688 to Protect Kurdish people in Iraq who were prosecuted by Saddam Hussein and fled their homes and went to Turkey and Iran's border. This was the first time since the creation of The United Nations that a resolution passed in the Security Council without being vetoed. Many scholars believe this was due to the collapse of the Soviet Union and the end of the Cold War; Russia lost power and couldn't make obstacles for UN Security Council anymore as it used to do before. For example, from founding of The United Nations in 1945 until 31/5 1990 exactly 279 times veto was used by five permanent actors. Above all of them was Russia which used the veto right for its own interests not for the sake of people and Peace. Those vetoes reduced United Nations power to deal with many conflicts. The end of the Cold War meant reducing of using veto, it also gave strengthen to The United nation and Security Council to settle resolution to deal with crisis, especially internal crises within countries. The Security Council since 1989 has taken a golden chance to increase its power to interpret the term of 'threats to the Peace' broadly. The nature of all resolutions that should be passed in the Security Council is willingness to treat humanitarian crisis and reduce violence around the World; it also provides guarantee to increase democracy and protect people.

The Security Council actions were created on the basis of collective humanitarian intervention. The liberal alliance of democratic states should work hard to bring democracy, human rights and principles to those countries which are called failed states. The doctrine of collective humanitarian intervention became necessary to resolve and stop humanitarian crisis, ethnic tension and religious fundamentalism in the Post-Cold War era. That's how humanitarian intervention at the end of the Cold War increased and used as one of the obligated way to stop massacring and genocide in some counties such as Iraq, Liberia, Kosovo and Rwanda.

Unauthorized humanitarian intervention has not been allowed by International community as Security Council. For instance, NATO intervened in Kosovo to Protect Muslim minority in Bosnia who were killed by the Serbian state. At that time, NATO as an intergovernmental military alliance intervened in Yugoslavia to destroy the Serbian military and protect Muslim minority in Kosovo without taking permission from the Security Council. This sort of humanitarian intervention faced criticism from international law scholars, that's why many scholars believe that unauthorized humanitarian intervention is not considered as humanitarian intervention.(Holzgrefe, and Keohane 2003).

Although Robertson has another idea, he believes that there is no doubt humanitarian intervention in Kosovo and other countries should be welcomed since all interventions provided more rights for lawyers and NGOs to promote and develop human rights. Those interventions also allowed for more effective enforcement of human rights. International communities will no longer stay as spectator and see humiliation in dictator and tyranny countries. Robertson argues that such interventions are justified; they should not be authorized by the Security Council.

In contrast to Robertson some scholars believe that humanitarian intervention is not legitimate; they refuse the concept of humanitarian intervention totally. Furthermore, none intervention is understood as the norm of the international community to describe and present the idea that international society has abandoned and forbidden intervention by use of law.

They also claim that international society are not with intervention and they refuse using of force to threat and intervene other country except from self – defense and collective enforcement action which authorized by the UN security council (Bailys, Smith, Owens 2017).

According to these people international community is based on state sovereignty and this means all states should respect each other. The idea of sovereignty doesn't allow a state or a group of states to intervene in another state. To resolve the tension between the logic of preserving sovereignty through none intervention and the logic of protecting human rights through intervention, Slater and Nardin argue that it is possible to distinguish between a right to intervene and a decision to intervene. A right is a moral issue and a decision is a prudential issue. Thus, it is possible to argue that the right to intervene does not compel one to make that decision (Murithi, 2009).

Laski describes sovereignty that gives legitimacy for states action for particular interests. He accepted the notion of Marxism that the states action such as dominant powers or instrument of class dominance. (Marx and Engels 1968 [1848], 37). As a result, he maintained that states have a major role both within their border and global stages. According to Laski sovereignty has placed a major burden on the establishing of law. This meant that sovereignty tries to achieve national interests not for enhancing human rights. Each state will use its power to protect international system not to make anxiety and instability. Accordingly, intervention is not allowed by international system and international law (Laski, 1917).

2.3 Holly Alliance and the Critics on It

In the 18th century, humanitarian intervention was created as an agreement among some states. These counties used their joint forces against other states to oblige them to stop suppression on minorities. At that time, states such as Britain, France and Russia agreed to intervene in Ottoman Empire to protect specific minority rights who lived under Ottoman Empire such as Christians. Those states had provided their supports for Christian minorities who started a revolution against Ottoman Empire. The Christian minority wanted to get independence; after that, these countries declared a new

agreement which is called Holly Alliance. Holly Alliance is defined as a "law of solidarity". It is based on the notion that States are not isolated entities from international community or states are not free to act within the coffins of their sovereignty.

For instance Article I of the Act of the Holy Alliance was used to justify the use of force against third parties when those supreme values were threatened and they ignored the sovereignty of other states in the name of their own "higher moral" values. The Christian values underlying the Holy Alliance were later referred to as "principles of humanity". The change in terminology did not change the pretense used to legitimize mere acts of power politics as actions to preserve the very principles of humanity (Hylan, 2016).

But this doesn't mean intervention is pure intervention. On one hand, this intervention decided to Protect a Christian ethnic in Ottoman Empire, but it was carried out to save a specific Christian minority not all minorities who were conquered under Ottoman Empire such as Yazidis and other ethnic groups such Shia, Jews and Kurds. On the other hand, that intervention had a political target and reason not humanitarian reason; it was used as a way to fulfill European strategy in the Ottoman Empire. Moreover, intervention and using the Christian case were used to reduce sovereignty of the Ottoman Empire. It also spreads instability in that empire. Also the Holly Alliance strategies and interests pushed them to intervene in the Ottoman Empire's territory and the none-Christian World. Their main objective was to achieve their strategies and interests under protecting the Christian people. The Christians in Ottoman Empire were saved by European countries because they were Christian not because they were humans. It is important to mention that those alliances have considered themselves as Holly Alliance. It is a religious name that puts doubt on that intervention because it was carried out having religious roots. Religion is also one of the main reasons next to other political reasons. For instance, "The treaty (known as the holy alliance) in 1815 was indicative of the European ideology of supremacy in the religious, moral and culture field that characterized the European arena up until the First World War. In their treaty concluded in Paris, 14-26 September 1815 the

Emperor of Austria, the king of Prussia and the emperor of Russia solemnly declared"(Hylan 2016,27). Holly Alliance demanded and obligated Ottoman Empire even to give guarantee to Christian minority and their rights should be protected. But that is not all the holly alliance wanted. For instance, in 1827 the Holly Alliance intervened in the struggle between Greece and Ottoman Empire. It also supported the Greek revolution against Ottoman Empire. There are some examples of interventions or series of interventions which carried out by Holly Alliance in Turkish territory during the Ottoman Empire such as in Greece in 1826, in Syria in 1860, in Crete in 1866, in Armenian 1896 and in Macedonian 1905. Each one of them was used to increase and expand the alliance's power on Ottoman territories.

At that time European powers were called "strong men" from the opposite side the Ottoman Empire was called "sick man". The European countries have used Christian minority's cases for their interests in Balkans territories too. Russia and Austria-Hungary have raised their Empire's interests in Balkans. The European states wanted to defeat Ottoman Empire because they had bad tragic memories with the "sick man". When the Ottoman Empire entered European states, for example it could enter Vienna in 1683. The Balkans revolution was supported by the European countries; they declared that they are ready to help those revolutions and they were prepared to intervene in the Ottoman Empire. In contrast, Russia defeated the revolution of Polish domains in 1830, 1831 and 1864. The Russian military also committed mass killings and destroyed their villages and deported them. But European countries did not threaten or stand against Russian foreign policy. During the war for their independence in the 19th century in Balkan, tens of thousands of Muslims were killed, tortured and were driven from their homes by Christians but the European states only focused on Christian people in Ottoman empire (Rajan, 2016).

2.4 Humanitarian Intervention after the Cold War

The situation after the Cold War has made it necessary and put a pressure on international community to develop and promote a new paradigm to resolve the phenomena of ethnic conflict, state building and Peace enforcement. Globalization increased ethnic conflicts due to the expanding

communications that made certain ethnics know about other revolutions. This new paradigm explained how they are interconnected with each other. It could be said in that situation each has an impact on the others; states are not isolated anymore in the international field. The collapse of the Soviet Union ended the Cold War. The great global interactions emerged between Russia and The United States; for instance, the first McDonald opened in Moscow (as a symbol of the American capitalism style in the heart of the former communist World).

After the Cold War a new situation emerged such as appearance of liberalism; capitalism system became the hegemonic and dominates super power in international relations. Universal human rights also spread around the World, especially in the developing countries. At that time, in some areas in the developing countries people were subject to genocide and annihilation by their own state. To stop this crisis humanitarian intervention became inevitable. So the intervention and willingness to use force to intervene another state came out under the name of protecting human rights and humanitarian values. Finally, humanitarian intervention played a major role in shaping international relations during the 1990s.

In February 27th 1991, George Bush, the president of The Unites States, claimed that The United States with allied forces met for all objections about the Persian Gulf War. After the Iraqi military was totally destroyed by The United States and its allies in Kuwait, the Iraqi government was obliged to sign a cease-fire. It ended the Persian Gulf War and Kuwait invasion on 2 of August in 1990. The outcome of that defeat reflected on Iraqi internal situations; Iraq found itself in the midst of a civil war. Shia in the south and Kurds in the North began revolutions. The Iraqi regime responded their demands by tragic and bloody acts.

When the Iraqi regime attacked the Kurdish rebellious forces in the North, the Kurdish people escaped their homes and became refugees in Iran and Turkey. Then the Security Council settled the 688 Resolution which had been adopted on April 5 1991. The US, Britain and France imposed a no-fly zone in the Northern part of the country, below the 32nd parallel. This would later

be extended upward to the 33rd parallel. By the time the Allies intervened in the North of Iraq, the Shi'a rebellions had long since been defeated and Baghdad had already reestablished control over their areas. This shift from Cold War to post-Cold War expanded in the international society and made the best role for the UN Security Council to use its power in the international relations to keep Peace and security. It also provided the main role for other international organizations such as NATO as the intergovernmental organization which intervened in Kosovo and East Timor. It responded to the genocide and massacre in those areas (Rear. 2008).

Also the Post-Cold War environment gave the chance to the Security Council to settle the resolution of 688 to make a no-fly zone in the North of Iraq to Protect Kurdish people and make a Peace area for refugees to come back to their homes. The Security Council insisted to take immediate action to end Kurdish repression by Iraqi regime; this strategy and resolution led to the establishment of a safe haven in the North of Iraq and made the Kurdish refugees return to their homes under international protection. For the first time the UN Security Council stood to intervene in a state which is member of The United Nations. Moreover, The Security Council had linked humanitarian concerns to international Peace and security and had given humanitarianism greater weight than non-intervention (Hardie, 2009).

Some scholars argue that one of the reasons which encouraged the increase of intervention is the appearance of 'ailed states' 'Failed states' brought about ethnic resurgence and revolution. 'Failed states' is defined as the inability of a state to provide security and public goods to its citizens, to collect taxes and to formulate, implement and enforce policies and law (Miriam. C, Victor. M 2010). state that "the term state failure can be somewhat misleading, since what is considered failure, can also be constructed as an ongoing project of constructing pattern of political order, that do not necessarily conform to western nations of statehood".

Actually the most post-colonial states faced failure from Africa, Latin America to Asia. As Frantz Fanon states the tribalism in Africa encourages regionalism then separatism. As a result, the idea of conflict resolution

became a deeply moral issue for international Community. Accordingly, when states failed to provide security for own people, ethnic conflicts emerged and became one of the dilemmas facing international Community. Later, the efforts to reduce conflicts and tensions took the main and prominent place in the international field. As Hanuman states the ethnic conflict replaced the Cold War as the primary outcome of the Post-Cold War and primary interests of military and political theories. Even conflicts could be primarily political and economic. The roots of the ethnic conflicts returned to the Cold War areas.

The United States and the Soviet Union were in an extreme struggle to control their areas: the democratic republic of Congo, Kosovo, Lebanon, Afghanistan, Bosnia and Herzegovina, Nagorno-Karabakh, North Korea, Somalia, Sir Lanka and Iraq. All these countries were used as proxy countries during the Cold War, even the recommendation and mechanism to resolve these conflicts needed super powers. Designing a strategy to manage and resolve inter-sate conflict was based on interests of super powers. The sub national conflicts aggravated for the super powers' interests during the Cold War; though, the interests had changed because of the geostrategic place. The geostrategic places were no longer remained like before among superpowers. Finally, the ethnic and sub-national conflicts were required to be solved by international Community.

> "As Deng et al argue that the Post-Cold War deleted an external dimension which often served to constructively and destructively regulate the intensity of dispute between ethnic group and the taste. All interventions and events which occurred after the Cold War, they will justify the notion that the humanitarian intervention happened after the Cold War and it refers to the date of the Post-Cold War". (Murithi 2009، 50.)

2.5 The Theory of Just and unjust War

Humanitarian intervention has become a popular argument in the international field by scholars who concentrate their thought on both law and war. In this respect, humanitarian intervention faces the question whether such a war is good or not? Is war just or unjust? How can one resolve

massacre and violation by war while war itself spreads violation and anxiety through International Community? This subject is discussed by some philosophers and scholars. Arguments about war as both a just and unjust method became the main issues in the past till now, especially in the humanitarian intervention field.

For instance Augustine is one of the Christian philosophers who describe war as corruption of Peace. This idea is taken from Greek philosophers like Aristotelian and Platonic.

"They thought a thing is called good if it accomplishes its nature and bad if it falls to carry out its perfect form. In other words, Augustine believes, Peace as the state of nature, quite in contrast to Hobbes sees the state of nature as the fight of one against the other"(Hylan 2016, 21).

Augustine concentrates on the legitimacy of war; he argues about which war is legitimate. He held natural order which is suitable to the Peace of moral things. He claims war was a permissible part of the life of a nation, and the power of prosecuting a war was part of the natural powers of monarch, ordained to uphold Peace, War far from being something that Christians should shun, was part of the life of a nation, ordained by Gad (walzer 2006).

