

The 1991 Humanitarian Intervention in Iraq:

Justifications and Consequences for Iraqi Kurdistan

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Abstract

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This study focuses on humanitarian intervention in Iraq with a special focus on Iraqi Kurdistan. The purpose of the study is to analyze humanitarian intervention from different perspectives, especially in political matters. Despite this, a reasonable selection process is needed as not all international political aspects are particularly relevant. There are aspects which, although closely linked to humanitarian intervention, do not need a detailed analysis due to the already extensive literature and the established nature of the relevant regulation which does not analyze much new information.

The study aims to apply theories and concepts in an analysis of humanitarian intervention by applying a theoretical model based on humanitarian intervention and the UN's policy process. The analysis will focus on three dimensions: content, organization and legitimacy. By exploring these dimensions, the study will examine and evaluate different aspects of the intervention, including the political arguments, the structure and functioning of the UN policy process, and the legitimacy and support for the intervention from different actors and the world community.

The method used in the study is qualitative research to define humanitarian intervention which is heavily dependent on the theoretical model. The most important results of the analysis are that there are no standards for when the UN system for crisis management should be activated and that the political unity in the Security Council is not as strong as the principles express. Other results are that this political field, especially the political decisions about international armed conflicts, has countless very interesting aspects. However, a detailed presentation of these aspects requires a more specific study dealing with this topic, rather than an essay on humanitarian intervention.

Keywords: Humanitarian Intervention, Kurds, "Responsibility to protect", Sovereignty, Non-intervention, Non-interference.

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1 Introduction

This introductory chapter begins with an introduction to the subject. First, a description of the problem will be given and then the purpose of the essay and the question that is supposed to be based on it will be presented.

1.1 Introduction

United Nations (UN) intervention to achieve humanitarian protection has gone through stages. UN policy is designed on a voluntary basis in the states because the member states are self-determining based on the state's governance. The UN's role vis-à-vis the states is partly to formulate international goals for the states' activities, and partly to create frameworks for regulation through international legislation on peace and security. In addition, the UN must follow up on how the goals are met. The states are responsible for how the goals are to be achieved, but since the supranational governance of the states has increasingly taken the form of framework laws and the UN's goals are only advisory to the states, it is the conditions of the member states that shape the actual execution of the policy.

The US tried to impose democracy on Iraq according to the capitalist model. This led to the revolt of the Kurds in northern Iraq and the Shiites in the south against Saddam Hussein's regime in 1991. As the focus has changed from a defense in war to a prevention of war, there was intervention in Iraq through Resolution 688 (1991) of the Security Council No *fly zone* to protect the Kurds in the north and the Shiites in southern Iraq. In the supranational organizational structure, a clear example of this was when the Security Council for the Civilian Population of Iraq decided on intervention to save the Kurds in Iraqi Kurdistan in 1991.

From a political science point of view, the choice of humanitarian intervention in the state's sovereignty is also particularly interesting because the norms are based on a state being given a unique position. In order to solve international problems of an economic, social, cultural or humanitarian nature, the world-leading UN receives a mandate to intervene with a state in the event of major crises and disasters. This starting point is in principle a departure from the principle of non-interference and the right of self-defense.

1.2 Problem formulation

The focus of the research is the tension between legal humanitarian intervention and the use of this legitimacy for political purposes and the UN's role in promoting human rights. Practice shows that states do not base their humanitarian intervention on any legal basis, which is contrary to the principle of non-interference in internal affairs. This conflict creates duplication at the practical level to protect human rights. This conflict is important to understand in order to analyze why and how states justify interventions in other countries. It is necessary to examine

what interests and principles drive these states to act and advocate certain actions. After the 1991 uprising, many Kurdish civilians sought refuge in the mountains of northern Iraq with the help of Kurdish guerrilla groups. At the same time, as part of the post-Gulf War measures, a no-fly zone was established by the UN above the 36th parallel. Within this zone of approximately 63 miles, all military activity was prohibited (Yildiz 2004:40). Resolution 688 (1991) of the UN Security Council condemned the repression of the Baghdad regime against its citizens (<https://digitallibrary.un.org/record/110659>). Although the 1991 intervention in Iraq appeared to contravene Article 2.7 of the UN Charter, which prohibits intervention in matters falling within a state's domestic jurisdiction, the adoption of the resolution suggested that the Security Council saw the internal repression as part of its sphere of responsibility and trust (Yildiz 2004 :39). In the case of the intervention in Iraq in 1991, the UN Security Council gave its approval through Resolution 678 (UN.org, 1990), which called on member states to use all necessary military force to force Iraq to withdraw its troops from Kuwait. (Wallenstein, 2002:232).

The situation for the Kurds in Iraq in 1991 became a humanitarian crisis when Saddam Hussein responded to the uprising by attacking the Kurdish civilian population with chemical weapons and other military methods (Wallenstein, 2002:260). A significant number of Kurdish civilians fled to the mountainous regions of northern Iraq, where they faced starvation, disease and a lack of humanitarian aid. The no-fly zone was a measure taken by the UN Security Council to protect customers. Although it did not constitute a strictly military intervention, it was a way for the international community to act and protect the civilian population of Iraq.

To flesh out the current problem, a fictitious example will be used in the paper to illustrate the events that affected the Kurds in Iraq in 1991. The paper will focus on analyzing and exploring the motivations behind the implementation of the intervention. A central part of the analysis will be based on the concept of humanitarian intervention, which is a theoretical model that emphasizes the importance of humanitarian efforts being carried out within a legitimate legal framework and in cooperation with the state concerned. The model also emphasizes the need to integrate the humanitarian efforts into a broader peace process and that the humanitarian goals must not undermine the overall political goals.

1.3 Purpose and issues

This essay aims to investigate and analyze whether the intervention in Iraq in 1991 can be justified based on a cosmopolitan vision of justice and human rights, with particular emphasis on the issue of legitimacy. At the same time, it aims to identify and analyze the problems associated with the concept of international humanitarian intervention. The focus of the analysis is challenges, dilemmas and consequences that may arise in the application of this principle, including issues concerning sovereignty, legitimate use of force and the risks of political and economic instrumentalization of humanitarian motives. Through a careful examination and exploration of these issues, the goal is to provide a deeper understanding of the legal arguments that can support or challenge the intervention in Iraq based on a cosmopolitan interpretation of

justice and the protection of the Kurds. Furthermore, the paper seeks to evaluate the consequences of the intervention in Iraq and analyze the direct and indirect effects for the Kurds, the region and international security. By critically examining these consequences, the essay can contribute to a more holistic and nuanced picture of the intervention in Iraq. The current issues are:

- What measures and strategies were taken to protect the Kurds during the intervention in Iraq in 1991?
- What role and what action did the United States, the UN Security Council and other countries have in the intervention in Iraq and how effective was the protection of the Kurds during the intervention in Iraq in 1991?
- How was the 1991 intervention in Iraqi Kurdistan justified?

By exploring and analyzing these aspects, this essay aims to contribute to a broader understanding of the legitimacy and consequences of the intervention in Iraq. It also aims to highlight the problems and challenges linked to the concept of international humanitarian intervention and thus contribute to a critical reflection on this principle and its application in practice.

