Humanitarian intervention and human security in Iraq

Masoumeh Yazdanpanah [1,2,*], Ghaffar Zarei [3]

[1]Department of International Law, Fars Sciences and Researches Branch, Islamic Azad University, Shiraz, Iran
[2]Department of Political Science and law, Shiraz Branch, Islamic Azad University, shiraz, Iran
[3]Department of Political Science, Faculty of Political Science, Lamerd Branch, Islamic Azad University, Lamerd, Iran

Abstract: Human security is one of the key issues in the realm of international law. During the years after the cold war and following it with an increase in the amount of civil wars, we are facing a new form of the concept of security which is titled as human security. The point which is significant in the actualization of human security is paying attention to the human threats and preventing and restraining them. Toward this purpose, humanitarian intervention can be considered as a response and reaction to a situation in which the security of individuals is going to be threatened and it involves an intervention in the territory of another state and resorting to violence and this issue is indicative of the existence of a clear relationship between humanitarian intervention and human security and at the head of it is paying attention to the situation of humankinds whom are being exposed to the violation of human rights concerning this intervention. This essay by doing a case study about Iraq is going to scrutinize the story of humanitarian intervention and human security in this country to illustrate that the final aim of humanitarian intervention is to actualize the human security although this issue hasn't been actualized in Iraq yet. For this purpose in the present research by means of a descriptive-analytical method we are going to expand and elaborate on the discussions concerning the two subjects of humanitarian intervention and human security which there is an obvious relationship between them and based on this an attempt is being made to scrutinize and consider whether taking an action to exercise humanitarian intervention in Iraq has actualized the human security?. Thus, the main purpose is to explain and elaborate on the relationship between the human security and humanitarian intervention.

Key words: Humanitarian intervention; Human security; International law; Iraq

Introduction

The international characteristic of human rights has opened two significant cases of humanitarian intervention and human security in front of the international law and its members and authorities. Also the existence of an obvious relationship between these two issues is as clear as crystal. But, inter alia, the issue which has led to the appearance of vague nesses and complications in the way to exercise the humanitarian intervention and in fact resorting to violence in order to actualize the human security is the exact illumination and explanation of the concepts of humanitarian intervention and human security that following it involves preventing the misuse of them in the arena of international relations. In fact resorting to violence although it has been used as a criterion to allude in the nineteenth century in a worldwide level, in the era of drawing up the charter of the UN, the legitimacy of this deed with humanitarian aims is contingent upon the permission of the Security Council of the UN but steadily by expansion of the circuit or domain of the concept of security, and replacing the subject of national security by human security, by continuation of discussions concerning the relationship between

humanitarian intervention grave issues such as resorting to violence, the principle of non-intervention, ethical commitments, the UN Security Council's sanction, and even an intervention without the sanction of the UN Security Council and its legitimacy in order to prevent the widespread and serious violation of human rights. Explanation and elucidation of this subject can be viewed in the domestic crisis in Iraq and the human passions and calamities which are arising out of it following the widespread suppression of the civilians and the avalanche of Iraqi Kurd vagabonds toward the frontiers and the issue of a declaration by the UN's Security Council concerning the explicit declaration of the occurrence of serious and widespread violation of human rights in the year 1991. Although in the above-mentioned issued declaration of the UN, there is no reference or hint concerning the sanction for resorting to violence but it ended in the issue of the following declaration which were being issued that the UN Security Council sanction was based on the possibility of resorting to violence in other domestic crises in other countries in a way that in the year 2003 in Iraq it led to another intervention on behalf of counter-Iraq coalition states which this time was without any permission from the UN Security Council.

* Corresponding Author.