According to Augustine a war could be just if it fights for a right and reasonable target. He supported war for justice. He also argues that war should be carried out under a legitimate authority; wars should respond wrong. He says that if we gain victory in just war, it will take us to Peace even to the universal Peace. He said that just war which leads to extending one's empire, under the condition that this empire leads to a stable Peace and he believes that the only reason which justifies war is desire for Peace. As Augustine says; Peace is not sought in order to provide war, but war is waged in order to attain Peace (walzer 2015).

Tomas Aquinas, another Christian philosopher, has developed Augustan's views on just war. He supports Augustine thought with two new notions. First, defining the right to wage war, second the ambitions and desires that

encourage one to decide war. Aquinas believes that a war is justified only when it meets these three elements:

1. The war must be fulfilling by a lawful authority with power to wage war.

2. It must be setting about with just cause.

3. The war is undertaken with the right ambitions that are to gain good to avoid evil.

Cicero, a famous roman politician, focuses on the concept of justifiable war and asks: which and when war is allowed and justified?

> "According to Cicero, using force is allowed and justifiable if it is declared by appropriate authority or government. Also, it should be limited. Cicero states that "the ability to wage war rested with the state and the state alone, and could only be lawfully waged "after an official demand for satisfaction has been submitted or warning has been given and a formal declaration made" (Hylan 2016,21).

Both Plato and Aristotle subscribed to the view that violence was given to political life. According to Plato, in his Republic, one of the auxiliaries who assigned the task of defending republic is force of arm; republic would be saved by force of arm. Plato always criticized the democratic Athens; but he thought Sparta was great because it had great soldiers. Aristotle did not deny the use of power on slaves. He said that the ideal society's prosperity is gained by using violence on slavery. In his famous book 'politics', he wrote that the slaves deserve to be enslaved because they lost on the battle-field in bloody conflict.

Today in The United States a Neo-conservative group, known as new bible, support the notion of 'aggressive defensive warfare'. Actually, that notion is not restricted to new conservatives; rather it dates back to 2000 years. It has a long history. It was used by the old Romans. Constantine said that the priest came in to my dream and told me that carrying a sign of the cross into

battle against his arch rival for position of emperor. When the Constantine won the battle, he directly declared Christianity to be the roman religion.

Machiavelli claimed that "prince that when operating in the public arena the Prince should first refrain from violence while acting with "the cunning of the fox," but if that approach to conflict resolution should fail, he should be prepared to strike mercilessly with the "bestial fury of the lion" this politic it could be called as Realpolitik (Machiavelli 2008, pp. 129–130).

Later, the people who were criticized of orthodox politics, such as Henry Kissinger, Zbigniew Brzezinski, found real politics. Their backgrounds refer to Nicola Machiavelli. The British philosopher; Thomas Hobbes (1588-1679) developed this tradition of real politics. According to Hobbes, violence is not only ubiquitous; it is necessary for good government. Human in nature is at war against all, life is a war of all against all, Man as wolf to other men. Human being in nature was nasty, brutish, solitary and short (Walzer 2006).

In the above philosophers' views war has not been refused totally; in some instances, philosophers supported states to start a war as a legitimate right. If one refuses war, the main question rises is: How a government can be stopped when it committed genocide against its own people? Since the end of the Cold War in 1989, the Security Council took the best chance to expand its power and ability broadly to indicate and fulfill the concept of threats to Peace. The Security Council had a desire to treat humanitarian crisis and reduce violence around the World. It is also willing to provide guarantee to expand democracy and its efforts to Protect people but all resolutions should be passed in the Security Council.

2.6 How Do the Scholars and Schools describe Humanitarian Intervention

Utilitarianism doctrine is the naturalist method and the followers divided this method into two parts such as act Utilitarianism and Rule Utilitarianism. For Instance act Utilitarianism followers say that an action is just if its consequences are more acceptable than unacceptable or more favorable than unfavorable to all concerned.

According to act utilitarianism action is never good or bad in itself, only its effects on people's life. The consequences of intervention on people's life tell us that an intervention is good or bad, is allowed or not allowed. The "rule-utilitarianism" focuses on a rule to use of force as a proper object of moral evaluation. According to this group an act is just if it conforms to a set of rules (Holzgrefe and Keohane 2003).

Under this light for act-utilitarian any humanitarian interventions depend on entirely its consequences. If its effect could be increased Peace, stability and protected human more than killings, so it is just. However, if its effect increases war, violation and human disaster then it is unjust. Crudely said act-utilitarian discusses that a humanitarian intervention is just if it protect more lives than it costs, and unjust if it costs more lives than it saves. For example when the Tanzania intervened in Uganda, it overthrew Amin dictator and protected and saved more people than it costs. That is why for act - Unitarianism Tanzanian intervention is just. In contrast to when the India intervened Bangladesh it caused the death of more people than before (Holzgrefe and Keohane 2003).

Act-utilitarianism claims that any kind of military action is permissible if it saves more lives than it loses. Thus, for example, during NATO striker operation on Serbia in Belgrade, several people who were members of the Serbian television employee died, that operation could be just because the operation protected and saved more people than it killed.

Unlike act-utilitarianism, rule-utilitarianism always returns to rule; they claim that rules are the proper objects of moral evaluation. According to rule utilitarianism, to justify humanitarian intervention it's necessary that the intervention should be allowed and premised by law. For rule-utilitarian, the justice of a humanitarian intervention not depends on its consequences but rather depends on rule and should be required by a rule. If it is followed by everyone, it produces the best consequences for all concerned (Holzgrefe and Keohane 2003).

Some Authors, who consider themselves as rule-utilitarian followers, argue and claim that humanitarian interventions make disaster for international

Community, spread anxiety and decrease the balance of power in the international Community. Ian Brownlie and Caroline Thomas likewise have doubt about the positive consequences of The United States intervention in the Dominican Republic and the Tanzanian intervention in Uganda.

Other authors said that humanitarian interventions make crisis for international relations; they argued that it will reduce well-being by increasing the likelihood of international society. They believed that humanitarian intervention led international community to fail state and leads international community to collapse of state. Then it takes the states go to war with other states; it increases and expands Violations amongst the states.

Finally intervention gives the right to strong states to intervene and occupy other states for the sake of their interests not for humanity reasons. Noam Chomsky believed humanitarian intervention is not good for international Community. Also Louis Henkin said that if it were permissible to remedy them by external use of force, there would be no law to forbid the use of force by almost any state against almost any other. If humanitarian interventions were legal, powerful states would receive an almost unlimited right to overthrow governments alleged to be unresponsive to the popular will or the goal of self-determination (Holzgrefe and Keohane 2003).

Natural law is the naturalist doctrine that human beings have certain moral duties by excellence of their common humanity. Its basic principles are found through reason and available to anyone. Like human nature, they are also universal and changeless. According to natural law theorists, our common human natures make and set up common moral duties – including right of humanitarian intervention. We should take responsibility to help others and we are obliged to assist the people who need us. Even Natural law followers defined the duty of humanitarian intervention as perfect duty; like the duties of charity and beneficence.

According to realism, states are the main actors in the international field and have power both externally and internally. Since Westphalia the states have participated and played the major role in the international Community. Also, international law and organization have a little independent influence on the

international field. The main moral for states are achieving national interests. The realism theory insists that the intervention makes instability to the international field and relation. They see intervention as normative and new model which is not reasonable.

Realists such as Hans Morgenthau, Reinhold Niebuhr, and George Kennan'' believe that states are selfishness, egoism, even states use violence to dominate others. For realism there is no basic reason for humanitarian intervention in the international relation. They also say that the humanitarian intervention initiates skepticism. Realism is worried about using war and they asked when and how the leaders use military power. According to Morgenthau the theory of universal moral principle is complex and hasn't concerted meaning that gives a rational guidance for political action. They argued that the foreign policies will not be based on ideals alone and it will never be. But they claimed justice matters deeply and need to be at odds with self-interest.

But Fernando Teson, one of the most famous scholars in the international law and one of the most passionate advocates for intervention, argues that it is not a big deal if states intend to act against tyranny states by military to stop a genocide and massacre. Teson supports humanitarian intervention and depends on the Dutch philosopher Hugo Grotius thoughts in the 17th century. Hugo was concerned with the natural right; he is considered as the founder of the modern international Law. He confirmed the intervention on others to stop grave injustice (Paris 2004).

The idealism will refuse blind its eyes from what happen in the international relations and provides the centrality of justice to the humanitarian intervention. Roberto Bellona describes that before the end of the Cold War the international and nongovernmental organizations had to take permission for their interference into a country. The states did not want to intervene in a country which committed genocide against its own people; after the Cold War, the states are under the pressure by international and nongovernmental organizations to explain why they don't want to intervene.

Many people and groups in Europe supported the idealism theory in the establishing of normative human rights and humanitarian intervention in the international relation. These people were international lawyers, human right groups, public intellectuals, journalists and academics in the west. They developed the idea that the right to states should be changed to the right of the individual. They required an international solution to ethnic conflicts within the states and the states should accept it. Also they claim that the unilateral intervention is legal as well as have sparked controversy. Fernando Teson indicated a new notion which is called a case with force and eloquence. Teson believed law should be the servant of morality not found the rules a mechanically observed regardless of ethics and the consequences for human rights (Paris 2004).

Teson believes that democratic and liberal states should face and confront a human violation and they must use their rights to protect human values with or without The United Nations. There are many famous people who supported that notion such as Ivo dalder, he was president Obama's NATO's ambassador, senator john McCain, the international lawyer Philip Bobbitt and Geoffrey Robertson. James Lindsay of the Council on Foreign Relations, neoconservative foreign policy expert Robert Kagan, and liberal scholars such as John Ikenberry and Anne-Marie Slaughter. They all argued when The United Nations cannot or will not stand to stop genocide and violence so the democratic states have a moral right to act unilaterally to stop killings and massacre (Rajan 2016).

2.7 Some examples of Humanitarian Interventions

International community has intervened in many cases under the case of humanitarian intervention for several times. For instance:

1- In 1992, The Security Council set up the UN security council resolution 688(UNSCR 688 to a no-fly zone over a part of Iraq (North of Iraq) to Protect Kurdish people who fled their homes and lived in the mountains in both Turkey and Iran border.

2- UN relay to India when it invaded East Pakistan in 1971.

3- Vietnam's invasion of Cambodia in 1978.

4- Tanzania's invasion of Uganda in 1978

5- The UN accepted a military intervention by West African regional forces in Liberia in 1990 and in Sierra Leone in 1997.

2.8 Does the Charter of the UN allow Humanitarian Intervention?

One of the organizations that manage humanitarian intervention is UN, especially its   Charter. The   Charter of The United Nations is one of the universal constitutions which are singed by international Community. The international community should return to the Security Council to resolve ethnic conflicts. Further, for legitimate and illegitimate subjects they should return and depend on the   Charter of The United Nations. So humanitarian intervention has become one of the most unclear subjects for UN   Charter because the followers of humanitarian interventions to justify their beliefs make use of the UN   Charter and they say the   Charter allows intervention. In contrast, the followers of none intervention for a justification depend on that same UN   Charter and state that it refuses intervention.

The non-intervention group claimed that the states should refrain from using force to intervene another state by any means. They also concentrate on the concept of sovereignty as the permanent and stable outcome of the international relations. According to the non-intervention group, the drafters of Article 2(4) want to prohibit states from using force against both the territorial integrity and political independence of other states. They also state that the contrary interpretation has twice been refused by the International Court of Justice.

Even though the   Charter has not provided one clear text that the UN has a right to use force to intervene in a country to Protect human rights, using force would be permissible to another country. Furthermore, the numbers 1-4 and 7 in article 2 all indicate that The United Nations   Charter has forbidden apparently any state and a group of states to use force and threaten another state's territory and sovereignty. The UN Charter has closed the promotion and protection of human rights as one of its purposes. The UN has not provided account of essential human rights protection generally such as main duty to promote human and fundamental rights.

 None intervention group depend on Article 2 as an evidence.

(1) The organization is based on the principle of the sovereign equality of all its members.

(4) All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any states or in any other manner inconsistence with the purpose of The United States.

(7) Nothing contain in the recent Charter shall authorize The United nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the members of summit such matters to settlement under the present   Charter, but this principle shall not prejudice the application of enforcement measures under chapter (Heinze 2009).

Secondly; the group who back humanitarian intervention, support its idea by using article 1, 39, 41 and 42

Article 1:

- To maintain international Peace and security and to that end , to take effective collective measure for the prevention and removal of threats to the Peace and for the suppression of acts of aggression or other breaches of the Peace and to bring about by Peaceful means and in conformity with the principle of justice and international low.
- To achieve international cooperation in solving international problem of an economic , social , culture, or humanitarian character and in promoting and encouraging respect for human right and for fundamental freedoms for all without distinction such as race , sex, language , or religion.

The people who support humanitarian intervention always say that the purposes of The United Nations are achieving human right and protect humans. Also, the main purpose of The United Nations is protecting human right by spreading Peace around the World; it works to achieve fundamental human rights and freedoms without any differences. And it makes cooperation and works with nations together for achieving human right and freedom.

Legal realists look for providing a legitimate shape to humanitarian intervention to depend on Article 39 of the UN Charter. This article argues that the "security Council may permit the use of force in response to any threat to the Peace, breach of the Peace or act of aggression" (Heinze 2009).

 According to legal realistic the main purpose of establishing United Nations is keeping Peace anywhere. That is why when states involve civil war, the Security Council should undertake its duty to intervene without considering sovereignty and independent territory.

 In article 39 in the UN charter, where the Security Council confirms that there is a threat to the international peace or any suppression and aggression on people, the Security Council decides what force should be taken to keep peace such as economic sanction or use of force.