1.5 Delimitation

In this section, the delimitations of the paper will be briefly discussed. However, some of the topics below will be touched on as international humanitarian intervention in Iraq, like most other topics, is dependent on various conditions.

The scientific importance of the study is characterized by the fact that it addresses one of the most important issues that the international community is suffering from recently. Because of the evolution that resulted from the concept of international humanitarian intervention and the legal legitimacy of its use. Opinions diverge between supporters of intervention as protection of human rights and opponents of international humanitarian intervention as violation of states' sovereignty and intrusion into its internal affairs. It is necessary for the study to identify the political problems resulting from the principle of international humanitarian intervention and interpret it in the sense that some countries can attack other countries using international humanitarian intervention as a justification for it. The study provides a scientific contribution to increase the contribution to provide modern studies in the subject which is under strong development.

The paper intends to analyze only what led to civil war, casualties, displacement of races, ethnicity and other reasons that had a significant impact on the humanitarian intervention in Iraqi Kurdistan and not in the whole of Iraq. The analysis also applies to the central and national

impact of intervention in the country. However, the result of that occupation in Iraq in 2003 will not be the object of analysis as this period is more or less completed and a study of this should instead concern an evaluation of how this intervention (occupation) works. Nor will the essay to any great extent study the regional and local authorities that emerged after the intervention. These topics also deserve their own study due to the new systems and organizational structures within Iraq that are currently being implemented.

Furthermore, the study deals with intervention and crisis management during wartime. During peace or peace-like conditions, other structures and states that are not covered in this study apply to some extent.

1.6 Disposition

The outline of the study follows the following structure:

In the introductory chapter, the purpose, questions, boundaries and an overview of the relevant documents in the subject area are presented.

In chapter 2, previous research and the UN's and the USA's relationship to Iraq are reported.

Chapter 3 describes the theoretical model and presents alternative theoretical approaches.

Chapter 4 presents the methodological starting points, describes the method used and includes a critical discussion of the method's use.

Chapter 5 provides a background to Iraq's history and political development, including a brief review of the events of the war and the position of the Kurds as citizens of Iraq. The analysis of the Iraqi Kurdistan case study is also presented there. The essay's results and conclusions are discussed in chapter 6. In addition, proposals for further studies in the subject area are presented. The study concludes with a reference list.

2. Previous research

International humanitarian intervention has been examined from different perspectives and areas of focus. The research has been extensive and has explored various theoretical and practical approaches. Previous research has examined issues surrounding the legitimacy and justification of humanitarian intervention. It has been explored what can be considered a legitimate reason for a state or international organization to intervene in another state. Research has also examined various justifications for humanitarian interventions, such as international law, moral imperatives and strategic interests. A prominent scholar in the field is Samantha Power, an American academic, diplomat and author who has written on humanitarian intervention, including the book “A Problem from Hell: America and the Age of Genocide” (2003).

Recent literature in political science includes MacQueen's book “Humanitarian Intervention and the United Nations”, where the author discusses the rules surrounding intervention and how they have changed in the international system (MacQueen, 2011:2). The book traces the development of international intervention, under the auspices of international organizations, from the 17th century until today. Although not an original contribution, the book offers an effective overview of collective security, peacekeeping, and other forms of intervention. The book also includes separate chapters with new case studies on conflicts in Africa, Bosnia and East Timor, which are mainly descriptive rather than theoretically oriented (MacQueen, 2011). The concept of intervention, whether humanitarian or otherwise, therefore became fraught with philosophical and practical difficulties. There were now dilemmas confronting interventionist behavior that did not exist to the same extent earlier when European nations were bound together in what could be described as a “supranational” notion of Christianity (MacQueen, 2011: 2, 3).

Peter Singer (2016) argues against the limitations of the old principles of a state's sovereignty over its territory. He believes that in the event of genocide and crimes against humanity, efforts must be directed at humanitarian interventions. There are certain criteria that must be met in order for a right to intervene in a state's sovereignty to exist. He argues that there is an international responsibility to protect human rights if the citizens of a country are in immediate danger. This means that the threshold for intervention is too high and it cannot be exceeded unless there is danger to citizens' lives. The first criterion is that if crimes against humanity happen and there must be a "large-scale loss of life" and the state cannot protect its citizens. Intervention can also happen to prevent people from starving to death, if the state is unable to support it or fails to do so (Singer, 2016:119, 120).

2.1 The UN's relationship with Iraq

The Iraqi invasion of Kuwait on 1-2 August 1990 set in motion a series of actions by UN member states that thrust the UN Security Council into the limelight. Between 2 August and 31 December 1990, the Council adopted 12 resolutions progressively implementing parts of Chapter VII of the Charter. (For the texts of the resolutions adopted in 1990, see CRS Report 90-513 , Iraq Kuwait: United Nations Security Council Resolutions – Texts and Votes). After condemning the Iraqi invasion of Kuwait and demanding Iraq's withdrawal in Resolution 660 (UNSC, 1990), the Council decided in Resolution 661 (UNSC, 1990) to impose economic sanctions on Iraq and occupied Kuwait as a means of ensuring Iraq's compliance with the resolution 660 (UNSC, 1990) (Browne, 2003).

In the last ten years, from 1992 to 31 December 2002, the Council adopted 39 resolutions dealing with Iraq. (For the texts of resolutions passed during this period, see CRS Report RL31611, Iraq-Kuwait: UN Security Council, although Iraq was still subject to the economic sanctions imposed in August 1990, it was allowed to export a limited amount of its petroleum products under an express set of provisions requiring strict UN control and monitoring. (For the texts of resolutions passed in 1991, see CRS Report 91-395, Iraq-Kuwait: UN Security Council Resolutions, Texts and Votes – 1991) (Browne, 2003). In Resolution 665 (UNSC, 1990), the Council authorized states with maritime forces in the area to "use such measures as may be necessary" to ensure strict implementation of the maritime sanctions. The most comprehensive and longest resolution, Resolution 687 (UNSC, 1991), established terms for a ceasefire and covered several topics such as border demarcation, observer missions, weapons of mass destruction, return of property, compensation, sanctions, oil exports, humanitarian imports and repatriation of Kuwaiti and third-country nationals (Browne, 2003:3). In 1991, the Kurdish and Shia Muslim revolt was brutally put down by Saddam Hussein with the help of Iraqi helicopters, warships and artillery. Despite continued UN sanctions and aid to approximately two million Kurdish refugees from the US and European nations, there was no military solution to the situation (Ambrose & Brinkley, 2011:373).

Sadako Ogata is a former UN High Commissioner for Refugees. She also served as Chair of the UNICEF Board of Directors, as Chair of the Japan International Cooperation Agency, and as Dean of the Faculty of Foreign Studies at Sophia University, Tokyo. She claims that in February 1991 she began her work at the United Nations High Commissioner for Refugees (UNHCR). It was a significant time when the world had just transitioned from the tightly controlled structure of the Cold War. Sadako Ogata tells of the Gulf War, and in its aftermath, nearly 2 million Iraqi Kurds fled to Iran and Turkey (Sadako Ogata, 2018, www.un.org).