Humanitarian Intervention

Humanitarian intervention is among various aspects of supporting and endorsing the human rights. Although the issue of exercising the human rights is within the ambit of the states and their internal affairs and in fact the first responsibility of supporting the citizens of each state is upon the states themselves, conceivably lack of inclination or inability of an state to actualize these rights and following it a series of international changes and trends spawns that the issue of exercising the human rights get out of the circuit of internal rights and take an international dimension. In the previous centuries and in the realm of traditional international law, the European states under the title and veil of humanitarian intervention easily interfered in the internal affairs of other states (Abbas Ashlaghi, 2003) and even in this domain they had no obstacle in front of themselves and prohibition not to use force majeure. Lack of any prohibition to use force majeure or resorting to violence led to the evolution of attempts to prohibit war and in fact prohibition of any sanction for resorting to military forces. Thus, as a result of enacting the UN's charter and the dissolution or nullification of the principle of the prohibition of resorting to violence and non-intervention policy or the principle of non-intervention in the internal affairs of states, humanitarian intervention was being prohibited as an example of an act of resorting to violence in a way that the UN's General Assembly in its multiple manifestos emphasized the principle of non-intervention and expressed the intervention with any reasons as unjustifiable. In this manner, enactment of the UN charter and formulation of the non-intervention and equality of the states sovereignty principle caused that the states even in the situations in which their deeds would have a humanitarian result wouldn't allude to the humanitarian motivations and purposes.(Javanshiri, 2010)

This situation was being carried out in the cold war era as well in a way that in this era even rarely a state by resorting to the humanitarian purposes justified its intervention in the affairs of other states, but following the end of cold war after the role and the function of the UN Security Council, by submitting an elaborate and extensive interpretation of the subject of threat against the international peace and security, new deeds and actions occurred in the form of humanitarian interventions. Illustration of these deeds originated from the role of the UN and the UN Security Council to submit a new concept and definition of humanitarian intervention which was being actualized by means of military mechanisms in order to support the constitutional human rights. The starting point of such a view and the movement of the UN Security Council appeared in the case of Iraq that attacked Kuwait and following it situations such as civil war, human crises, terrorism, and change of the regimes are being posed as the examples or illustrations of threat to the International peace and security.

Humanitarian intervention and the principle of non-intervention

Foundation or cornerstone of the principle of non-intervention should be sought in the principle of sovereignty and the equality of states that prohibition of intervention in the internal affairs of any country is being stipulated under the article of the second decree in the charter of the UN. According to this article, ''none of the regulations which are being inserted in this chapter permits the United Nations to interfere in the affairs which inherently come under the efficiency of a state and doesn't bind the UN member states to insert such affairs under the regulations of this charter.'' According to this issue, the organizations which are under the UN or relevant to it and all the UN member states and non-member states are abiding and adherent to the principle of non-intervention but following this article an exception has come that says'' the above-mentioned principle will not harm the enforcement of forcible and predictable deeds which are being inserted in chapter seven of the UN charter.'' According to the 39th decree in chapter seven of this charter, the UN Security Council has the efficiency to take decisions for any intervention but it involves interventions in areas which are not under the framework of the internal efficiency of the violating or trespassing country in a way that violating deeds and threatening the international peace and security are among the issues that will not be included under the framework of internal efficiency of our country but there is room for doubt that the story of gross and widespread violation of human rights should be inserted in the series of subjects which are out of the framework of internal efficiency of states since claims handling or redress grievances concerning the violation of human rights is dependent on the relations among states and their citizens. In other words violation of human rights is not necessarily a threat to the international peace and security which involves the subject of the seventh chapter in the UN charter.

To respond the two above-mentioned questions, first of all it should be said that it is a long time that human rights has lost its internal characteristic and has taken an international characteristic in a way that no longer countries can prevent the investigation of other countries and international organizations with an alibi of alluding to the internality of the human rights affairs.(Abbas Ashlaghi, ibid.) The two pillars of the UN General Assembly and the UN Security Council declare that due to the exigency of countries as the UN member states to abide by the content of the article three, decrees one and fifty five respectively, which is about supporting human rights, article seven of the decree two in the UN charter which is dependent upon the principle of non-intervention cannot be alluded to.(Musazadeh, 2000) Among subjects which

are being included in the ambit of gross and widespread violation of human rights is the issue of apartheid which concerning this issue, the UN General Assembly in the date of 1965 in the declaration number 2105 concerning the enforcement of the declaration of bestowing independence to colonized nations and states indicates that: ''the trend of apartheid like all shapes of racial discrimination threatens the international peace and security and is an example of crimes against humanity. The UN Security Council following this declaration, enacted several declarations concerning apartheid policies in South Africa in a way that in September 1997, with the passage of the UN declaration number418, the UN imposed an arms embargo against South Africa and bound all countries to abide by this declaration. Here in this declaration it is being stated that: ''Attending to the policies and actions of South Africa, receiving weapons and equipment on behalf of this country is considered as a threat to preserve the international peace and security.''