Under the article 41, the security council will decide what measure not involving the use of armed force are to be taken to provide effect to its decision. The measures are partial or intensive interruption, of rail, sea, postal, telegraph, economic relations, cutting diplomacy, and economic sanction.

 Under the article 42 the Security Council may take action by air, sea or land forces to keep peace in the international filed.(Orford 2003)

 There is a paradox in the Charter of The United Nations. For instance, UN sometimes keeps aloof from intervening to protect civilian but it concentrates on sovereignty and borders. In one hand, it gives a total right to the Security Council to take care of keeping Peace. According to the Charter of The United Nations especially under the chapter VI and VII "the security council has a power to facilitate settlement of disputes and decide to take any means to maintain and restore international Peace and security. United Nations should proceed on its efforts to make a new situation for peoples after war which later we considered such as Peace building" (Murithi, 2009).

2.9 Paradigm change from Securing States to Secure Civilian.

It's impossible to understand contemporary concept of security without knowing the realism point of view. According to realism, any actor tries to use force for its end. Even if a state admits that the actors will not take arm up today, it is not sure that they will not take it up in the future. All actors try to arm themselves against others; no actor can play a major role without arming themselves. The followers of realism believe that disputes and conflicts will be settling easily, if a state depends on its force on agreement. Since using force is a diplomatic military to resolve conflicts with others. To realism, the international order is based on a society of states that gives the entire right to the state and cares about state security. This system is based on the Hobbesian concept of state of nature analogy. The state gains primary power and right to protect the security of their citizens. In other words, the security of the state is the main object for that system because states are providers of security to individuals. So, this definition is a traditional definition for security, it only focuses on protection of sovereignty and territorial integrity of states from external military threats. This was the essence of the concept of national security which was dominant during the Cold War era. But this definition to security is not enough anymore and could not be a response to the dilemmas facing people after the Cold War. Since the end of the Cold War threats to individual security are more than threats on states security, such as global warming, climate change and ethnic cleansing which all affects each and every individual. Thus, this definition of security should have been redefined again. After the Cold War, the new definition of security, which emerged next to state sovereignty, is called human security. Human security as a general concept to maintain individual security, the main object for human security is providing security for people rather than security for state or government. Human security can be defined as preservation and protection of the life and dignity of the individual human being (Baylis, Smith, and Owens 2017). Actually, the idea of individual security is presented by the German philosophy Immanuel Kant. In opposite to Hobbies Immanuel Kant focuses on individual right not sate right. Kant believes that every person should be protected from any threats anywhere. To achieve that goal, Immanuel Kant designed universal government to take responsibility of that goal. Individual

security is one of the main objects in Kant's philosophy. Even scholars believe that The United Nations was founded based on Immanuel Kant's theory (Kant, A Philosophical Sketch 1795).

Liberalism scholars have used Kant's idea for expanding liberal values in the International relations theory. Liberalism as the old theory is about political participation, human right, individual freedom, equality of opportunity and private property. In the liberalism view the people look at International relations and explain how individual rights and human right can provide more Peace in the international community and interstate relation. For two reasons the democratic state doesn't like to initiate to escalate tension and conflicts with others. First, this theory is known as (democratic Peace theory). Secondly, democratic theory will increase investment and trade among states. Interdependence will arise Peace in the international Community. The end of the Cold War gave a new opportunity to liberal theory to describe security and think about global security. As Gusterson says, it is a result of manifest failure of political realism since realism didn't predict the end of the Cold War (Gusterson 1999). Later the social construction as a new notion to analyze society emerged. This is root in Marxism; this notion promoted at the end of the Cold War, it was introduced as the study of the international politics. It became a favorable theory by students to study international security. Constructivism based itself on the idea that social life is a product of social practice. Constructivism had a desire to define and rethink the security. Constructivism confirmed that the future of security will depend on social practice more than immutable law. The idea of constructivism reflected on critical security, concept and case. At that time an important article was published by Keith Kraus; he criticized the concept of security under three rubrics: the construct of the object of security, the construct of threat and response to the possibility for transforming the security dilemma (Krause 1998). This classification is about the identification of threats to particular referent objects. It is also about the formulation of response to threats. Traditional security defined and accepted security easily; for instance, threats are military, one answer for each threats. Constructivism concerned about norms, norms can be produced in contemporary international society to

promote security. After all events which occurred at the end of the Cold War, the concept of security was concerned about humans rather than states (Cavelty,M.D Balzacq 2010).

2.10 What is R TO P (Responsibility to Protect)?

International Community has been working to set a resolution for providing responsibility to international community to protect human rights for many years. To achieve that goal many academics and politicians presented ideas and solutions. For instance, after NATO intervened Kosovo in 1999, Blair directed attention to the sovereignty 'doctrine of the international community' and endorsing the concept of sovereignty as responsibility. Blair states that sovereignty should be conceptualized because the World has changed radically. Blair argued that enlightened self-interest Created international responsibilities for dealing with egregious human suffering, because in an interdependent World 'freedom is indivisible, and when one man is enslaved, who is free'. Second, sovereigns had responsibilities towards the society of states (Cavelty,M.D Balzacq 2010).

The concept of national sovereignty has replaced state sovereignty, especially in the Post-Cold War era. Weak states lost their control both externally and internally. Thomas G. Weiss, David P. Forsythe, and Roger discuss the issue of the changes in nature of sovereignty in related to the outside intervention in the internal affairs of states. Gradually responsibility to Protect' has become one of the main issues in conferences and summits. Then, all governments are committed to taking the responsibility to protect their own citizens from genocide, war crimes, crimes against humanity and ethnic cleansing. This responsibility is transferred to the society of states. If a state or government is unwilling or unable to protect its people, the international community has the right to intervene within the states to maintain and keep Peace (Orford 2011)

A group of states from both the global North and global south, also none governmental organizations, (NGO) have tried to make an agreement around the principle of responsibility to Protect. They argue in favor of the doctrine

that all states have primary   responsibility for protecting their own population from genocide, massacring, violation.

Later, responsibility to Protect, was adopted by UN general assembly in a formal declaration in 2005 UN   World Summit. It provided International Community with an important role to be conscious about humanitarian action. The 2005 World Summit, the UN General Assembly unanimously committed itself to the principle of R2P. 'Responsibility to Protect' (R2P), first was developed by the International Commission on Intervention and State Sovereignty in 2001 (ICISS).The R TO P argues that the states have responsibility to Protect their citizen from killing, genocide and massacring. When they fail to do so, the international community should intervene in those states to Protect people's lives. At that time, the responsibility has been transferred from states to international Community. It means that the international community will not be silent when a state can't keep and protect its own people.   States fail to protect their own people; consequently, they lose their sovereign right to non-interference and non-intervention. A year later, R2P was unanimously refined by the Security Council in Resolution1 674 (Orford 2011).

2.10.1 The Principles of Responsibility to Protect:

1- All states accept that they have responsibility to protect their own citizens from genocide, ethnic cleansing, war crimes and crimes against humanity.

2- The international Community [however defined] will encourage and assist states in the fulfillment of their responsibility.

3- The international Community has a responsibility to use diplomatic, humanitarian and other Peaceful means to protect people from genocide, ethnic cleansing, mass atrocities and war crimes, through either the UN or regional arrangements.

4- The UN Security Council stands to use the full range of its Chapter VII powers, with the cooperation of regional organizations where appropriate, in cases where Peaceful solutions are inadequate and national authorities manifestly fail to Protect their citizens from genocide, war crimes, ethnic cleansing and crimes (Cavelty,M.D Balzacq 2010).

2.11 Sovereignty of State before and after the Cold War

Sovereignty is one of the most complex and fundamentally critical cases. After the Cold War, one of the concepts that changed was sovereignty. The rise of globalization, willingness by minorities for independence and emerging ethnic conflicts with humanitarian intervention, all contributed to the decline of sovereignty and pave the way for a shift from sovereignty of state to sovereignty of individual (Laski,1917).

According to the traditional concept of sovereignty, national interests and making balance among states are the main duties in the system. That idea stems from the realistic method which believes that state is the main actor and we should treat with states no other actors; there aren't any powers other than states. In realism point of view, war is the main element in the international system that we can't take it out. That's how realism asserts that the constitutive rule is not to prevent and banish warfare only to civilize it as much as possible. But traditional theory asserts that there are two predominant paradigms such as rationalism and realism. First paradigm of rationalism sees state in law perspective; rationalism believes that state is a subject to international law; the followers of rationalism see sovereign governments as international legal persons. It also believes that International Community embraces society which consists of independent governments under rules which apply equally for all. States are legal people or citizens of international society. In the classic definition, states are responsible to protect their citizens and its own border and sovereignty. The state has legitimacy to use force internally. Realism assumes that state is a power organization that will try to gain national interests without concerning about morality. Sovereignty is ultimate power with its jurisdiction; it's a legal, absolute and unitary condition. Robert H. Jackson mentions two sorts of sovereignty: classic sovereignty and new sovereignty. Sovereignty in international relations signifies constitutional independence of other states. In the words of Alan James all that constitutional independence means is that a state's constitution is not part of a larger constitutional arrangement; a British colony was not sovereign because it was not legally independent of Great Britain. Indeed, it was constitutionally part of the British Empire (Jackson, 2007).

John Gerard Reggie describes age of emerging of sovereignty as the most radical change when international Community shifted radically from medieval to modern international system which has taken shape at the Westphalia treaty in 1648. It's the first time that sovereignty as the new concept spread through Europe. During sixteen and seventeen century Badin and Grotius wrote about sovereignty. Even Hobbes in his thoughts gives the sovereign power to the king. According to them, the king should have ultimate power to control society (Philpot, 2001).This system spread through Europe especially after the French revolution; different German regions became independent from Roman Catholic empire.

Since the end of the Cold War the concept of sovereignty has been redefined by Scholars because of the emerging new order, collapsing of Soviet Union, expanding communication, and emerging weak states and ethnic conflicts. Then Humanitarian intervention became a permissible action. Security Council has taken responsibility to intervene without caring about sovereignty. There are many cases that Security Council intervened and they were taken as Security Council approved the actual action including Iraq, Cambodia, Haiti, Rwanda, Somalia, the former Yugoslavian Kosovo and Bosnia. These interventions provided a new role for The United Nations that put The United Nations over state sovereignty; they also made The United States a higher power to protect civil people behind borders. Next to The United Nations the end of the Cold War gave higher power for some organizations as the North Atlantic treaty organization (NATO) the European Union and others to intervene in states (Philpot, 2001).

Since The United Nations created in 1945 until 31 of May in 1990 vetoes were used by Security Council permanent members 279 times. And they reduced The United Nation's power to deal with crises and conflicts. They used veto to make guarantee for their interests. All vetoes delayed resolving conflicts in one hand and provided power to states to strength their sovereignty in other hand. When the Cold War ended and the Soviet Union collapsed, the resolutions in the Security Council passed without vetoes. When the Security Council intervened some countries, it had a role in reducing sovereignty of states (Orford 2003).

CHAPTER THREE

THE CASE STUDY OF NORTH OF IRAQ

3.1 Conflict in Iraq: The Identity Problem

In the Nineteen century the Great European countries came to Middle East to gain their interests. France came led by Napoleon, and then Russia came led by the Tsarists. After that, the Great Britain challenged those countries for the same ambition. The Great Britain ambition was specifically preventing Russian and German expansion interests in Middle East countries. Britain had some reasons for this intervention. First, it was for having access to India and others to sustain the Ottoman territories not to be dominated by other European countries. Since the Ottoman Empire was under pressure by both external and internal threats and was considered as sick man. For example, under a contract the Ottoman Empire and German had built a railway between Berlin and Bagdad and it was threat from The Great Britain perspective because this railway was a reason for strengthening German strategy in Middle East. Finally, this relation between German and the Ottoman Empire cuts the relation between Britain and Ottoman Empire. When the first Cold War started, the Ottoman Empire decided to enter war alongside German. That decision led to break down the relation between The Ottoman Empire and The Great Britain. When the First World War had finished the Ottoman Empire directly collapsed and many new national states emerged such as Iraq, Turkey and Syria.

In 1916, the winners of European powers held a conference and signed an agreement which called Sykes-Picot. In that agreement, the French and Britain agreed to intervene in Ottoman territories and create some new

countries as colonial states. Contrary to Britain and French countries was America which was under Wilson idealism. America was seeking self-determination for people who wanted to create their own states; at the same time, the League of Nations was created to preserve Peace and resolve conflicts. Britain decided to make two monarchy states for Sharif Hussein's sons, such as Iraq and Jordan which were named as nation states. Those nation states such as Iraq, Syria, Jordan and Lebanon all belonged to one language, one nation and even one religion. The concept of nation states declares that those people who live within state have one nation and ethnic. This notion of nation state was an obstacle for developing states based on different ethnics and religions. This problem led to discrimination that the minorities have not basic rights like education in native languages. The concept of nation state is rooted in the sixteen century, first in the Netherland and later in England. The notion of nation states which created by a Hungarian Jews philosopher after the Westphalia treaty in 1648, It is worth mentioning that the building of nation states in Europe is different from Middle East. The making state in Western Europe came into existence because of indigenous events and process which occurred in Europe. It started from religious reform, went through renaissance, Enlightenment and modernism not by outside intervention of colonial powers. But building state in Middle East came into existence because of colonial intervention. Accordingly, the process of making state in the Middle East has been subject to external interests not internal people's genuine wishes. A closer look at building nation states in the Middle East tells one how the colonial actors built many nation states in the Middle East to achieve their interests and goals Iraq is one of them. (Rear 2008).