It is stated in the political literature that the intervention in Iraqi Kurdistan is the exercise of UN support for Security Council Resolution 688 (1991). The intervention of the coalition forces created a sanctuary in northern Iraq to bring back the Kurdish refugees of one state in the territory of another state without the consent of the latter (Sadako Ogata, 2018, www.un.org). A definition that does not cover the problems that arise around the concept of humanitarian

intervention. Saddam Hussein has repeatedly ignored sixteen United Nations Security Council Resolutions (UNSCR), which aim to ensure that Iraq poses a threat to international peace and security. In addition to these repeated violations, he has actively sought to circumvent the economic sanctions against Iraq imposed by the United Nations, as is evident in several other resolutions (Bush, George, 1991, whitehouse.archives.gov). A limitation to carrying out the process is that the task of intervening in a state at a time when the process can be done through an international group under the protection of the UN or a regional group such as NATO. For example, in an attempt to give a blow to the understanding of the concept of intervention as the actions carried out by a state or group within the framework of a state, a group of states or an international organization that forcibly intervene in the internal affairs of another country.

2.2 US justification for intervention

Intervention across the border with Tanzania and occupying part of its territory, Uganda was invaded in 1979 and Idi Amin was overthrown with the help of Ugandans in exile (Bring, 2002:136). This change in UN Council practice was pushed by the three leading Western powers, the US, France and Britain, who sought to secure UN legitimacy for interventions to protect civilians in Iraq, Somalia, Haiti, the Balkans and Libya. The intervention is carried out to see if there has been any difference in the argument before the interventions in Iraq.

President George H. Bush's justifications for the intervention in Iraq in 1991 will be examined through examination of official documentation, press releases, public statements. By analyzing documents related to the Gulf War and no-fly zones, the paper will provide a comprehensive picture of how the justifications can be categorized into different categories (Kerton-Johnson, 2011:22). In his defense of the war against Iraq, President Bush considered both his domestic and international responsibilities, which meant that he often had to focus on different aspects. The wider US government had different advocates for a more aggressive strategy "hawks" and advocated a more diplomatic solution "doves" dissatisfied with the justification for opposing the aggression. For the "doves", oil, rather than the fight against aggression, was the central motivation to question, while the "hawks" considered the national interests in oil to be sufficient motivation and justification in themselves (Freedman & Karsh, 1993: 214).

2.3 Humanitarian intervention

Sarah Maxey (2019), in her article *The Power of Humanitarian Narratives* (2019) seeks various explanations for the increased emergence of humanitarian interventions and the motive behind it. In the absence of US interests, humanitarian motives are considered a useful alternative, but less reliable. Nevertheless, US presidents have used humanitarian explanations for every military intervention since the end of the Cold War. Humanitarian motives have played a large role in security-driven interventions by developing a domestic coalition framework that evaluates motives based on which support is most important before the intervention. Maxey (2019) Argues that humanitarian narratives are necessary to build a broad coalition of support. However, presidents can face backlash if they exaggerate humanitarian claims. Justifications for US

interventions confirm that humanitarian motives are common and politically relevant. In the article, Maxey (2019:28) describes the effect of false certainty and combined justifications. When presidents abuse humanitarian justifications to justify a security intervention, they lose the support of cooperative internationalists. Examining the effect of sincerity on support for security and combined conditions, it was found that the negative impact of dishonest humanitarian justifications is reduced when combined with sincere security demands.

The study found that cooperative internationalists did not show significantly lower support for interventions that combined sincere security claims with dishonest humanitarian justifications. Support from militant internationalists was also largely unaffected by the addition of dishonest humanitarian appeals. Dishonest combined justifications suggest that leaders are at reduced risk of being liable to abuse humanitarian rhetoric in situations where an additional humanitarian narrative is most favorable—for example, in security operations where humanitarian claims can be used alongside security justifications to convince skeptical cooperative internationalists to support the operation. The findings challenge both the folk realist expectation that the public primarily reacts to threats to its own security and the constructivist tendency to limit the power of humanitarian motives to cases of humanitarian intervention. Maxey (2019:28) shows in his article that humanitarian motives are equal, if not more important, than security declarations in gaining domestic support, even in security-driven operations.

According to Maxey (2019:45), GHW Bush expressed in 1990 that Iraq's brutality against innocent civilians would not be allowed to continue. He stressed that Saddam Hussein's violations of international law would not be tolerated and that his aggression against Kuwait would not go unchallenged. by saying; "Iraq's brutality against innocent civilians will not be permitted to stand. And Saddam Hussein's violations of international law will not stand. His aggression against Kuwait will not stand" (GHW Bush 1990).

3. Theory

The section's introduction focuses on theories related to intervention in another state. A range of different theoretical perspectives and approaches are presented which are used to understand and analyze questions relating to the subject in question. Theories play an important role in research and contribute to shaping the understanding and interpretation of events and phenomena.

3.1 Interventions of sovereignty against human security

International humanitarian intervention is the modern image of the concept of just war that prevailed in the Middle Ages, which was used more widely in the early nineteenth century under justifications to protect religious minorities and citizens of overlapping countries (MacQueen, 2011:2, 3). This interest increased with the end of the Cold War, the collapse of the Soviet Union and the dissolution of the socialist system, especially with the increase in the outbreak of internal conflicts in many countries, which led to the emergence of the phenomenon of international humanitarian intervention, which in the early nineties issued. There are many calls for external military intervention to defend human rights and minorities, punish perpetrators of crimes against humanity and ensure humanitarian access to areas suffering from acute humanitarian crises (MacQueen, 2011: 3, 45).

Security justifications focus on justifying actions based on the protection or promotion of national interests, especially in relation to the security and well-being of one's own nation. This framework allows individuals to assess the benefits and consequences of action based on how they affect their own security and the interests of the nation as a whole. Security justifications often emphasize self-defense, defense of territory, securing resources, and preventing threats to the nation's sovereignty (Maxey, 2019). On the other hand, humanitarian justifications frame actions in terms of protecting or promoting the welfare of foreign nationals or non-state actors. This frame encourages individuals to consider and value the effects of the action on the safety and well-being of others. Humanitarian motives may involve preventing or alleviating human suffering, protecting fundamental rights, and promoting humanitarian values such as solidarity and compassion (Maxey, 2019). It is important that security and humanitarian motives are not necessarily mutually exclusive. Sometimes there can be overlaps and interactions between these two frameworks. For example, security interests and humanitarian needs may coincide in some situations, where actions both promote the security of one's own nation and protect the welfare of foreign nationals (Maxey, 2019).

The chosen motivational framework can influence how an intervention is assessed and justified. A security justification may place greater weight on the interests of one's own nation and use national security standards to assess whether the intervention is justified. On the other hand, a humanitarian justification can emphasize the need to protect human rights and minimize suffering, in addition to the direct interests of one's own nation (Maxey, 2019). It is important to understand the different motivational frameworks to get a clearer picture of how interventions are assessed and how they can affect different interests and actors. This can contribute to a more nuanced discussion about the legitimacy and effects of various intervention measures.