Human security

Human security is being described in the form of conditions and situations under which people are being liberated from encumbrances and stresses or tensions that enslave the human development.(Eolin, 2008) In the mentioned report it goes that: ''following the decline of the sinister shades of cold war, we are witnessing that the conflicts among nations are changing into civil conflicts. There are lots of human beings that feel unsafe more on behalf of the daily life issues than universal catastrophes. Will they and their families have enough food to survive? Will they lose their jobs? Will their neighborhoods and streets be secured against crimes? Will the suppressing states torture them? Will they fall prey to sexual violence? Will they be harassed because of their race? Thus, it can be concluded that human security that is preventing the infant death, preventing the outbreak of diseases, lack of losing one's job, preventing the spread of racial violence cases, and suppressing the opposition groups, will not be actualized by means of arms or weapons but it deals with human dignity. The existing report from some viewpoints emphasizes some issues that had been declared by organizations such as UNCTAD which is the United Nations commission for trade and development and UNESCO in the post-war period. The UN development program defies human security as freedom from terror, freedom from need and freedom of speech.(Yazdanfam, 2010) Thus the UNDP report is based on this concept that human security is not only freedom from fear and terror, but also it involves freedom from need as well. According to this report, four characteristics are being enumerated:

1-Human security is a serial trend or procedure and is relevant to the whole people of the world because the existing threats are common to all.

2-Building blocks or constituents of this kind of security are interdependent and intertwined since threats against human security do not remain within the realm of national frontiers.

3-Achieving security through preemptive intervention is easier than intervention after the outbreak of conflict.

4-Human security is relevant to people, that is, it is related to the quality of life and settlement of people in the society. Human security is being separated from other theories of security by means of focusing on the wisdom as the authority of security in a way that according to the report by the UN development program, human security always challenges the realistic view that relies on a concept that revolves around the aspect of national security and prioritizes the individual security in a way that the authoritativeness of the state in the subject of security is being questioned and the concept of human security in the UN report has received an important place. The concept of human security that was being stated formerly under the framework of righteousness and rights has been codified through the universal declaration of human rights that emphasizes the vulnerabilities of individuals and their potential and oncoming threats.

Reasons for the military invasion to Iraq

Following the end of the gulf war and Iraq's defeat by the coalition and multi-national forces under the leadership of the US in the year 1991, disturbance and unrest overwhelmed the whole Iraq that it led to the outbreak of a revolt against the central government of Iraq. Thus, the state of Iraq set to suppress the rioters severely. This suppression spawned around two million people of the country to go vagrant and led to their flowing toward the frontiers of the neighboring countries and so forced them to seek refuge in Turkey and Iran. The coalition and multi-national forces which in that time could prevent the occurrence of such a widespread suppression didn't take any action. The states of Iran and Turkey as the entrance or opening area of the refugees besides the government of France following a series of correspondences asked for the UN actions and deeds concerning this issue. These countries through these correspondences for the UN Security Council besides emphasizing to respect the sovereignty and territorial integrity of Iraq considered the widespread suppression of Iraqi citizens and leading thousands of Iraqi Kurds to go vagrant as a threat against the international peace and security. The state of Iran concerning this issue asked for an urgent action on behalf of the UN Security Council while the Turkish state mentioned the forceful and compulsory deeds of the UN Security Council to stop the suppression of Iraqi Kurds with a more abrupt rhetoric.(Karami, 1996) The obviousness of the harsh suppression of the Iraqi state and the waves of vagabonds that would be followed by a threat to the international boundaries and putting the lives of human beings in danger was

hitting straight in the eye for all and there was a solid evidence to instigate the UN Security Council to perform the advisable actions. These reasons can be enumerated as follows:

1-The crisis of widespread asylum of Iraqi people due to suppression. 2-Hugeness of racial variety among the refugees that had spawned problems for the neighbors of Iraq and so for the international boundaries. 3-Grave violation of fundamental human rights by the Iraqi government. As a result of these reasons the UN Security Council member states in a meeting turned to help the vagabond Iraqi people in spite of disunity and difference of opinion. Some countries such as China, Cuba, Yemen, and Zimbabwe were against the intervention of the UN in Iraq and considered these issue as an interval issue and within the ambit of the internal affairs of Iraqi government but in reverse there was a group which was in favor of the UN intervention and specifically the UN Security Council.