Before Iraq became an independent state, it consisted of three different provinces. Bagdad primarily was a majority Sunni people, Basra for Shia people and Mosul population was Kurds including a minority of Arab, Turkmen and Christian. Each one of these provinces was semi-independent. They sometimes even had their own military, especially Kurds in the North of Iraq. Each province had its own distinct ethnic and /or sectarian character. Literally both states Franc and Britain founded the modern Iraq in 1921 in a

Cairo meeting. That new nation state became known as kingdom of Iraq. Originally Mosul wasn't designated to be part of that new kingdom of Iraq. For example, according to the treaty of Sevres in 1920 in article 3, the treaty decided to make a new state for Kurds which would include Mosul. Despite the promise of independence for the Kurds, this state failed to be established. There are many reasons behind this, first of all the secular nationalist Turkish government which led by Mustafa Kemal Ataturk refused that state. Then the treaty of Sevres replaced with Lausanne treaty in 1923. So Lausanne treaty abolished the Kurdish dream to make an independent state. Both Turkey and Britain wanted to use the Kurdish case for their benefits. On one side, Mustafa Kemal wanted the Mosul province to be a part of his new state. On other side, the Britain said that the Mosul would be a part of the new Iraq state. At the end 1926 the League of Nations held meeting and decided that the Mosul should be included in the British mandate of Iraq. Because the first oil field found in Kirkuk which was one of the richest Kurdish cities. The presence of oil in that region was a chance for colonialism to stay more in that region and played main role in the formation of the Iraqi state.

All these tell us that Iraq was designed for others not for Iraqi people because Iraqi people didn't participate in making their own state. For example, Shia didn't want to live with Sunni, Christians asked to make a new state for them and Kurdish people asked the League of Nations that they want their independent state. Despite of all these different voices for their own rights, Britain decided to make a central state which controls all Iraqi people. This was the first step beginning the crisis of identity in Iraq. It was promised to consider all ethnics' rights in Iraq by the king. The king wasn't successful to make a state for all Iraqis in spite of the fact that Iraq was a multicultural society. Arabs, Kurds, Turkmens, Assyrians, Christians, Yaziids and Kldans were all living in that fabricated piece of land called the Iraq state. Each one of them has loyalty for its identity. The denial of identities of these ethics has become a main reason for instability of Iraq in different times in its history. In 1937, the Iraq's Christian was massacring by Iraq's government.

In 1991, the main reason which obliged Kurdish people to flee their homes and became refugees in Turkey and Iran was the bad experience they had

during Saddam Hussein in 1988. 182000 Kurds were tortured and buried alive in a genocide process known as Anfal. 5000 people were also killed in Halabja city by chemical weapons in March 1988.

After international community attacked Iraqi regime and destroyed its military in Kuwait, the uprising in south and North of Iraq started. So Kurds in the North and Shia in the south controlled their cities. The United States' strategy was not to let Shia people control Iraq because of their affinity to Iran. That is why The United States didn't help Shia uprising; it even gave green light to Iraqi forces to suppress the uprising. When Iraqi regime liberated and controlled back the southern cities, it moved toward the North of Iraq to end Kurdish uprising. But Kurdish people fled their homes and went to Iran and Turkey to save them from Iraqi regime. After media transferred that tragedy to international Community, International Security Council settled a resolution to save Kurdish territory under a no-fly zone as a humanitarian intervention case and create a Peaceful area for refugees to return (Rear 2008).

3.2 Humanitarian Intervention in Iraq

Invading Kuwait by Iraqi regime on August 2 1990 encouraged improving the relation between the superpowers such as The United States, Britain, Germany, France and the others. That invasion recommended and obliged the Security Council to have a response for Iraqi regime. As a result, the Security Council held its meeting and passed the UNSCEA Resolution 660 and demanded Iraq withdraws its military in Kuwait. That Saddam Hussein invaded Kuwait based on the assumption that in the Cold War polarization there is still a polar to support his strategy; though, as he expected Russia did not interfere when his plan was condemned by US and its alliances. (Mulla bakhtiar, personal communication, December- 20- 2018).

 The reaction for Iraqi regime in Kuwait was necessary by international Community because Iraq had increased insecurity in the international system and threatened international oil market and interests. Later, the US and its alliances in Europe preferred a collective response against Iraqi regime. The main reason which encouraged a new collective military campaign was enhancing the cooperation between west and East. The operation is called

Desert Storm. It was legitimized by UNSCEA Resolution 678, on 29 of November in 1990. This operation had entire power and authority to use what is necessary to expel Iraqi forces from Kuwait. The US and its allies attacked Iraqi military intensively in February 24 to February 28 1991. This operation was 100 hours attack on Iraqi military and destroyed it completely. As a result to the destruction of the Iraqi military, the uprising started on 2nd of March by Shia people in the south of Iraq in Basra. That unplanned uprising spread rapidly through south into North of Iraq. On 5th of March Kurdish uprising started; after twenty days they liberated all the Kurdish territories. The Iraqi regime immediately controlled the Shia uprising in south and later moved toward North to end the Kurds uprising. Kurds fled their homes because they have had enough suffering under the oppression of the Baath regime; half of Kurds refugees moved toward Turkey. The people were cold and starving on the mountains. They did not have enough food, clothes and warm shelter. The death toll climbed to a staggering 1,000 people per day. The process of gradual international humanitarian involvement occurred, culminating in a safe haven approach. But Turkey did not embrace these people to enter its country. Turkey was afraid that those waves of refugees could be a national motivation for the Kurdish minority people in Turkey to demand their rights and independence. Consequently, Turkey worked hard to remove this crisis from its country. For this Turkey sent a letter to the Security Council in 2nd of April. It requested holding a meeting to resolve this problem very soon because refugees had made a humanitarian crisis along its borders. On 5th of April the UNSCEA settle out the UN security council resolution 688(UNSCR 688 ; after that the France envoy to UN proposed a no-fly zone in the North of Iraq to make a safe haven in that region for the Kurdish people.

The Security Council on 5th of April meeting mentioned some points such as condemning the repression of the Iraqi civilians by Iraqi regime including Kurds in the North of Iraq. The Security Council demanded that Iraq remove its threats on the international Peace and security in that region. It should also open dialogue to provide ensuring / guarantee that the human and political right for all Iraqi people is respected. The Iraqi regime will have to

allow immediate access by NGOs to provide their assistance and operations in all parts of Iraq.

Finally the president of The United States on 16th of April in a news conference announced that The United States and its alliances soldiers entered Iraq to make six camps for the refugees to return; each one of those camps holds 60000 people where individuals can have access to food and shelter. Later, this strategy and protection were expanded to more several towns in the North of Iraq and came to within one mile of Duhok. The safe haven enveloped a terrain measuring 160 kilometers east to west and 60 kilometers north to south. At the first The United States liked to remove Saddam Hussein on power by any way even coup d'état. But later The United States changed its strategy because it feared about the Iranian dominance in the region. If Saddam Hussein were removed from power, the Shia would have taken the power of Iraq since majority of Iraq is Shia. Then the situation in Iraq would become Lebanon situation, or Iraq goes through in Lebanon process. It destabilizes balance of power between Shia and Sunni. The United States was scared of raising the Iranian power in the Middle East since this would make threats on American's alliances, Saudi Arabia and Kuwait. The rising of Iranian and Shia ideology were more dangerous than Ba'athist regime for The United States (McQueen 2016)

3.3 Historical precedence of the Fly-Zone

One of the methods which International Community has used during Post-Cold War to stop humanitarian crisis is fly zone. In past, people used safety zone. For the first time it was used during Franco – Prussian war but not like the no-fly zone which was used after the Cold War. Actually, Cold War developed and promoted this concept. The founder of the Red Cross Henri Dunant suggested for the Prussian empire Eugenie in 1870 that certain towns in conflict areas be designated as neutral for wounded people who can find a shelter and receive assistance. Later on, Duaan tried to open an institute like types of zone during the uprisings of the Paris Communes. The idea of supporting Safety zone increased during the 1930s. Since then two main events happened, they promoted and assisted the concept of safety zone. Firstly, George Saint-Paul created Association des Lieux de Genève;

this organization was allowed by governments to find an area for refugees and civilian people to guarantee their safety during wars.

The second step was represented by institutional framework of the international committee of the Red Cross (ICRC). It led a commission of experts in 1936 and 1938 to advance a draft code for humanitarian intervention law convention. This draft had to be argued and discussed in a diplomatic conference in 1940, but the emergence of the Second World War delayed that meeting until 1949. In spite of the Second World War, both hospitals and neutralized zones were founded completely by ICRC. In 1949 the legal safety zone became a legal codification in the Geneva Convention.

General Franco in 1936 decided to build a place outside of Madrid for civilians who could seek refugees. Also in Shanghai in 1937 Pere Jaquinto started a private initiative which led to the Jacquinto fly zone that sheltered 250,000 chines civilians during Sino –Japanese war.

When the war between Palestine and Israel broke out in March in 1948, the ICRC suggested making three small places for refugees within Jerusalem. Although two of them were disbanded in a few weeks after war, one of them continued successfully.

- College, hospital and hotel were prepared as a safety zone during the Bangladesh's war in 1971 for sick, civil and foreigners people.
- In 1974 in Cyprus three neutralized zones in hotels were founded.
- In 1982 during the Falkland war both countries Argentina and Britain agreed to found a neutralized zone at sea for hospital ships.
- During the war between Tigers of Tamil and government a hospital zone was instituted in 1990 around Jaffna in Sri Lanka.
- A monastery and hospital initiated as neutralized zone in Croatia under ICRC supervision (McQueen 2006).

The case of refugee crisis in North of Iraq was one of the huge and severs refugee crises in the Post-Cold War. After Kurdish people began uprising against Iraqi regime and liberated their cities including rich oil city Kirkuk, the Iraqi regime repressed them extremely and the Kurdish people escaped to

Iran and Turkey. In 1992 the Security Council set out a resolution under 688, to settle a fly zone in North of Iraq (Rear 2008).

3.4 What is the impact of Collapsing of the Soviet Union on both declaration of the New World Order and pass the Resolution of 688 in Security Council?

After the Soviet Union collapsed a new concept came in international field which is called failed sate. As Kaplan mentioned that the end of the Cold War and arising of globalization both have contributed to a weakening of political authority in much of the developing World. Then emerged failed state, many states in the third World war dramatically reduced capacity to administrate and security also lost their legitimacy (Peleg.I 2007).

"j. Forrest has described this process as one of "state inversion" whereby "the state grows increasingly irrelevant for society...is culminating at its most severe levels in the disintegration of the central government when a state is unable to keep security and service, so the society goes and go down into chaos" (Kingston,P,& 2004 .1).

According to Kaplan when the Soviet Union collapsed, all internal conflicts emerged and appeared because the Soviet Union regions had different ethnics and nations. The Soviet Union controlled the ethnic conflicts. It also didn't let the conflicts arise and get worse. During the Cold War, the bipolar system has made a balance in the World and for states. Each of the two main actors, the US and Soviet Union, supported their ally states. Jaine Leatherman and Raimo Varying say that during the Cold War direct political negotiations was made to control arm to resolve and manage inter –state conflicts because The United States and the Soviet Union had their own interests within the states.

Deng et al. discusses that the end of the Cold War removed an external dimension which many times served and supported constructively and regulated the strength of disputes between ethnic groups and the state. The collapsing of the Soviet Union or end of the Cold War left struggle between the central government and hostile groups. "During the Cold War states were always the main beneficiary of the international system. But after the Cold

War they lost their strategic alliances which led to their weakening; they lost their capacity to govern and control their own people then led to the failed state (Murithi 2008).

So the post-soviet era confirmed the truth that there is a strong relationship between ethnic conflict and the capacity of a state to exercise effective governance. According Christophe Zürcher when the Soviet Union collapsed that harmonic balance was removed As a result, the ethnic conflicts appeared (Zürcher 2007).

Civil wars, which take place primarily within the borders of a single state and among belligerents that normally reside in that state, accounted for 94 percent of all armed conflicts fought in the 1990s From Africa to Central Asia. Internecine violence and collapsing states became an unfortunate but familiar feature of the post–Cold War era.

> "Landscape the nature of the threat posed by these conflicts was both humanitarian and strategic. From a humanitarian standpoint, this violence inflicted appalling losses on civilian noncombatants. At the beginning of the twentieth century, approximately 90 percent of war victims were soldiers; during the 1990s, by contrast, an estimated 90 percent of those killed in armed conflicts were civilians"(Paris 2004,1).

As a result, each group asked for its own right and self-determination. The former Soviet Union regions didn't provide security and they couldn't control their territories. Later those regions fell into civil war. For instance, the Balkan revolution and demonstrations started in 1987 and the tide of nationalist mobilization began to swell into a flood of protest. By 1989, challenges to the incumbent Communist regime had proliferated all over the Soviet Empire. The Baltic republics (Estonia, Latvia, and Lithuania) took the lead, but nationalist mobilization soon spilled over into other republics. On February 22, 1988, on Theater Square in Yerevan, the capital of Armenia, 30,000 demonstrators rallied. Three days later, on February 25, there were around one million demonstrators on the streets of Yerevan, which was about a quarter of the total population. In November 1988, in Georgia, the nationalist

opposition mobilized up to 200,000 demonstrators and in Azerbaijan, there were half a million demonstrators on Lenin Square in central Baku. These mass rallies continued, with different rhythms, in all three Caucasian republics until the end of the Soviet Union (Fawkes,2002).

So the states have lost sovereignty. Georgia, Armenia, and Azerbaijan, along with the other union republics became independent states. Those revolutions and uprisings increased nationalism in a multicultural society like Iraq. Some groups saw the demonstrations as an opportunity, but others as a threat. The situation after post-soviet era opened a window to minorities and gave them a chance to think about their own right and self- determination. For example, in the mid-1990s, there were 56 wars and insurgencies being fought and 25 million people were displaced and became homeless around the World. They represented a formidable task and obliged United Nations to take responsibility for such conflicts. All wars and conflicts sent a message to the International Community to face and confront failed state as a new version and form of state which couldn't resolve its crises (Fawkes, 2002).