The UN has also been interested in the principle of non-interference in the internal affairs of states and non-use of violence but with the increasing interest in armed conflicts in many countries of the world, it has led to a non-recognition of the principle of non-use of violence and non-interference in the internal affairs of states, which was used to violate the principle of international peace and security (MacQueen, 2011:3). There seems to be little legal wiggle room in this statement about the limits of UN power. Indeed, this part of the charter explains the special importance of the holy trinity of consent, impartiality and violence only in self-defense which are stated as the basic rules of traditional peacekeeping. Only adherence to all three of these principles seems to keep UN military intervention on the right side of the organization's own constitution (MacQueen, 2011: 71).

The problems with infusing UN military intervention with cosmopolitan precepts are not just legal. The moral universalism of cosmopolitanism is clearly at odds with the moral relativism of those who see the world and its various cultures in more "pluralist" and less "solidarist" terms. Respect for national sovereignty, from a pluralistic perspective, is a means by which distinctive and diverse worldviews can be protected. According to this view, although some universal values may indeed exist, they are not so comprehensive as to justify the involvement of citizens of one nation in the social and political makeup of other nations (MacQueen, 2011: 71). However, the expansion of this concept prompted the explicit recognition of the principle of international intervention for humanitarian considerations by many regional and global organizations.

3.2 Cosmopolitan theory in humanitarian intervention

The international community has a humanitarian responsibility to intervene militarily to protect vulnerable individuals and pursue cosmopolitan justice (Brown & Bohm, 2015). This means that there is a moral obligation to defend human rights and protect people's dignity, regardless of national borders. To support such an intervention, Brown & Bohm (2015) put forward four arguments. First, cosmopolitans argue that all human beings have inherent worth and dignity, which means that no human should be subjected to violation or abuse. This deontological approach emphasizes that all people are equally valuable and that it is morally wrong to violate their rights.

Second, many cosmopolitans believe that humanitarian intervention is a legitimate mechanism for responding to large-scale injustices involving human rights violations. By intervening militarily, one can establish a basis for cosmopolitan public rights and act as a form of law enforcement on the part of the international community. Third, the link between the intervention and different conditions is emphasized. In assessing the success and appropriateness of the intervention, one must consider whether it has a reasonable chance of success and whether the benefits outweigh the harms that may result from military intervention. In addition, the interveners have a responsibility to assist in the reconstruction of the defeated country or countries to ensure a sustainable future after the intervention.

Beetham (1999) identifies three criteria for assessing cosmopolitan democracy in terms of the human rights system: The first criterion emphasizes that the norm-making and monitoring of human rights requires the institutionalization of routines. By signing the UN conventions, states submit to a supranational order for the development and monitoring of human rights. International opinion and alarm play an important role, which extends beyond the states that have signed the convention. These norms assert minimum rights for all people based on their common human needs and capacities (Beetham, 1999:145). In terms of democratic requirements, the system of human rights is a clear part of universalism. The monitoring of the states has positive effects for both the content and form of democracy. Through the agreements on human rights, a basis is created for global democratic citizenship. Beetham compares this agenda with the democratic rights advocated by David Held and finds considerable overlap between them (Beetham, 1999:145).

Applying Beetham's (1999) mechanisms to the intervention in Iraq in 1991 to save the civilian Kurdish population, I would translate it as follows; Coercive mechanisms - The state influences the Kurds directly and indirectly to bring about changes according to the state's laws and goals. The Kurds play a significant role as a nation and their work to increase Kurdish influence in Iraq can be seen as part of the coercive mechanisms.

The government of Iraq sought homogeneity and used violence and oppression against Kurdish citizens to maintain its power. Kurdish parties, for their part, want to increase Kurdish influence and achieve national equality. International influence from the United Nations and countries such as the United States, Great Britain and France are trying to include the Kurds within a federal state. Self-rule changes and the Kurds are established as a result of the intervention and processes within the Iraqi state.

Finally, the fourth will draw out three important implications of our argument for cosmopolitan thinking more generally and how these relate to the practice of humanitarian military intervention. By exploring these implications, it will be argued that the introduction of *Jus ante Bellum* principles into the cosmopolitan debate on the use of force will give greater consistency, legitimacy and focus to cosmopolitan humanitarian efforts and how our understanding of 'intervention' can better correspond to wider cosmopolitan ambitions (Brown & Bohm, 2015).

3.2.1 Non-humanitarian justification

Presidents' drive to publicly advocate interventions stems from their democratic responsibility to citizens, who have the ability to vote out leaders and their parties. Presidents who implement interventions without public support run the risk of political penalties, either in the form of electoral losses or through tighter institutional constraints that make it more difficult to implement their policy agendas. In all these cases, it seems that cosmopolitans should have something sensible to say in relation to what the demands of cosmopolitan justice require of these just war principles. That said, at the moment, of the few cosmopolitans who devote themselves specifically to war theory and humanitarian military intervention, the focus has largely been on justifying why a cosmopolitan might support military intervention (Archibugi, 2004; Fine, 2007; Hålls, 2010 ; Kaldor , 2003; Pogge , 1992; Smith, 2007), to clarify in which cases an intervention is justified on cosmopolitan grounds to implant certain cosmopolitan values in existing just war clauses (Caney , 2005; Fabre, 2012; Hayden, 2005 in Brown & Bohm, 2015).

John J. Mearsheimer is a prominent international relations theorist. His focus has been mainly on geopolitical issues and the theory of "offensive realism". In his works, including the book "The Tragedy of Great Power Politics" (2001), he discusses strategic interests, balance of power and rivalry between states. Mearsheimer (2001) has generally been critical of the United States' role as global police and has emphasized that interventions can have side effects that affect the stability of regions. Although he has not focused specifically on the intervention in Iraq in 1991, his theories and reasoning on strategic interests and balance of power may be relevant to understanding his skeptical view of American interventions and their consequences.

Mearsheimer's (2001) argues that realist thinking about the survival of states is challenged in two ways. According to proponents of globalization, states today are more focused on achieving prosperity than fearing for their survival. The primary goal of post-industrial states is considered to be to be economically successful, perhaps even at the expense of overconsumption. This line of thinking is based on the logic that if all the great powers prospered and grew rich, no one would have any incentive to initiate an act of war, since conflict in today's interdependent world economy would harm all states. His question is why would you sabotage a system that makes everyone rich. If war does not make sense, survival becomes a less salient concern than realist perspectives would suggest, and instead states may focus on accumulating wealth.

However, there are also problems with this perspective. In particular, there is the risk that a serious economic crisis in an important region or globally could undermine the prosperity on which the theory is based. It is widely known that Asia's "economic miracle" helped to reduce security competition in the region before the financial crisis of 1997-1998, but the crisis itself helped to promote a "new geopolitics". Mearsheimer's (2001) believes that the US successfully tried to contain the financial crisis, so it was a close thing, and there is no guarantee that the next

crisis will not spread globally. Even in the absence of a major economic crisis, there may be states that do not prosper and may have little to lose, or even anything to gain, by going to war.

According to Mearsheimer's (2001) theory, survival is at the top of the list of great powers' goals. Despite this, states also strive to achieve non-security-related goals in practice. A common aspiration for great powers is to create economic prosperity, which aims to improve the welfare of citizens. Sometimes they even try to promote specific ideologies abroad. An example is the Cold War, where the United States sought to spread democracy throughout the world while the Soviet Union sought to promote communism. National unity is another goal that motivates states, as we saw with Prussia and Italy in the 1800s and Germany after the Cold War. In addition, major powers sometimes try to promote human rights globally. States may pursue these goals, along with other non-security related goals.