Democracy and Humanitarian security in Iraq

The US has been following the aim of changing Iraq into a democratic state among the Middle East Arab states, but the possibility of creating democracy by means of military force is a very controversial issue.(Gharayagh zandi, 2008) While a question is being arisen that if after the US military invasion to Iraq democracy is going to be settled in Iraq or not or whether the process of formation of democracy in Iraq has come true or not. To answer this question paying attention to structure and foundation of Iraq is significant. The evident subject is that Iraq enjoys all the necessary facilities and potentialities to change into a conventional or normal country in the international system such as sufficient and proportionate population, very fertile farmlands, and almost enough high-grade human resource in the Middle East, considerable sources of oil, gas, etc. But in spite of the passage of a century Iraq doesn't embrace the intellectual qualifications. The reality is that this possibility will come true when an individual in front of commitment to the government enjoys some privileges such as security, order, law, ownership, and justice. In the situation of lack of these bilateral relationships and even in a worse situation in a unilateral relation in which only allegiance but not loyalty of the citizens is being considered, returning to pre-modern inclinations will increase. Thus, nowadays an Iraqi Kurd is firstly a Kurd individual not an Iraqi and also concerning the issue of religious and sects which are originating from Sunnism and Shiism and other religious sects, the Arab Shiite is firstly a Shiite and then an Iraqi and finally an Arab or a Sunni Arab is going for being a Sunni Arab and then an Iraqi Arab.(Gharayag Zandi, 2010) Thus, according to the American pattern since achieving the centrality of democracy is a basic and long-term action, it can't be accelerated and expedited by military presence. In addition to this, although democracy is one of the illustrations of humanitarian security, but a question is being arisen

that whether it can be a subject or alibi for any action with the alibi of humanitarian intervention. Concerning this issue, there are various viewpoints. Some individuals have confronted it either with a positive view or with a negative view. It seems that the subject of democracy instead of being able to solve the international problems has mostly set the stage for the world powers to misuse it in their legal justifications in their actions with the alibi of humanitarian intervention and resorting to violence since the right of self-determination for states is being fulfilled by the states themselves and if any aid should be given to them in this way it will be actualized by paving the way by interfering states and it is evident that such interventions are typically not for the settlement of democracy but for creating an appropriate environment or set a proper stage in order to achieve the privileges of the invading state and that is the issue which has appeared in the US military invasion to Iraq in the year 2003.

Conclusion

In the recent decades a new form of humanitarian intervention has gained possibility to appear which has fundamental difference with its alludable concept in the UN charter. In fact, humanitarian intervention as a usage of armed forces on behalf of a state, a group of states, or/and an international organization in order to preventing or putting an end to the grave violations of human rights is beneficial for the citizens of other states and without any permission from the target state, intervention is a procedure which after the cold war has received considerable attention and legitimacy. What have spawned a metamorphosis or a sea change in humanitarian intervention are changes that in the international domain have influenced the principles of sovereignty and non-intervention and have modified it in comparison with the past and in the meantime have increased and accentuated the role and significance of international organizations and at the top of them the United Nations. The UN Security Council in the two spans of 1992 AD. and 2003 AD., Issued and passed two declarations of 688 and 1441 concerning Iraq that of course in none of them there is a hint to the issue of resorting to violence but there are hints on the threats to the international peace and security and the possibility of traversing the terrain for making the situations available for the accession of civilians and vagrants to the humanitarian aids through human rights organizations through Iraqi government and this is so while counter-Iraq coalition states without any permission from the UN Security Council and with an alibi of Iraq's situation as the manifestations of urgent humanitarian situation turned to exercise violence in Iraq.

References

Ashlagi, Abbas.M.,(2003),''Role and position of the UN in performing the humanitarian interventions,

Political-Economic Information Magazine.(September-November, No.193&194)

Etoin, K.(2008).''An introduction to humanitarian interventions'', Sokhangostar Publications, Mashad, 1st publication.

Gharayagh zandi, D.(2008).''An outlook for the humanitarian security in the Middle East in 21st century''.Strategic studies Magazine.Autumn.No.41.

Gharayagh zandi, D.(2010).''The process of shaping nation-state, evolution of national identity and reliability in Iraq:Historical Commerce and the future outlook, strategic studies Magazine, No.47.