For many scholars, the end of the Cold War was the birth of the new system or new World order to emerge humanitarian intervention. The term of new World order was used by the former president of The Unites States, Woodrow Wilson, during the formation of the league nations. And it was like a new message for humanity to make a World in which democracy is protected and self-determination is given. The Unites States rejected to join and become member of the leaguer nations; though, Wilson thought of nation's league as a new key for World order to resolve international problems and crises. Later the concept of new World order was used for the Post-Cold War era. After the Cold War, the new order had been used in three different times and different states. First it was used by Soviet Union, second by The Unites states in Malta conference, finally by the president of The Unites states. Each one of them gave a specific meaning to that phrase. For instance, Soviet Union considered the term as nuclear disarmament and security arrangement. Later Michele Gorbachev tried to expand that phrase as to strengthening UN to make cooperation among powers to focus on ranges on North and to care about economic and security problems.

Malta conference focused on (William F, Jasper 1992) German reunification, Human right and polarity in the international system. Gulf war concentrates on international cooperation and new superpower as The Unites States. France Fukuyama described the end of the Cold War or emerging new World order as the end of history and last man. As an indication to the birth of a new system that liberal and democracy led it. Also it is removing communism ideology in the International relations field. According to Fukuyama the liberal and capitalism alliance won the war and the communism alliance lost the war. He described the triumph of liberalism as the end of history is World was going toward stability and economy growths more than before. The universal humanitarian values spread around the World and the threats have been removed which were facing of humanity. However, Karl Deutsch has a different idea. He believes that the modernization leads to tensions among different ethnics. Scholars such as Walker Connor and Benjamin R Barber believe that both ethnic awareness and the resulting conflict between groups in the Post-Cold War era are a function of the development of a truly globalized economy and the globalization of culture brought on by commercial penetration and advances in telecommunications. Some scholars believe that the declaration of new order is a new phase which International Community intervened in some areas to protect human rights, reconstruct the post conflict area by developing and promoting economic, political, security and human rights. Humanitarian intervention was needed to stop genocide and the killing of people; needless to say was the fact that Peace building was important too. Without Peace building humanitarian intervention will not achieve its aim.

When the Iraqi president Saddam Hussein invaded oil rich Kuwait, this encouraged The United States and its allies to stand against the Iraqi army in Kuwait and force it out. That attack directly affected Iraqi military and its capacity. Immediately, the Shia people in south of Iraq started uprising in 1991, then the Kurdish uprising followed it.

The central government quickly reasserted its control. Then the Kurds fled to Iraq's borders with Turkey and Iran. The Security Council responded by passing UN Security Council resolution 688(UNSCR 688, which established

no-fly zone in North of Iraq. It patrolled by coalition forces, which forbid entrance by Iraqi regime. Barnaby Mason says "the western powers- led by President George Bush Senior - argued that their action was consistent with Security Council UN security council resolution 688(UNSCR 688 on 5 April 1991 (bbc.co.uk/2/hi/middle east/1175950.stm).

Many UK ministries said that there is right to intervene under international Law to stop a humanitarian catastrophe. They point out that Iraqi leader killed his own people when attacking the Kurdish people by chemical weapon in 1988.

 But Russia and China are permanent UN Security Council have condemned the no-fly zone as a threat and violation of Iraqi sovereignty. They also said that the international law or UN resolutions have been neglected in this no-fly zone (bbc.co.uk/2/hi/middle east/1175950.stm).

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CHAPTER FOUR

PEACE BUILDING AND THE OBSTACLES OF PEACE BUILDING IN THE NORTH OF IRAQ

4.1 What is Peace Building

In the beginning of the Post-Cold War, in the 1990s, an important question emerged in the international Community: how will the international Community support those societies which are damaged by civil war? Furthermore, what will international Community do to transfer those societies from war to Peace? According to Kaufman, international Community can respond to this by taking two actions. First, it encourages the different parties to end war and continue negotiation to resolve their conflicts and resume Peace process. Thus, the international community obliges the different parties to work to transfer their areas from war to Peace and democracy. The second way is warning the separate parties to create different independent states; especially, when the international community eels that the separate parties cannot live together any more (Sisk, 2008).

The commission of Peace building emerged in that time. All major Peace building missions have occurred since 1989, participated in a common strategy for developing and arising Peace after civil/ internal war. Peace building argues that transforming war from shattered-states into democratization is the ideal job. Accordingly, the concept of "Peace studies" began shortly after the Second World War. It was particularly used by Filipe MacGregor in 1986 for the first time. Peace study is a sort of education to

create a culture of Peace. Later it was seriously considered in UNESCO's International Congress in 1989.

Finally, the General Assembly discussed it and also tried to create a culture of Peace. Today millions of people and thousands of organizations have become involved in that mission. Although both UNESCO and UN are dedicating their minimum efforts and resources to promote a culture of Peace, it provided a positive role for supporting democratization, human rights, gender equality and tolerance among multicultural societies (Sisk, 2008).

After the Cold War, Conflict resolution and Peace building directly became a deeply moral issue and it has been proceeding for more than three decades. Both conflict resolution and Peace building became ethical ways which could guarantee the returning of life to the post conflict territories. But it doesn't mean that the end of the Cold War would be considered as the first time for settling Peace building missions. Historically, the first Peace building mission was happened in the Congo in July 1960 to support transition of the country from a colony to a stable, self-governed state. This operation was carried out as a response to a request by the president of Congo Kasavubu and his prime minster Lumumba. It was meant to provide military support to confront a secession movement in Katanga region, which was heavily influenced and led by Belgium. (Stahn 2014)

After the Cold War, the wave of democratization and ethnic conflicts contributed to the promotion of Peace building. The collapsing of the Soviet Union paved the way for both United Nations and Security Council to intervene some states to stop civil war or ethnic war and make Peace building. For example, since the end of the Cold War 43 missions have been carried out by the UN. Graciana Del Castillo has been working for many years to show how the international community handles transition from war to Peace after the end of conflict. She also says The United Nations, as the international globalization organization, has responsibility to promote Peace and advance security. The former Secretary of the Unites Nations Boutros Ghali and Del Castillo jointly were interested in the early 1990s when we

worked on Peace on civil war in Salvador.(Murithi 2008). Later that Peace treaty ended 12 years of civil war in that area. He also defines Peace building as a process which focuses on giving strength to a society after conflict to manage itself and pass conflict situation and violence. Peace building works to cooperate with a society and leads it to develop. It works on society to raise human rights' awareness and spread tolerance among different people in order to forget their tragic memories to live together. It also provides assistance to establish new democratic constitutions and successful governmental institutions (Murithi 2008).

In the last day of the month in which Boutros Ghali became the General Secretary of The United Nations, the Security Council held its first meeting after the Cold War as the highest instrument of The United Nations. In that meeting, the Security Council asked him to provide a recommendation to The United Nations to protect diplomacy, Peacemaking and Peacekeeping. Later Boutros B. Ghali answered the Security Council in a report and prepared an agenda called 'agenda for Peace'. This agenda included protecting diplomacy, such as Peacekeeping and Peacemaking. When he called post conflict Peace building (PCPB), he also described it as the way to preserve diplomacy in one hand and prevent recurrent conflict in another hand (del Castello 2017).

 In 1992 , the agenda for Peace , published by The United nations secretary of general Boutros Ghali defined Peace building as the medium to a long term process of rebuilding war-affected communities. Peace building as an action identified and supports structures which will tend to strengthen and solidify Peace to replace conflict. Over time the definition of Peace building has gradually expanded to include integrated approaches to address violent conflict at different phases of conflict cycle. Peace building therefore includes the process of rebuilding political, security, economic dimensions of society emerging from conflict.

The US Peace building commission can play a major role in post conflict territories that need Peace building. Also the Peace building commission

could make Peace building and rebuilding in those areas. Moreover, the Peace building commission had a preserving role to reduce tensions among different groups and it could reduce violence. At the same time, the report identified the significance of gaining sustainable Peace, it also mentioned on recognizing the need for a dedicated institutional 'mechanism to help those countries which are on transferring from conflict or those countries which want to leave tensions and where do they close recovery. Under this light and depended on this basis the General Assembly decided to create a Peace building Commission such as an intergovernmental advisory body (Murithi 2009).

4.2 What's the relation between Humanitarian Intervention and Peace building?

The context of inter-governmental mechanisms to resolve disputes after the Cold War faced major limitation when they wanted to address these conflicts as sub-national conflicts. This dilemma emerged between national governments and sub-national groups where a government didn't want to recognize these conflicts as global conflicts. The government saw the conflict as internal and didn't want an intervention to end this dilemma by International Community. These perpetual and permanent conflicts gave moral authority of inter-governmental state as The United Nations to intervene and build Peace. One of the notions that assisted intervention to make Peace was the cosmopolitan notion. It will see intervention for building Peace and conflict resolution as a moral obligation of the community (Sisk, 2008).

The German Enlightenment philosopher Immanuel Kant, who created and developed the notion of responsibility, believes "that through greater interaction human beings are in a process of creating the idea of universal community, whereby the violation of the rights in one part of the World is felt everywhere". Hence, he sees International relations as an historical revolutionary process. He also believes Peace could be sustained perpetually. Kant "held the view that Peace ought to function as a matter of duty". Kant argues that a constitutional perpetual Peace could only be achieved by a partnership of independent

states and by lawful rational consent of what individuals ideally will (Molloy, S.2019).

This notion was supported by the post-modernist philosopher Jürgen Habermas, who tried to make a new concept of 'justice and obligation' towards the other in something more profound than the convictions of a maturing global society and culture. Habermas says that our basic moral intuitions are rooted in something deeper and more universal. Accordingly, claiming and announcing rights as autonomous entities worthy of these national or sub-national groups; they are obligated to recognize others' legitimate right to exist. The respect for an autonomous entity is tied to the freedom of each entity to act on the norms that govern the general interaction of individuals (Rajan 2016).

It could be argued that Kant favors an individualist rather than a collectivist approach. In particular, he maintains that individuals have obligations towards human beings in other parts of the World. Kant believed in respecting the rational agency of other human beings. Dower argues that Immanuel Kant even created a new concept for individual right, which refers to one of global moral community - where community is defined in terms of the claimed moral relations. Peace building is fulfilled by individuals either through individual agencies or institutions. Hence, he saw building Peace as universal moral responsibility (Murithi 2009). Dower argues that Immanuel Kant in his themes 'perpetual Peace' has presented a moral framework for international relations. Ultimately, Peace building is carried out by individuals either through institutions or through their own agency. Therefore, the need to ground Peace building as a global moral responsibility is not contradictory with a position that advocates recognizing the obligation of individuals towards each other. In fact, as Dower notes, Kant recommends a moral framework for international relations. We get this point that the relation between states and the wider global population could be justified as a cosmopolitan view. According this view, working to take responsibility to

protect people anywhere could be a moral duty for international Community (Murithi 2009).

One of the most important points in the humanitarian intervention is not only to stop a massacre, but also to prevent violence to emerge again in the post conflict area along with the need for international Community to provide aid and assistance to build Peace Accordingly, if the humanitarian intervention's first step is to stop genocide and violence in an area, one can say the Peace building is the second step to prevent rising conflict and provide humanitarian aid. Peace building is needed to support security, economy, and law to transfer this country from war to Peace. There are no guaranties that without Peace building the conflict. Area will leave tension, violence and instability. That's why Peace building can play a major role after humanitarian intervention to complete the intervention's mission. When the international Community intervenes to stop massacre by military and prevent a specific state to kill its own people, the international Community faces some new challenges. Those dangerous challenges for people are insecurity, poverty, lack of fresh water and ethnic or civil war. Max Weber puts it nicely when he believes the core function for any state is monopoly over the legitimate use of physical force within a particular territory. (Paris, 2004) The first task of Peace building is to restore this monopoly as a foundation and precondition for all further institution-building efforts (Paris, 2004).

The United Nations has described the implementation of responsibility to Protect. The General Secretary of The United Nations Ban Ki-moon argues that there is a radical shift in the concept of humanitarian intervention and responsibility to Protect. The change is from supporting to intervention to promise to practice, from words into deeds, from capacity to transform promise to capacity to transform practice. After the project agenda for Peace, which was founded by the Secretary of The United Nations, another responsibility for the international Community arose. Thus, the responsibility of the international Community is not intervention alone; along with intervention the international Community must reconstruct the conflict area by economy, security, and so on (Orford 2011).

Some scholars believe that Agenda for Peace is a project that changed traditional Peacekeeping to a new Peace keeping. The traditional Peace keeping only concerned about saving people from killing, under the case of humanitarian intervention, but the new Peacekeeping tries to maintain Peace in the post conflict area. Peacekeeping is now commonly referred to as Peace building and preventative diplomacy (Doyle and Sambanis 2007).

The international relation, efforts in the post conflict area could be extended for unlimited time to fulfill the Peace mission, because it is not a good policy for international Community to indicate a limited time for Peace mission commission. In fact there are no any guarantees that the civil war will not start again in the post conflict area. For example, after both German and Japan were occupied and defeated by The United States and its alliances after the Second World War, the American soldiers and military stayed in those countries for up to seven years. It was to support those countries to transfer from war to Peace from insecurity to security until the democratic institutions and structures of democracy and capitalism were built. Because Peace building process confronts new crises it also should deal with and resolve them successfully.

Sometimes Peace building faces invisible regime's followers; they are strong and have capacity to defeat new constitutions. Peace building process also faces tensions among political parties with a desire to control the situation and build tyranny. They are also ready to start civil war to gain their wishes. They want to take over government by military power. In that time the international Community and Peace building process should monitor the local political parties when they enter a democratic process such as elections since elections sometimes bring civil war instead of stability and democracy, as it occurred in the North of Iraq.

International Community intervened in the North of Iraq to Protect Kurdish people in that region; though, the humanitarian intervention didn't fulfill its efforts to remove civil war totally. The Peace building commission didn't demobilize local militias in that region, later civil war, wave of refugees and poverty happened again. That is why it's very important the Peace building

agencies should refrain from trusting the current and immediate election in post conflict areas where people are new to exercise election and democratic processes (Paris 2004).