4. Method and material

In this method section, I will explain which methodological starting points the study has, the methodological choices made and describe the method used to make reality fit the study's theoretical model.

4.1 Method

The paper is a case study that uses a theoretical model as an analytical tool to examine changes in the motivation for humanitarian interventions over time. A careful analysis is carried out focusing on an intervention that took place in Kurdistan, Iraq, in 1991 (Gerring, 2017:26). By using the case study as a method, the research question can be answered and the conditions for the intervention can be explored. This method also enables a closer analysis of political motivations and legitimacy within a globalization context (King et al., 2021:5,6). The case under investigation is the intervention in Kurdistan, Iraq, in 1991, where the United States and its coalition conducted an intervention during the ongoing independence process and popular uprising against Iraqi government forces. Kurdistan is a region with a state character but is not a recognized state. The choice of this method is based on the purpose of examining the conditions for a humanitarian intervention within the framework of the chosen theories. Ejvegård (2009:36) claims that extensive collection of material is required to be able to answer the essay's questions and purpose. By using a case study as a method, enough information can be gathered to be able to account for the conditions in the field and connect the empirical material to the selected questions.

The case is chosen for several reasons. First, sufficient information is required to examine a humanitarian intervention and analyze it based on the theory model of cosmopolitanism. Cosmopolitanism is based on human dignity, which explains and develops the phenomenon of humanitarian interventions (George & Bennett, 2005:111). Second, the intervention is being carried out at a time when serious violations of human rights and the Kurdish situation can be observed. It concerns the legitimacy of a humanitarian intervention, especially given the obvious human suffering and whether there are other underlying motives for intervention. Third, the selection of Kurdistan as the target of humanitarian intervention is dependent on the case being assigned under both Chapter VI and Chapter VII of the UN Charter. The unwritten Chapter VI ½, which deals with " peace-keeping " and is carried out against the will of the country concerned, shares certain characteristics with Chapter VI. The UN does not have the right to take measures without the consent of the parties (Bring, 2002:15). In contrast to Chapter VII, the Security Council has the opportunity to influence and force the parties into a new situation. This

includes the use of military means, as exemplified by NATO's bombing of Serbian communications facilities in 1993 under Resolution 836 (Bring, 2002:16).

Through careful analysis and examination of empirical data in the case study, one can give support to and confirm the current theory, which increases its credibility (George & Bennett, 2005:147). The essay uses a selected case study within a relevant and appropriate framework to stick to the topic and achieve an in-depth understanding of complex phenomena and connections. The analysis and interpretation of information in depth can contribute to the wider knowledge base within the research area of the motive for humanitarian interventions (George & Bennett, 2005:70).

The intervention in Iraq in 1991 focuses on evaluating whether the US and its alliance protected the Kurds through the humanitarian intervention (George & Bennett, 2005:70). The study sometimes uses a descriptive approach with own interpretations and ends with a critical analysis. The perspective lies within political science and examines interpretations of articles with a political focus as well as the surrounding political situation. The reader is assumed to be familiar with social science literature, but there is no specific examination of individual cases or events. Integrating a case study in a theory-testing context is possible as high-quality pure case studies are rare (Esaiasson et al.; 2017:129).

4.1.1 Criticism of the case study

The case, or unit of investigation, Iraqi Kurdistan, which forms the starting point for this investigation, is a natural phenomenon and not an artificial situation created for research purposes (in this case, Humanitarian Intervention in Iraq). The case study may also use different sources, different types of data and different research methods. It should be noted that the case study constitutes a research strategy and not an individual research method (Alvehus, 2018: 16-18).

In this type of work, where two states are still in an ongoing conflict, authenticity and independence are crucial. A potential disadvantage compared to another design is the phenomenon that George and Bennett (2005:22,23) call "Case selection bias". It refers to the risk that the researcher may select cases in a biased way to either support or reject a theoretical framework. It is considered highly beneficial for studies to avoid, as much as possible, using sources from Iraqi Kurdistan and the United States that may be biased or non-biased in a convincing manner. Despite this, the search for independent researchers or texts from Iraq that meet these criteria proved to be a challenge (Esaiasson et al., 2017:294).

The case study of the US war on Iraq is particularly significant in examining authenticity and independent material. It is considered positive for the work to avoid using sources from Iraq and the USA to the greatest extent possible. However, it was challenging to find independent researchers or texts from Iraq that meet these criteria (Esaiasson et al., 2017:294). George Bush came to power in 1989 and he brought to the White House a devotion to traditional American values and a determination to direct them toward making America "a kinder and gentler nation." In accordance with his national interests, it means that he has examined his need for security. In his inaugural address, he promised to use American strength as "a force for good" in "a moment rich in promise" (www.whitehouse.gov). Methodological independence is essential to reduce the risk of bias or influence from the researcher's own opinions or interests throughout the research process, including the data collection, analysis and conclusions.

4.2 Materials source criticism

In the essay, various types of sources have been used, including both primary and secondary sources. The primary sources that have been used include Security Council resolutions and meeting minutes as well as official statements from the Internet, which are considered primary sources. George & Bennett (2005:97) argue that political scientists have an increasing role in the study of international politics and face the challenge of assessing the evidentiary value of primary sources. Assessing the significance and probative value of such sources requires a thorough analysis of contemporary public sources, such as daily media reports on the continuing development of the case over time. The secondary sources that have been used consist of literature, newspaper articles and journal articles. The secondary sources have mainly been used to provide a theoretical background and to support the interpretation of the primary sources. In the selection of secondary sources, the effort has been to use established sources, especially in historical research on Iraq 1991. This aims to ensure the reliability and credibility of the sources used. The reference to Esaiasson et al. (2017:292-294) indicate that these authors have contributed relevant research and insights related to the topic. By using both primary and secondary sources, the paper has been able to draw on both primary data and previous research to gain a diverse and well-informed understanding of the subject and its historical context. The choice of a case study involves a mechanism where specific combinations of relevant variables are sought to fit the cross-case technique and conduct a qualitative analysis within a deterministic environment (Gerring, 2017b:18).

The humanitarian intervention in Iraq in 1991, which occurred for the first time, marked a historic event and opened the door for the United Nations to act in a different way to preserve peace. This created a new dynamic and a potential for change in UN action. This material has been collected and used in the paper to examine and discuss the need of the Kurds to understand the decisions of the international community, the importance of justification for intervention and the potential effects of humanitarian interventions in Iraq. Tesón (1996:332) indicates that certain historical events have contributed relevant research and insights into communication and identity.

The paper will be a literature study, which means that information will be collected and reviewed. In the analysis of the essay, the focus will be on secondary sources, factors and motives at the state level. There will not be a deeper analysis of individual motives at the individual level in connection with the intervention in Iraq. Instead, the Bush administration as a whole will be equated with the US state in the analysis. The motives of the intervention will be made to find answers to the formulated research questions. The connection between the various theories and practices examined in this essay can form the basis for further empirical research. The main subject of the research is intervention and whether interventions should be possible for development to take place towards democratization (Marks, 2007:41).