4.3 How did the International Community provide Assistance to promote Peace building in the North of Iraq

Rebuilding war-torn states is a sustainable way to guarantee that the humanitarian intervention and Peace building proceed. Transforming a post conflict area to Peace, stability and security is one of the most complex efforts to international Community. Most of these countries have been unable to stand on their feet, let alone get back into a path towards sustained prosperity for the population at large. That is why Peace building process will face serious challenges; for example, organizations are unprepared to deal with the economics of Peace or political economy aspects of Peace building. This process needs some modern institutions and mechanisms to achieve that goal. In the North of Iraq Peace building commission tried different ways to transfer that region from conflict and insecurity to establish sustainable Peace. The first and the most important step should be taken is making a Peace zone for returning refugees to their home. The next step should be holding a free election to make a new government. Also democratization process has a strong link to state building; it's a legitimate way to provide a mechanism for generating internal legitimacy for Peace agreements. As Benjamin Reilly appropriately observes:

> "In any transition from conflict to Peace, the creation or restoration of some form of legitimate authority is paramount . . . the support of the citizenry must be tested and obtained. The faith-like belief in an "internal" democratic Peace in the Post-Cold War era is as strong as international liberalism's devotion to an international democratic Peace. Kofi Annan, the former Secretary General of The United Nations (UN), succinctly described the connection between democracy and Peace: For the international Community, a war-to-democracy transition has a certain undeniable appeal: the alternatives of authoritarian control or partition are most often shelved as

untenable outcomes for the international Community"(Jarstad and Sisk 2008, p.87).

Working of conflict transformation needs assistance from international Community, External or international actors can face problem and find solution for conflicts and resolve immediately. It also encourages parties to hold elections despite having violence and insecurity in that region because election is a legitimate and democratic tool to justify losers to give up power and leave position to winners to make a new cabinet. The international actors' intervention to end civil war and conflicts also supports parties to design the best method to leave war and go toward democracy. As collier says:

Peace builders in war-torn societies face the difficult challenges of providing security, fostering resuscitation of civil society, transforming armed actors into human-rights-abiding democrats, providing basic humanitarian relief and 'Peace-divided' development, and breaking the rent-seeking ties of political economy that fueled the war for states and rebel forces alike (Collier, 2003).

As a result, the Peace building process is developed by The United Nations; The United Nations usually spends more money to build Peace in those regions which are called post conflict areas (Sisk 2008).

4.3.1 Returning Refugees

After the Iraqi regime was defeated in Kuwait, Shia and Kurdish uprisings began in the south and later in the North in 1991. The Kurdish people escaped their cities and went to Turkey and Iran borders. The Human Right Watch said it was estimated that 1.5 and 2 million Kurds escaped from Iraq and almost 500,000 of that number amassed on the Turkish border (Kingston and Spears 2004).

In spite of the situation in the North of Iraq it is impossible to discuss events in the North without also understanding what happened in the southern part of the country because it was the apparent initial success of the Shia's uprising in the south which encouraged the Kurds in the North to pursue their own objectives against the regime of Saddam Hussein. In addition, the

southern situation provides a useful counterpoint to events in the North in that the former was relatively free of external intervention of the humanitarian, Peacekeeping, or Peace enforcement variety (Rear 2008). Kurdish people left their home because they had bad tragedy with Iraqi regime when they were attacked by chemical weapons and five thousand of them were killed in 1988 in Halabja city. Humanitarian crises had begun in the mountains close to Turkey's border; people died because of starving and freezing. Humanitarian crisis obligated international Community to involve reducing suffering. Turkey refused Kurdish people enter its country but in 2 of April sent a letter to the Security Council and asked that a meeting should take place to discuss the mounting humanitarian crisis along its border.

The Allied decision not to intervene during the uprising in the south is precisely the reason why it is useful to take a brief look at the situation there. Although there are significant differences between the two uprisings in Iraq, the failure to intervene in the conflict in the south does provide some points of comparison with the situation in the North in terms of the theoretical inquiry into the impact of such interventions in internal conflicts upon the state-building process (Rear 2008). After that in April 16 1991 the president of The United States declared that alongside our alliance with Britain and France we would create a safety zone in the North of Iraq to save Kurdish people to return to home and live safely. Meanwhile France presented a proposal to create consensus among the permanent members of the Security Council which named later the UN Security Council resolution 688(UNSCR 688, on fifth of April in 1991.

Finally, international Community had done their efforts when the Security Council held meeting about that crises and announced save haven in three provinces of the North for Kurds, where Kurdish people live in. The area is about 10,000 square kilometers of Iraqi land, that intervention gave guarantees for Kurdish people to come back to their homes and to start a new life. They also sent troops and provided guarantees that troops will remain until mid-July; refugees came back to their homes and began a new life in their cities and villages (McQueen 2016).

4.3.2 Holding the first free election in 22/5/1992 and making first cabinet

Making a new government after war in the post conflict area is very necessary; to achieve that goal the international community tries to hold first election to let people exercise democracy in one hand and to make a new democratic cabinet on other hand. Since 1990s democratization process in the post war territories has become vast and visible element for international Peace building missions. The two main goals for international Peace missions in the post conflict area are Peace and democracy. Democratization has a strong link with Peaceful process; without electoral mechanisms there is no guarantee to build a Peaceful agreement among different actors in post conflict area. Benjamin Reilly nicely puts it ''in any transition from conflict to Peace, the creation or restoration of some form of legitimate authority is paramount. The support of the citizenry must be tested and obtained (Sisk 2008).

Elections held as part of a Peace deal following a violent conflict highlight several crucial dilemmas of democratization in post-war societies. Post-war elections are now a feature of almost all efforts to democratize war-torn regions, with Peace agreements routinely including provisions for elections to be held as part of the process of conflict termination, often with the assistance, supervision, or sometimes direct control of the International Community. But while post-war elections have become an integral element of contemporary Peace agreements, they can also themselves become the focus of increasing tension and renewed violence. During the holding of the election, it is questioned whether the International Community has right to intervene the process of election. To respond such a question, one of the activists in the human rights watch Joanne Mariner argues that the International Community such as United Nations has a right to intervene elections. For example, in the case of the Haiti, the military attack by The United Nations to prevent violent disruption of the country's election was one of the most important efforts for The United nations. She writes that it is crucial for the elections to be credible in the eyes of the Haitian people. Otherwise, instead of advancing much-needed stability they could trigger yet another crisis (Carey, 2012).

Its true one can't expect that all dilemmas which emerge in post conflict area can be resolved, but at least it will provide the best way to resolve all dilemmas by democratic process. One of the best elements of democracy is an election to guarantee all rights for all parties and groups to participate in the democratic process. Hence, the area can be transferred from war to Peace and be stabilized successfully. That's how the International Community through Peace building mission supported Kurdish people to hold the first democratic election after the war. Eventually, the first general election was held in that area in 22/5/1992, by the participation of twenty parties. Twenty parties had tried to gain 101 seats in the parliament. The process was passed peacefully without tensions and fight. The election results showed that The KDP and PUK respectively won 50.22 and 49.78 percent of the vote. The parties decided to evenly split the seats in the Kurdish National Council while leaving five seats for the Christian minority.

No overall leader was chosen after the final vote left Masoud Barzani and Jalal Talibani too closes in standing 466,819 votes to 441,057 respectively (Kingston and Spears 2004). In spite of holding free election, the target of the election is more important than holding election because election will not establish a democratic process without removing guns. Democracy is commonly understood as a system where diverse interests are managed through ongoing negotiations and accommodated by accountable and legitimate institutions. Although conflicts are seldom fully resolved, democracy supposedly manages them peacefully. After finishing the negotiation between the two main political parties, the new local government was built. Since 1992 these two main political parties, PDK and PUK, have dominated the politics of the North of Iraq. Two years after the election, new tensions started. This time between these two Kurdish parties themselves.1n 1994, the two political parties started a civil war. By summer 1994, disagreements began between two main political parties; their disputes got worse due to the ownership of land and money. Eventually, armed clashes began between them. Civil war continued for four years; according to unconfirmed documents during that civil war about 15 thousand people died.

The Kurdistan region was divided totally for two zones: green zone which refers to the PUK flag color and yellow zone which belongs to color of PDK flag. Each of them used atrocious ways to harm members of the other political party. Barzani's party obligated Talabani's political party's members to leave the territory under Barzani's control and Talabani's party did the same to people loyal to Barzani's party. Due to that civil war a new wave of refugees appeared. During the civil war each party sought help from neighboring countries as Turkey and Iran. For example, 1n 1996 when the Talabani's party was close to defeat Barzanis party and occupied Erbil, Barzani went to Bagdad and contacted Iraq to send Iraq's soldiers to force Talabani's militants out of Erbil. After that PUK fled to Iran and stayed in Iran for four months. On 20 of October the PUK with Iranian military attacked PDK and pushed Barzani's militants close to the Turkish border. Civil war continued until 1998, when The United States invited the two leaders Barzani and Talabani to The United States and obliged them to sign an agreement and end the civil war.

After the two parties singed that agreement the Kurdistan region was divided into two zones completely separate from each other. PDK administration was in Erbil, and the PUK administration was in Sulymaniah. Each zone had its own prime ministers; PDK government prime minister was Nechirvan Barzani and PUK government prime minster was Barham Salah. After that agreement, security became strong and people hoped the new situation could make it easy for them to go to anywhere. The refugees came back to their homes, the NGOs who left Kurdistan because of civil war returned back again to start working on different sectors. Each administration provided minimum service for people such as security, fresh water, building school, hospital, and supplying fresh water by pipeline for people. Also the international Peace building mission provided each administration to govern people well. The European Union and The United States envoys visited Kurdistan region to urge the two main political parties to start negotiations to resolve their tensions. Since 1998 civil war has finished, the two main political parties hadn't a war with each other. After the 2003, the concept of two zones has finished in theory, but has not been abolished in reality.

Democracy has not been getting better for many years; democracy and gun are in odds with each other.

Democracy will not integrate with guns. Anywhere democracy works the guns have to stop; where guns work democracy stops. Guns and arm conflict make a situation which doesn't allow tensions to be resolved peacefully and by negotiation. Violent, conflict, electoral violence and political assassinations are all extreme levels of crime and are threats to the new political order and to basic civilian security. If dealing with violence fails then the violence leads to increase of violence and a vicious circle of retribution and violations of human rights. That's why the efforts in assisting Peace will contribute to reduce violence and develop the process of democratization. Some times in post war societies, in the absence of democratic institutions, democracy elements such as open competition between political parties, mobilization of interest groups will escalate violence and make obstacles for the process of democratization. As it occurred in the North of Iraq, the election didn't promote democratization. It contributed to the escalation of tensions and violence among political parties and led to civil war (Sisk 2008).

4.4 Does democratization process succeed in post conflict states?

Many scholars believe that the Peace building process can bring the Peace to a war-torn country but it seldom brings democracy. A reasonable question needs to be considered here is; why is it the post war countries do not transform to democracy? Or why does democracy rarely emerge in them? For example, since 1989 the international Community has worked in nineteen major Peace building missions but two of them succeeded: Croatia and Namibia.

International community was successful for bringing Peace and security but they have not been playing the major role to establish democracy in those countries. For example, according to Freedom House, after five years only two countries became liberal democracy and they can be considered and qualified as democratic countries. "Liberal democracy is a regime that extends freedom, fairness, transparency, accountability, and the rule of law

from the electoral process into all other major aspects of governance and interest articulation, competition, and representation".

Freedom House score (five years afer start)	Regime type (five years afer start)		
Namibia	1989	2.5	Liberal democracy
Cambodia	1992	6.5	Electoral authoritarian
Mozambique	1992	3.5	Electoral democracy
Rwanda	1993	6.5	Fully closed authoritarian
Haiti	1994	5	Electoral democracy
Angola	1995	6	Fully closed authoritarian
Bosnia	1996	4.5	Electoral authoritarian
Croatia	1996	2	Liberal democracy
Tajikistan	1997	5.5	Electoral authoritarian
Central African	1998	6	Electoral

Republic			authoritarian
Democratic Republic of the Congo	2001	6	Fully closed authoritarian
East Timor	1999	3	Electoral democracy
Kosovo	1999	5.5	Electoral authoritarian
Sierra Leone	1999	3.5	Electoral democracy
Macedonia	2001	3	Electoral democracy
Afghanistan	2002	5	Electoral authoritarian
Cote d'Ivoire	2003	5.5	Electoral authoritarian
Liberia	2003	3.5	Electoral democracy
Burundi	2004	4.5	Electoral democracy

(Zürcher, C., Manning, C., Evenson, K. D., Hayman, R., & Roehner, N. (2013)

According to Freedom House, electoral-democracy is not considered as liberal democracy; electoral democracy will not provide protection, it only holds elections. The three countries of that list which published by Freedom House are considered as fully authoritarian counties, and the last four countries are electoral authoritarian which are ruled by autocracies. These regimes allow a private multiparty election, but they almost certainly win by a

comfortable margin. Some scholars believe that it's unrealistic expectation to expect liberal democracy to emerge in the ashes of war.

To understand the factors behind failure of democratization in the post war areas many scholars have presented some ideas and offered several explanations. Some of them believe that it's very impossible to establish democracy in war torn countries because democracy is a western culture and its place is west and Greece. It's like a dream to think about bringing democracy to countries outside west. They also argue that creating democracy is a long process; it needs a long time. It will not be founded in a year or a decade. A society being capable to found and maintain a liberal democratic regime needs a longer period of time. For example, the fact that founding social structures promoted and enabled democracy in Western Europe was a historical and long process that needed five centuries. Another group of scholars argue that the democratization process is a rare event in the post war societies because the most post war societies lost capabilities to promote political institutions which are needed for democratic and accountable governance.