Source criticism is a method for assessing and reviewing the reliability and authenticity of sources. In research, four source-critical rules are commonly used: authenticity, independence, simultaneity, and tendency. In the essay, it may be relevant to refer to the historical events that may have a link to later interventions (Denscombe 2018:38). I have tried to choose established sources, especially in international law doctrine and politics. However, among the foreign authors it has been difficult to know who should be considered to have weight behind them or not. When choosing the source material, there was a need to use historical statements that were to be taken from two different source materials that deal with what actually happened. As arguments for war in Iraq, the source materials that clarify the historical course are used in a clear way, in order to gain an understanding of the arguments (Esaiasson et al, 2007:315, 316, 317). I have tried to remain objective, although I realize that my own opinions unconsciously influence what I read from a text. Personally, I am relatively critical of the American administration and know that this can affect the essay in some places. My opinion regarding the situation of the Kurds is to try to be independent and present the arguments around the intervention in Iraq and how it affects sovereignty (Esaiasson et al, 2007:320).

5. Analysis of the humanitarian intervention

The following section presents the results that emerged in the study by compiling the theoretical material on intervention in Iraq to protect the Kurds. The study is based on the fact that the UN's humanitarian mandate has undergone an expansion, which means that the definition of "threats to international peace and security" now includes "humanitarian crises". This has resulted in an increased use of coercive measures under Chapter VII to implement humanitarian decisions. The powers of the military forces to use force have been expanded beyond the previous limitation to self-defense. In particular, they have been allowed to act to protect humanitarian efforts or the civilian population in "safe areas", at least in theory. To meet these challenges, the UN has increasingly allowed national military units to be part of specially formed international coalitions or within the framework of regional organizations. These groups are not directly under the command of the UN, but they are theoretically responsible for their actions. This allows for a wider use of force to deal with humanitarian situations and security issues, although questions of accountability and control as well as justifications other than humanitarian interventions remain.

5.1 Background

This section will deal with the background and conditions of the international influence that marked the emergence of the Kurdish freedom movement for an independent state. The section is necessary to understand how the Iraqi regimes treated the Kurds and how they got high on the political agenda, and which actors influenced the 1991 revolution.

5.1.1 The international impact

The Kurdish population, which lives as a minority mainly in Turkey, Iraq, Iran, Syria and in smaller groups in Russia and Lebanon, is estimated to be between 8 and 30 million people. Kurds make up a significant portion of the population in these countries: between 19 and 24% in Turkey, 23 to 27% in Iraq, 10 to 16% in Iran, and 8 to 9% in Syria. Due to the denialism of some countries and lack of reliability in the available statistics, it is difficult to determine their exact number. The Kurds claim descent from the Medes, who conquered Nineveh in 612 BC. They also emphasize that they constitute a unique nation that has never achieved political independence (Malanczuk, 1991:115).

Saddam Hussein took power in 1979 and has long been one of the world's worst human rights abusers. He excluded Shiites and Kurds from power. In 1990, Iraq under Hussein occupied Kuwait, which was considered a defining event in the history of the Iraqi democratic movement and caused strong reactions from major countries such as the United States and Great Britain. Since 1990, evidence of human rights violations has been collected, but sometimes it has been used more for political purposes or as justification for military action than to hold the evil regime accountable for its crimes (Hiltermann, 2000:32).

Mullah Mustafa Barzani fought for more than half a century against the Iraqi government. He spent some time in exile in the Soviet Union (1947-1958) and in the 1970s negotiated the 1970 March Manifesto, which would theoretically grant Kurdish autonomy under his leadership. The Kurds aspired to an independent state (Gunter, 2008:13). In 1974, open war broke out between the Kurds and the government in Baghdad, which refused to abide by the agreement with the Kurdistan Democratic Party (KDP). In 1979, the Islamic revolution came to power in Iran, which created concerns in Saddam Hussein that Iran would create problems in Iraq (Voller, 2014:47, 48). He started a war on September 2, 1980, which lasted for eight years (Williamson & Woods, 2014:18, 21).

In March 1988, the Iraqi regime carried out poison gas attacks against Kurdish guerrillas and civilians in the countryside. A chemical attack was also carried out in the city of Sardasht in Iranian Kurdistan, resulting in over a hundred civilian deaths. This was followed by an even larger chemical attack in the city of Halabja in Iraqi Kurdistan, where thousands of people were killed (Hiltermann, 2013). The United Nations sent eight missions to Iran and Iraq between 1984 and 1988 to investigate the use of chemical weapons. These reports showed unequivocal evidence that Iraq was responsible. However, the UN resolutions during that time did not mention Iraq as perpetrators or the Kurds as victims. It was only after the Gulf War that it was recognized that Iraq was guilty of these crimes (Hiltermann, 2000:32).

During the Cold War, the UN Security Council was divided due to the rivalry between the superpowers, which prevented effective measures for conflict resolution. Both the United States and the Soviet Union opposed Iran and supported Iraq, preventing a joint response to the use of chemical weapons. However, with Gorbachev's rapprochement with the United States and Iran's exhaustion, the war was able to end in 1987–1988. UN Secretary General Javier Pérez de Cuéllar initiated independent investigations into Iraq's use of chemical weapons, which clarified Iraq's culpability (Hiltermann, 2000:32).

5.1.2 Kurds in Iraq in 1991

The oldest, most famous and most powerful political organization was the Kurdish Democratic Party (KDP). From 1946 to 1975, Mustafa Barzani's KDP was the single most important conduit for Kurdish nationalism in Iraq. In 1975, Jalal Talabani started the rival Patriotic Union of Kurdistan (PUK) (Brown, 1995 :81). The KDP and PUK have been competing for Kurdish leadership ever since. The charismatic Massoud Barzani inherited the mantle of KDP leadership

after his father's death in 1979. In late April 1991, Jalal Talabani met with Saddam Hussein, after which he announced a return to the principles of Kurdish autonomy. He also called on the Kurds to stop fighting and start returning home. However, the skeptical Kurds remained unconvinced because they had heard Saddam's lies too many times before. In 1970 he promised them self-rule, but by 1975 he had renewed a campaign of repression with Iran and attacked the Kurds (Rudd, 2004). Then came the onslaught - a campaign that included the use of chemical weapons against Kurdish civilians in 1988. The brutality of the recent reoccupation of Kurdistan was also still fresh in the memory. Talabani's statements were ignored by the Peshmerga who continued to fight Iraqi forces (Brown, 1995 :882,83).

Iraqi representatives met with Kurdish and political leaders in Kanimasi on 13 May 1991. The Kurds were pleasantly surprised to find that they were invited to return to Dohuk . However, they made their return dependent on two requests. First, an agreement must be worked out with Baghdad to guarantee a return to democratic principles, civil rights institutions and Kurdish autonomy. Second, they wanted Allied security forces to protect them. Without both guarantees, the Kurds would not return. In the words of a Kurd: "We would rather live like dogs than be slaughtered like pigs" (Brown, 1995 :84).