Advocates of social requirements of democracy believe that the lack of both middle class and economic development have negatively affected the democratization process. The third group have explained and focused on geostrategic location of a country; they argue that the threat of violent spillovers from adjacent countries may discourage leaders from steering a more democratic course. And they are supported by authoritarian leaders in neighbors to reduce the international pressure on elites for opening their countries and start reforms in their countries postwar countries. They insist that the long civil war destroyed and destructed those areas extremely(Zürcher, C., Manning, C., Evenson, K. D., Hayman, R., & Roehner, N. (2013) It also reduces the capacity of establishing institutions which are required to promote democratization. Modern Peace building missions are designed precisely to address these challenges. They are launched to help domestic elites overcome the many difficulties presented by postwar democratic transitions. Peace builders bring tremendous resources to the table with budgets that frequently dwarf those of host governments, as we have seen in

Afghanistan, Bosnia, Kosovo, and East Timor. Peace builders also bring economic aid, which frequently becomes the single most important source of government income. Aid is directed towards state institutions, election processes, and civil society. This assistance is usually committed over years rather than months, all of which has a tremendous impact on the economic, social, and cultural fabric of the society. Though, this has only a weak elect on postwar democratization (Zurcher, Manning, Evenson, Hayman, Rise and Roehner 2013).

4.5 Many organizations participated in Peace building process in the North of Iraq.

One of the features which appeared after the Cold War is the spread of both intergovernmental organizations and non-governmental organizations (NGOs). They work to promote civil, human rights, and to rebuild the education and building sectors which had been destroyed after war and uprising. Dower states that people working in NGOs as part of what is called ''global civil society'', do now in some sense participate in global governance. Therefore, by engaging in micro- and macro-level Peace building, NGOs are already contributing towards the governance at a macro-level; thus the linkage between these levels is implied in such activity.(Orford 2011)

In effect, through their localized and regionalized Peace building initiatives civil society is contributing towards bringing order to global public affairs. Therefore, by extension they are involved in translating micro- and macro-level Peace building into the level of international relations. The United Nations initially developed Peace building process to achieve sustainable Peace. Sustainable Peace has two main aims: improving good governance and respect for human rights. NGOs are theoretically well-placed, as objective outside actors, to carry out and monitor these norms. Accordingly, none government organizations (NGOs) are more important during the Peace building process. They attempt to achieve many goals such as promoting security, democratic governance, economic development, delivering of humanitarian and social service. They also work to strengthen civil society activism and tolerance for addressing anticorruption issues and upholding the role of law by taking part of NGOs in democratic politics. By

increasing the participation of NGOs in democratic politics, Peace building is supposed to be more likely to uphold human rights standards, reflect the views of their constitutions and induce economic viability. Liberalism is one of the dominant theories which focuses on Peace building processes and depends on NGOs to establish democracy and build Peace. Liberalism is the opposite of realism which cares about state and doesn't accept NGOs along with states (Carey, 2012).

Iraqi Kurdistan didn't have enough resources to provide its people to live on; they weren't able to manage economic crises because they didn't have economic foundation. When the Iraq military and government withdrew from Kurdistan region, the region confronted and faced the consequences of war; there were many poor people rescued from genocide and massacre. For instance, only in 1988, the Iraqi regime in Anfal genocide process had killed 182000 people and covered them under mass graves in the Iraqi huge desert near the border of Gordon and Syria. According to human right sources in those processes almost 5000 villages where Kurdish people lived were destroyed and burned (Rear 2008).

In Halabja, the Iraqi regime killed 5000 people in one day by chemical weapons. Moreover the KRG (Kurdistan regional government) was subject to international sanction because it was part of Iraq when the international Community put sanction on Iraq. At that time Iraq's trade was limited by international Community, Iraq couldn't trade with neighboring countries. Iraq's infrastructure was destroyed and ruined-water treatment plants, roads, hospitals, and other facilities. Hundreds of thousands of people were internally displaced; the economic future looked grim. That's how KRG needed to be supported by international Community, especially the international Peace building mission. Eventually international community sent several organizations to rebuild economic infrastructure with many organizations aiming to promote and increase human rights, gender equality, and communication freedom. They were some main organizations that came to Kurdistan region as Peace building process to rebuild that area; these organizations were divided into four groups, as they are mentioned below (Natali 2010).

4.5.1 Human Rights and Civil Society-NGOs

To achieve sustainable Peace in the post war areas they need to institutionalize both law and suitable tasks, first to enforce laws and later like a cease-fire policy to compromise and Peace agreement. To resolve conflicts and develop Peace building, the conflict areas need organizations such as INGOs, NGOs, IGOs, and foreign states to interact with leading adversarial officials to make explicit agreements that are necessary for law to replace violence. INGOs and NGOs tend to prioritize human rights, conflict resolution and international humanitarian law (IHL). Each one has a private duty to strengthen Peace; for example, the NGOs that try to promote human rights require accountability for violations in the forms of trials, reparations, illustration, and truth commissions. NGOs strengthen law as a key for promoting human rights.

They also support a new democratic freedom to adopt post conflict democratization by promoting and advancing different issues. After the conflict war between the Kurdish people and Iraqi regime, international community began to support Kurdish territory to sustain Peace and promote human rights. To achieve that goal many human right organizations came to that area and provided their assistance. Their assistance helped to advance human rights. Human rights organizations were different and their efforts differed; each one focused on one issue such as raising democratization, promoting law, freedom of judiciary, gender equality, woman rights and respect for different ethnics and minorities.

4.5.2 Reconstruction NGOs

NGOs have an important role to make new buildings and provide assistance for people in the post conflict war areas; usually people in the post conflict area lose their home and farms because of the war. Those dilemmas spread starving and increase the rate of death because people do not have access to basic shelter to live as warm home and enough food. Accordingly, international communities were under the pressure to provide assistance by NGOs to reduce starving and return life for these areas. In the case of the North of Iraq, many NGOs went to that region to give their assistance as reconstruction organizations. Their task was to make new home for people

who lost their homes and make new home for people who lived in villages. Under this policy, they supported people both by providing building materials or money and funding projects. That policy encouraged people to return to their villages and start a new life. Those organizations began to build many schools, hospitals, mosques, roads and supplying fresh water by pipeline for people. Their efforts improved people's lives and made a new situation which was necessary to build Peace in that region.

4.5.3 Security Reform NGOs.

After the Iraq military withdrew from North of Iraq, a security gap emerged immediately. The Kurdish military known as Peshmarga replaced it; but Peshmerga didn't have civil security experience. They were guerilla warriors in mountains; they didn't know how to deal with modern administrations such as police, security, traffic to train them and increase their skills, the international community sent many organizations. Many organizations in that region participated in raising security sector reform; those organizations held workshops and conferences for people to work as local security members or as police. Even they provided training for Kurdish military Peshmerga and tried to build it as a modern military.

These INGOs and NGOs participated to build Peace in the North of Iraq:

1- UHNCR   Human   right   watch
2- WHO   World   health organization
3- FAW   Food   and   Agriculture
4- UNESKO   United Nations Education scientific and Cultural Organization
5- UNICEF   United Nations International Children's Emergency Fund
6- UNDP   United Nations Development Program
7- SCI   Save   Children   international
8- OXFAM   the power of people against poverty
9- Handicap   international Humanity inclusion
10-   CDO   Civil Development Organization
11-   CRA   Canada Revenue Agency

4.6 Obstacles that faced Peace building process in the North of Iraq

The process of Peace building is not easy for post conflict area; it always confronts some unusual dilemmas and the most intensive dilemmas occur and emerge from reforming in old institutions. The opponents have profit in conflict and backward institutions. In spite of NGOs trying to establish and promote justice, nonviolence and Peace, there are local armies that become dangerous dilemmas and make obstacles for building Peace. They also dominate the situations and issues. Local political parties with their military can delay Peace process. NGOs and international community intervene to make dialogue for different political parties and ethnics. When those dialogues fail, the situation leads to war as in the case of the failed United States negotiation with the former president of Serbia Slobodan Milosevic in 1999.

The failed negotiation with Iraqi regime in 2003 is another example too. Even some times a successful dialogue lead to war and conflict such as the US-North of Vietnam pacts of the early 1970s and Munich pact in 1983 or Norway Peace plan between Palestine and Israel in 1993. NGOs' function is to advocate power sharing among leaders in power or to pressure them to leave office. It is difficult to predict in any particular context which NGO position would ultimately lead to Peace or nonviolence, given that Peace agreements often fail, and that attempting Peace negotiations can lead to war. While the more compromising NGO position might presumably lead to Peace, the dilemma is that often the opposite occurs. Other dilemmas will appear when a military function is replaced with another military as happened in the North of Iraq (Sisk 2008).

4.6.1 Security Dilemma

Concept of security has two dimensions such as internal and external. It externally refers to the ability of a state to protect itself from threats of outside; internally is about capacity of a state to provide domestic security to monopolize use of force inside. Max Weber believes that state is a power to monopolize the legitimate use of force. State is the only actor which can use force to control society and eliminate local conflicts.(Bøås, Jennings 2005).

As Johua Bernard Forrest has pointed out that the ethnic conflict and resurgence mean a weak and a failed state. In a failed state people don't have guarantees for their lives. (Forrest, 1994). So Peacekeeping in a failed state tries to Protect Peace in one hand and prevents escalation of conflict in another hand. One of the dilemmas that make obstacles for Peace building process is the absence of a united military to provide security for all people. Since the post-war area faces a gap of security, there aren't any united military to control society and provide Peace for people. For example, in the North of Iraq in the beginning of the no-fly zone, the allied military came to the border of the Kurdish territories' fly zone.

The International Community worked to prevent Iraq's threats on Kurdish people. In 1991 between July and October the coalition ground troops left that territory under the urging of The United States. The removal of the ground troops combined with the failure of dialogue between Kurdish and Iraqi regime on autonomy brought about another fight between Kurdish military Peshmarga and Iraqi military in October and November of 1991. But Iraqi regime didn't use its aircraft above the 36 parallel because this line designed by the Security Council to Protect Kurdish people. The countries which had military there were US, UK, France and German personnel and an air exclusion zone covering those parts of the three predominately Kurdish governorates of Dohuk, Erbil and Sulaimaniya, which lie above the 36th parallel. The coalition warplanes were stationed in Incirlik Air Base in Turkey and protected the zone.

After the Iraqi regime decided to withdraw its military in three provinces and the Iraqi military and international coalition forces left Northern Iraq, a security dilemma emerged in that region. Political parties had their own military factions; each one had enough militia to start war with others and fight to gain their own interests. After the militia groups replaced national military, political parties tried to gain income and started a civil war with each other. The civil war made obstacles to humanitarian Peace building.

When the civil war broke out between PDK and PUK parties in December of 1994, PUK forces led by Talabani controlled two thirds of the Kurdish

territorial region and the PDK forces led by Barzani controlled the other part of Kurdish territory. The civil war between the two dominion parties gave a chance to other regional actors such as Turkey, Iran, and Iraq to intervene. For example, the PDK made a deal with Iraqi regime to help Barzani to kick out Talabni's PUK forces and remove his forces toward Iran's border. After the deal, Saddam Hussein on 31 of august 1996 sent 350 tanks and republican guards to push Talabani's forces towards to the Iran border. While the no-fly zone remained in effect at the time, Talibani and Iran attempted to make balance. That's how Iranian regime supported Talabani with weapons and military aids. At the end Talabani's party was able to gain back its territories from Barzani's party. Talabani had a long historical relation with Iranian regime, this relation goes back to the 1980s when the new Kurdish revolution started by Talabani. From that time on, Iranian regime supported Talaban's party to put pressure on Iraqi regime (Rear 2008).

4.6.2 The impact of Militia to make obstacle of Peace building in that region

Historically, Peshmarga is a Kurdish guerrilla group. Since the creation of the first Iraqi state in 1923,After Iraqi military was removed in North of Iraq, Kurdish militia which called (peshmarga) replaced it. It is true peshmarga fought against Iraqi army; but it has many similarities with Iraqi army especially since the creation of Iraqi Kurdistan autonomous KRG.

When Iraq was created by Britain in 1920, the first institution built by them was Iraqi army. Throughout the creation of Iraq's army all different governments in Iraq used this army to control and oppress opponents. Finally, a symbiotic relation was created between government and army. Both of them used each other. The political process in Iraq was controlled by army and the army had dominated the political arena in that country. Since the military controlled politics in Iraq, some military coups broke out in Iraq and controlled the government. In this respect, the military became a central institution in domestic politics and instrument of repression accordingly. The Iraqi military was both a security provider and a security threat to the regimes in the country (Al-Marashi and Salama 2008).

The notion of developing militia by parties refers to Maoist thought; he believes "that power grows out of the barrel of the gun". Hence, the 'principle is that the party commands the gun and the gun shall never be allowed to command the party' (Mao, 1938:224). It means if the gun belongs to military then the military would be subject to the party. Since 1992 the structure of Peshmerga has been based on this thought. Ever since the creation of the first cabinet of Kurdish government after the no-fly zone in 1992, the Peshmerga military had a ministry. But the Peshmerga has been loyal to political parties not for the ministry. Peshmerga military has been divided among parties for many years. Peshmarga was not a united military. They have double duties first to protect the KRG, second to Protect political parties. That's why in 1994 the civil war started between the two political parties PDK (Kurdistan Democratic Party) and PUK (Patriotic Union of Kurdistan). As Aziz says civil war is the political condition that has characterized Kurdistan's politics since the early Cold War and continues in Post-Cold War era. (Aziz .S.S(2017).Reforming the civic –military relationship in kurdista Peshmerga Friedrich- Ebert – stiftung, Amman 11194).

There are two sorts of civil wars in North of Iraq which can be divided to hard and soft war. The first began from 1994 to 1998; some local human right sources say that almost 15 thousand people died because of this war. People were internally displaced inside Kurdistan region; Iraqi Kurdistan became divided totally between PDK and PUK. Both parties obligated their opposite followers to leave their zones. Two zones of influence were found. All these events made huge obstacles to the Peace building process. Peace building process is transferring an area from war to Peace; how it is possible to achieve that goal without a strong military to control security and make all political parties to live peacefully. Democracy as the main aim for Peace building process needs stability. Also democracy has not good relations with military. Wherever military has power, building process can't change the electoral process. Also political process would be controlled by militia.

So democracy will not survive and will not be successful. In the North of Iraq, Peshmerga is a politicized armed group (Hawar 2017). This implies, in addition to the existence of political links between political parties and

Peshmerga armed forces, Peshmerga is used for political and economic gains. Since 1992 Peshmerga has been used as a militia group by political parties. Eventually this dilemma made huge obstacles to Peace building process in that region. Peace building couldn't put weapons out of parties and group's hands; though one of the Peace building efforts is disarmament. When the political parties in North of Iraq didn't give up their weapons, the two main political parties dominated the economy, trades, politics, government, courts and military of that region. To explain the negative impact militia left on Peace building process some examples should be given from 1992 up until now.

4.6.3 Construction Dilemmas

When the Iraqi regime invaded Kuwait in August 1990 International Community put intensive sanctions on Iraq. That sanction destroyed that country badly; it placed huge restriction on Iraq's oil imports. Also it put the expenditure of its oil revenues under The United Nations control. The Iraqi currency lost its prizes in the international market. The sanction on Iraq was too much worse for Kurdistan region because North of Iraq should confront two intensive sanctions first from international community and later from Iraqi regime sanction decided by Iraqi regime. The double sanctions experienced by Iraqi Kurdistan, which included both those imposed upon all of Iraq as well as those imposed by the Iraqi government upon the Kurdish autonomous entity had a devastating effect. In addition to the dire economic consequences for Iraqi Kurds, these sanctions also exacerbated tensions between the PDK and the PUK. This in turn was a major reason for the collapse of the Kurdish regional government in 1994 and the eventual partition of Iraqi Kurdistan between the two factions. On top of the difficulties associated with paying the salaries of government workers, the shrinking economic pie in the area under Kurdish control helped to ignite old resentment between the two rival Kurdish organizations helped by Barzani and Talabani (Rear 2008).

Also the Iraqi regime controlled its entire border with Kurdistan region and it didn't allow a gram of food enter Kurdistan region as political punishment for Kurdish people. These sanctions put pressure on that region and made

obstacles for Peace building process. Democracy grows with economy; it's a better economy which assists to build a modern society. When people don't have enough money, they only think about how to rescue themselves. During 1990s Kurdish people in the North of Iraq only tried to get food to live; they didn't have a good economy to think about making civil society and democracy. Democracy is a system that goes with liberal values such as free market, best economy. Democracy is born in a city not in a village. Eighty percent of Kurdish people in 1990s lived in villages. That's how one of the obstacles which confronted Peace building is economic sanction on that region which spread poverty and starving among people, later made obstacles for Peace building process (Reare 2008).

4.7 The examples which tell us that the Peace building process has failed in the North of Iraq

Since 1992 North of Iraq hasn't had one united military or national military. Even military has been divided between the two political parties. For example, Barzani's party has a brigade named 70-Forces as private name for a special military for Brzani's party and 80-Forces brigade as private military for Talabani's political party. Some other political parties have special guards too; such a military has loyalty for political and general leaders not for Kurdish people.

In 2005, both Barzani and talabani decided to reform a unified Peshmerga military and try to make one national military for Kurdistan region. But they were not able to do so because their political parties' interests were more important than national interests.

In 2009, the Goran movement as an opposition party entered parliament; after attaining 25 seats, it took ministry of Peshmarga. But those two dominant political parties PDK and PUK didn't allow Peshmarga to be united in an independent military force. In December 14th of 2014, Barzani proposed a package reform in Peshmerga and sent it to the ministry of Peshmerga; but it remained a print on paper, not more.

The security forces have been used by the two political parties to kill journalists and activists who tried to inspect corruption in the KRG administration. Four famous journalists were killed by these parties' unknown gunmen. They were Tahir Sharif, he was killed in Kirkuk in 2004, Soran mama Hama was killed in Kirkuk in 2005, Kawa Garmiani was killed in garmian in 2012 and Sardasht Osman was arrested in Erbil and found his body in Mosul in 2010. They also have used Peshmerga to arrest protesters during the March of 2011 when they criticized two political parties' policy. Peshmarga has been used by political parties for threatening opposition parties and changing the election results as it happened in Erbil and Duhok.

Courts are not independent and are not free to imprison criminals with political affiliations. For example, 267 criminals are wanted by Iraqi higher Court criminals because they participated in the Anfal process that killed Kurdish people; but most of these criminals are covered and supported by the two Kurdish political parties. Courts in the North of Iraq are weak; they are not able to arrest people who are involved with corruption and stealing. Since 1992 no political and government employee involved in corruption has been arrested by police.

The two political parties have controlled the market too; all imports and exports are controlled by specific Elites who have power and strong position in the two parties. One of the rich trading is the oil sector; this is controlled by two political parties. It is exported to Iran by tanker and to Turkey by pipeline and tanker.

Government is controlled by two political parties; people don't have any hopes to change government by civic means. Every second the situation is on fire for a radical revolution to start. In the past an opposition party gained 25 seats out of the 101 seats. As a result, one of the main opposition parties took the president of parliament. The parliament settles out many resolutions against criminal cases and corruption but government never listened and fulfilled any resolution. In 2015, the parliament was closed by one of political parties when the parliament wanted to hold its normal meeting to find a legitimate way to take president power because the presidency-term had

ended and the president asked to renew his presidency-term. The main political party closed the parliament and forced the president with some of parliament members out of parliament. As a result, North of Iraq didn't have parliament for two years. Those events tell us that the civil war has not finished yet; it is continuing by another from. Peace building process needs to disarm the military parties in post war areas; moreover, the international Peace military should be kept in the post war territory to control the militia groups.

CHAPTER FIVE

CONCLUSION

Some scholars believe that humanitarian intervention started in 1800s, when the Holly alliance obliged the Ottoman Empire to Protect Christian such as Levant in Lebanon. However, it is not easy to consider this intervention like pure humanitarian intervention. Firstly, Holly Alliance intervention was to increase European hegemonic in the Ottoman Empire. Secondly, it was for special minorities not all people who need protection such as Yazdis and Jews. After the end of the Cold War there were some civil and ethnic conflicts emerged. The people became victims were civilian not soldiers. Those ethnic conflicts expanded and increased humanitarian crisis. Those crises were needed to resolve. International community had to stand its effort to intervene in those crises and stop them.

During 1990s international community like The United Nations and NATO intervened in some cases such as Liberia, Rwanda, Balkans and North of Iraq. For instance when Iraqi's military was attacked and destroyed by The United States and alliances in 1990 both Shia and Kurds revolted against Saddam Hussein regime. After that the civil war started in Iraq between Shia and Iraqi military in one hand, Kurdish and Iraqi military in other hand. The Iraqi regime responded those uprisings and ended them extremely. The Kurds people fled their homes and went to the Iran and Turkey's borders. Kurds didn't have enough food, clothes, warm shelter. They lived and walked under the heavy rain. Turkey did not open its doors to let Kurds enter its country but Iran did. So that humanitarian crisis needed a collective effort.

At the end The United Nations met in 5 of April and settles UN security council resolution 688(UNSCR 688 to make no fly zone in the North of Iraq. Later, no fly zone changed to heaven zone in that region. Humanitarian

intervention was concerned among political and law scholars. The people who follow international law believed that humanitarian intervention is not legitimate because The United Nation based on non-intervention and respect sovereignty. Realism is one of the dominant theory in the International relations said intervention will increase instability and insecurity in the international system but the people who follow normative of human right said international community should protect human from anywhere without appealing to the sovereignty and border.

In 2000s, there were several votes among scholars, NGOS and states who asked Internationl community should take responsibility to protect people around the World. In 2005 in Canada some states and none organization governments held meeting and announced the responsibility to Protect commissions. That committee obliged states to take responsibility to protect their own people. If a state will not protect its own people, the international community especially UN Security Council will have a right to intervene and protect people.

There are two types of interventions; unauthorized intervention and authorized intervention. Authorized intervention is intervention would be allowed UN Security but unauthorized intervention is intervention will not allowed by Security Council. Scholars accept that the birth of humanitarian intervention is 1990s. After the Cold War when the Soviet Union collapsed directly the Security Council opened its hand to intervene some cases in some countries because Russia did not have power to make obstacles for intervention like before, Russia also approved the united led interventions.

When the Cold War ended the concept of security had changed. Security of state changed to security of people. Liberalism and idealism supported that idea but realism against that idea and says that the main actor in the international Community is state. After the Cold War, humanitarian intervention was mentioned by political and law scholars. The law scholars believed that humanitarian intervention is not allowed because the Charter of The United Nations is based on sovereignty for instance in article 2 and 7 in the   Charter intervention is refused totally. The others scholars, who

consider as normative human right followers, defend intervention and they say that the main reason for creating United Nations is keeping Peace from anywhere.

Fly zone is making safe zone for civil people. For the first time it was used during the Franco Prussian war in 1870. After the second Cold War, the international committee of the Red Cross (ICRC) suggested that both hospital and neutralized zone would be used as the save place for civilian.

International committee of the Red Cross made several safety places like hospital, school, mosque, and church in countries where several wars occurred like in Bangladesh Argentina, Cyprus Sir lank, etc. When the Soviet Union collapsed there were a lot ethnic conflicts emerged in some states, those ethnic conflicts led to failed state. According to Martin Kaplan, Soviet Union was like umbrella covered all ethnic conflicts but when The Soviet Union removed all ethnic conflicts upsurge like mushrooms. The end of the Cold War led international community to a new system because Soviet Union as the strong power was ended; there weren't any powers in the international system challenge The United States or capitalism system, that is why, The president of The United States after the Cold War claimed for emerging a new system like new liberalism system and capitalism system or end of history as Fukuyama called in his book.

The end of the Cold War gave a best chance to the Security Council to take responsibility to protect human right because the Russia was not a great power to make obstacle to Security Council, Russia also supported the United Nations intervention. At the beginning of the 1990s there were a lot humanitarian interventions include North of Iraq when The Security Council settle UN security council resolution 688(UNSCR 688 to make safe zone for Kurdish people in that region. One of other features after the Cold War was declined the sovereignty of state. According to traditional definition the states are the main actors in the international system and have the ultimate sovereignty but the rise of globalization and spreading of wiliness by minorities for independent and emerging ethnic conflict with humanitarian intervention, all contributed to decline of sovereignty, and described as a

shift from sovereignty of state to sovereignty individual (Laski 1917). After the Cold War NGOs and INGOs expanded and those organizations needed guarantee to work around the World even the tyranny and non-democratic countries. All of events decreased sovereignty of states.

Creating of states in Europe is different from creating states in the Middles East especially in Iraq, all nations states in Europe creates because of emerging nationalism but in Iraq states created by external actors or powers not by Iraqi people. Iraq was three different provinces before the First World War; Baghdad where majority of Sunni lived in Basra where majority of Shia lived, and the last province was Mosul where majority of Kurdish with some minorities such as Turkmen, kldan and Christian lived. Iraq was designed and created by Britain for Britain interests. Sunni, Shia and Kurdish did not want live together especially Kurds because they were different from Arab; they have own territories, land and language. Since 1921 Iraq states has not created one identity for all Iraqi. Since 1921 Iraq has involved civil war with Kurds. That is why the Iraqi states faced identity problem

In 1990 the Iraqi government invaded Kuwait the international Community deiced to attack Iraq and get it out from Kuwait. When the Iraqi military had destroyed and came back to Iraq, the uprising started both in south and North of Iraq. The United States was worried about Iraq; it was closed controlled by Shia. The United States gave green light for Iraqi regime to suppress Shia and end revolution. After the Shia uprising suppressed the Iraqi military moved towards North of Iraq to end Kurds revolution, after one month of war, the Iraqi government could defeat Kurds revolution and the people fled to Turkey and Iran's border. The humanitarian crisis emerged almost 3 million people fled their homes. As a result the Security Council settled 688 resolutions and intervened in Iraq to make a new safe zone for Kurds people.

In the beginning of the 1990s, the Security Council requested The Secretary of the General Assembly to prepare a recommendation to treat and administrate post conflict area. The Secretary of The United Nations answered and prepared a recommendation which was then called "agenda

for Peace" Including Peace keeping, Peacemaking and Peace building. Agenda for Peace was a plan which prepared by The Secretary of the United Nations to resolve tensions in the post conflict area. It is to administrate post conflict area. It was to bring all different groups on the negotiation table to resolve their problems peacefully.

Agenda for Peace works to transfer post conflict area from war to Peace from dictator to democracy, from insecurity to security. Also it works to send a lot of organizations such as humanitarian issue to assist post conflict area. Those organizations provide their assistance such as hold workshop about arising human right, civil society, and civil military. They also work to help people to build house, school, hospital, road and preparing fresh water.

One of the important points is that there is no guarantee that the post conflict area will not enter civil war again or refugees will not emerge again that is why the Peace building commission needs to focus on demobilization disarmament to abandon weapon in those regions. Because all post war areas face insecurity after the humanitarian intervention. The militia group always tries to take a chance to control society and post war areas. For instance, in the North of Iraq the political parties' militia controlled that region. Even the government didn't control militia because the government was controlled and governed by militia itself. At the end civil war started in 1994, that region divided for two different zones each one of zones had its own security and finance. The refugees' crisis emerged again. All events made obstacle for Peace building process and did not allow the Peace building be successful in that region. This thesis aims to reach scholars and practitioners and contribute to understanding on how important for international Community to make a link between humanitarian intervention and Peace building process. After post war it is necessary for internal security and Peace to have international forces such as blue berets to stay in the region to prevent civil war and militia's hand in government.

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