5.1.3 United States and Allied Countries

On March 1, 1991, the insurgency began in southern Iraq by Shiites, but soon spread to central and northern Iraq. On March 5, 1991, a popular uprising (" Raparin " in Kurdish) took place in the city of Ranya, located on the northern outskirts of Sulaymaniyah Governorate. Kurdish (peshmerga) fighters took control of the city. The following day, this popular uprising spread to the largest cities in the region, Erbil and Sulaymaniyah. However, shortly thereafter, the Iraqi military regrouped and began to suppress the rebellion, resulting in a massive exodus of Kurds in March/April 1991 to the borders of Turkey and Iran. Turkey and Iran refused to accept the Kurdish civilians and to prevent a humanitarian disaster, on April 5, 1991, the UN Security Council adopted Resolution 688 (UN.org, 1991) and began implementing a no-fly zone in northern Iraq and southern parts. This UN action proved to be a significant development in the history of the Kurds and enabled the Kurds to establish self-government to manage their own affairs (Gunes, 2019:28).

More than 750,000 refugees starved. Aid workers reported that around 1,500 refugees die each day. In early April, two out of three people in northern Iraq were displaced by civilians. The situation seemed hopeless. In an act of desperation, Kurdish leader Moussad Barzani pleaded for help when he publicly asked the United States for help (Brown, 1995 :2).

At first, US President George W. Bush was reluctant to intervene, but he eventually responded to public pressure to join relief efforts underway from Europe. The decision to commit US resources was made on April 5, 1991. Urgent orders for action were sent to US military units around the world. The first Marines alerted were 19 Air Delivery paratroopers Platoon, 1st

Landing Support Battalion, 1st Force Service Support Group at Camp Pendleton, California (Brown, 1995 :2).

In response to President Bush's expressed desire for immediate action to assist displaced civilians in northern Iraq, General John R. Galvin, United States, Commander in- Chief ordered Europe (CinCEur), the formation of a US military force to support humanitarian relief efforts. On 5 April 1991, Major General James L. Jamerson, USAF, was detached from his duties as Deputy Chief of Staff for Operations, US Air Force Europe (USAFE), to serve as commander of a joint task force—tentatively named Provide Comfort—created to assist Iraqi refugees. Military aircraft were ordered to deliver relief items and medical units were prepared to deploy to refugee camps in eastern Turkey (Brown, 1995:3).

5.1.4 Iraq as a sovereign state

Saddam Hussein declared war on Iran in 1980 to reclaim territories previously ceded to Iran in exchange for stopping aid to the Kurds (Helms, 1984: 145-150). Many Arab countries, including Saudi Arabia and Kuwait, lent Iraq money during the Iran-Iraq War. After the war, Saddam asked his neighbors to write off his war debts, which he saw as an important first step in recovering Iraq economically. Iraq was unable to repay its existing loans, and without the threat of Iran as a motivation, foreign lenders were reluctant to invest or help. Saddam was faced with a growing liquidity crisis, and the deteriorating situation affected the entire nation. He found it increasingly difficult to provide the Iraqi people with tangible benefits from his rule, which was especially important after a devastating war. After several assassination attempts between 1988 and 1990, Saddam clearly realized that his regime was under direct threat (Hurst, 2009:84).

During the last year of the war, a devastating campaign was also launched in Kurdistan called al-Anfal, which was led by a close relative of Saddam Hussein. Between 1987 and September 1988, 80% of Kurdish villages were destroyed. According to author Martina Johannesson (Ed. 1999), 60,000 people lost their lives in the war. However, the Kurds estimate the number of missing during the Anfal campaign to be 180,000 people, and there is still no exact figure for the missing. After eight years of war, Iraq lost hundreds of thousands of people and lost \$100 billion in foreign exchange reserves. Although Iraq was militarily strong after the war, the country fell into huge debt and suffered a crippled economy. The debt amounted to 70-80 billion dollars, mainly to Kuwait, Saudi Arabia, the Soviet Union and France (Svejnar, 2003:6). In the last years of the Saddam regime, Iraq was in a state of total social and political disintegration in many ways (Østerud , 1997:138). A large majority of Iraqis saw no future at all for themselves.

5.1.5 Resolution 688

The genocide in Kurdistan has marked history through different eras, where government policies have discriminated against the Kurds on the basis of religion, ethnicity and language. The knowledge of the Kurdish genocide is a reminder both for the Kurds and for all of humanity (Hiltermann, 2013). The Anfal campaign, which ran from 1981 to 1988, was a reference to the

Koran (Anfal Surat). Some of those who escaped captivity were murdered by the Kurdish opposition (Hiltermann, 2013). After the second Gulf War (March 6, 1991), an uprising broke out in Iraqi Kurdistan as a reaction to the repressive policies. The rebellion quickly spread from Rania to several cities, including Kirkuk (Gunes, 2019:28, 29). The revolutionaries quickly took control of police stations and districts, and the rebellion spread without major losses (Gunes, 2019:28). Within the first nine days, the city centers of Erbil, Sulaymaniyah and Dohuk were liberated after relatively light fighting. After four days of continued fighting, Kirkuk, which was the subject of a dispute between Baghdad and the Kurds, was also liberated. Iraq tried to retake the cities through airstrikes, but the coalition was overthrown on March 22 (Gunes, 2019:28, 30).

An Iraqi SU-22 aircraft temporarily stopped the Iraqi attack, but soon the United States returned and the Iraqi government understood that it would not oppose the use of helicopters to put down the insurgency, according to George Bush's address to the Iraqi people (February 29, 1991) (Gunes, 2019:31). Bush spoke in March 6, 1991: *Address Before a Joint Session of Congress on the End of the Gulf War* that the war is over. He states that from the moment Operation Desert Storm began on January 16th to the silent ceasefire a week ago at midnight, this world has been blessed with the promise of peace. In this nation, their sons and daughters are looked upon with pride, and watched over with prayer as their supreme commander (Bush, 1991a). The US encouraged the Iraqi people to rise up and revolt to restore democratic order and high values. It was a historic opportunity to regain authority over the cities and help and save the Iraqi people (Gunes, 2019:31).

The UN Security Council has adopted over 25 resolutions and statements since Resolution 687 to implement and strengthen ceasefire conditions. Resolution 688 (UNSCR, 1991), adopted on 3 April 1991, was particularly significant and demanded that Iraq end its oppression of its population, particularly the Kurds (Prados, 1999:2). From 1991, the US, UK and France established no-fly zones over northern and southern Iraq under Resolution 688 (UN.org, 1991). Iraq regarded the no-fly zones as illegal trespasses (Prados, 1999:2). At the 2982 meeting of the Security Council on 5 April 1991 (UN.org, 1991), representatives from several countries, including Canada, Denmark, Germany, Greece, Iran, Iraq, Ireland, Italy, Luxembourg, the Netherlands, Norway, Pakistan, Portugal, Spain, Sweden and Turkey, were invited to participate in the discussion without voting (Browne, 2003).

Operation Provide Comfort was a relief effort in Iraqi Kurdistan from April 7 to July 15, 1991, involving over 3,600 US Marines. This operation created a sanctuary in northern Iraq, returned 750,000 refugees to their homes and demonstrated the US Marine Corps' tradition of humanitarian response. The monograph on Provide Comfort serves as a case for future humanitarian efforts and emphasizes the role of Marines (Brown, 1995:iii). After Desert Storm, Baghdad was rebuilt, the insurgents were crushed, and Iraq remained under Saddam Hussein's control. The United States did not act quickly or forcefully against Iraq's aggression against the Kurds and Shia Muslims, or Serbia's aggression against Croatia and Bosnia. Critics, such as

Robert Tucker and David Hendrickson, questioned America's ability to act and considered the nation to be in the grip of Bush looking "thumbs down" (Ambrose, & Brinkley, 2011:374).

5.2 The universality of humanitarian intervention

The state is treated at the international level in the same way as the individual at the national level. The UN Charter has been keen to establish an integrated mechanism to achieve collective security (Mertus, 2018:467). The concept of intervention is defined by some researchers as the perception that any form of pressure on a state is to be considered as intervention. There are also those who believe that conditional aid programs, which are carried out by large international organizations which are the largest contributors, are to be considered as intervention when the contributing states believe that they do not have the opportunity to make the decisions they would really like, in the event that they want to keep the contributions.

In its 2001 report, *The Responsibility to Protect*, the International Commission on Intervention and State Sovereignty (ICISS) recognized the primacy of the Security Council and suggested, not to seek alternatives, that the key task was "to make the Security Council work better" (ICISS, 2001: xii). To take that step further is to consider every act where there is a lack of consensus possible to recover. Those who are of this opinion also consider various types of emergency aid, to some part of a state's population in need, as intervention. Furthermore, there are those who believe that any form of interference is to be considered intervention. Some researchers believe that political and economic sanctions and threats of sanctions, blockades, but also diplomatic pressure or threats of encirclement are also other types of intervention (ICISS, 2001:8).

Non-governmental organizations, both international such as Amnesty International and Human Rights Watch, as well as national, are essential components of global human rights and they can report to the UN (Mertus, 2018:470). If the Security Council considers that there is a threat to international peace and security, or a violation thereof, or that an act of aggression has occurred, it must submit its recommendations or decide what action to take. The actions of the UN are to maintain international peace and security, or to restore them to their status quo, according to Article 39 of Chapter VII of the UN Charter (Simon Chesterman, 2018:1205).

The one who can determine that the criteria have been met is only a global body which is conceivable that an authoritative customary law when an intervention is justified. This body is the United Nations UN which can decide whether the intervention is legal. Under the UN Charter, intervention was authorized to protect individual people from violation. Another refers to the charter's article 55(c) which is "general respect for and respect for human rights and fundamental freedoms for all" (Bring, 2002:142). Article 6 of the UN charter points out that "All members commit themselves to jointly and individually take measures in cooperation with the organization to achieve the objectives of the UN". Singer believes that there is a problem in interpreting these articles which are fundamental to a humanitarian intervention to protect

individual people from violation within a sovereign state. The same principle is found in the UN Charter in Article 2 (7) says:

No provision in the UN Charter gives the United Nations the right to intervene in matters that fall within a state's own jurisdiction. However, coercive measures may be taken in accordance with Chapter VII. The UN Charter obliges member states to respect human rights and not intervene in another state's internal affairs (Singer, 2016:199). To justify intervention, the Security Council tried to change the charter after the disasters in Iraq, Somalia and Haiti. Singer believes that one should judge actions based on their moral consequences and support states that prevent tragedies. An ethics of consequence can lead to changes in international law. He also believes that war between democratic states is less likely and that the restoration of democracy does not require obstacles under Article 2 (7). In addition, limitations of sovereignty and the need to recognize crimes of genocide and crimes against humanity are discussed (Singer, 2016: 202-203).

Bush (1991a) justified and explained the intervention in Iraq through the practical and moral reasons for the war using the language of the pilot study. One of these justifications was that Saddam posed a regional danger and threatened American troops as well as all American allies in the area with chemical weapons. He had previously used such weapons. Bush warned that Saddam could soon terrorize his neighbors with biological or nuclear weapons. After the invasion of Kuwait, time passed and the situation evolved. Humanitarian intervention is discussed by Singer (2016) in relation to the principle of non-intervention in sovereign states. Legitimate governments are recognized by the world community, but acceptance may depend on democratic principles. Intervention can be avoided by reducing suffering and the danger of war, which leads to happiness. Singer also discusses moral and legal aspects of intervention and emphasizes that it should be defensible based on the consequences, especially with regard to avoiding major war (Singer, 2016:132, 182, 19).

Restrictions on sovereignty still not acceptable especially by Russia and China which have an "agreement of good friendship and good cooperation between neighbors" which provides protection against intervention and prevents interference in the sovereign states, under any circumstances. Despite this, a state that does not want to feel responsible or does not take responsibility has the Security Council under Article 24 of the UN Charter "primary responsibility for the maintenance of international peace and security" (Singer, 2016:208). After an initial surge in support after the victory, the Bush administration became increasingly less able to publicly justify the war and use the intervention for political purposes. The cultural and political consequences of the decisions of the Bush administration contributed to Bush losing the presidential election in 1992. Maxey (2019) explains that humanitarian motives should have little impact on public opinion against interventions that since support is already maximum in the context of security issues. However, the president's rhetoric is not unique. US presidents have

used humanitarian narratives to explain every military intervention since the end of the Cold War. Maxey (2019) refers to other factors that influence public opinion are unclear.

Governments are accepted in the world community that are legitimate and have de facto control over the territory they rule. A democratic view may be relevant for legitimacy. If a regime that gains power through violence is not legitimate if it does not have the support of the citizens. But it must be acceptable within the world community, otherwise you cannot get recognition within the UN (Singer, 2016:132). A report issued by the UN Commission on Human Rights and the UN General Assembly expressed dismay at the lack of improvement in human rights in Iraq. The report sharply criticized the Iraqi government's systematic, widespread and serious violations of human rights and international humanitarian law. These violations allegedly led to widespread repression and terror supported by widespread discrimination. The report urged the Iraqi government to fulfill its obligations under international human rights treaties (Bush,1991), george.bush-whitehouse.archives.gov).

5.2.1 State sovereignty and justification of intervention

The 1991 Gulf War is regarded as a swift and overwhelming American victory, despite its shortcomings and post-war complications. On the other hand, the Iraq War has been long and bloody, and it turned out that the official pretexts for the war were largely false. Many have criticized the justifications for the Iraq War and the ideology behind it. This led some foreign policy intellectuals to call for a return to realism in foreign affairs, and some looked back to the George HW Bush administration as a model. Speech by "James Baker on the Return to Realism, 1991" with Adam B. Kushner (1991) on the proper role of idealism in foreign policy, how to manage the peace process, and how to survive the White House. James Baker refers that the motivations for the Gulf War were because Saddam Hussein "refused to cooperate" and refrain from invading Saudi Arabia and did not provide a clearer justification for an American intervention.

MacQueen (2011:2) uses the words sovereignty, autonomy and territoriality. Those words clarify the sovereignty of the state and the boundaries that must preserve a state. Member States comply with their demands and cannot subject their citizens to inhumane treatment within the jurisdiction of its internal authorities. Furthermore, it was stated that the right of all states to self-defense according to Article 51 of the UN Charter is dependent on how the states have protected the rights of citizens. The principle of sovereignty and the requirement to respect national sovereignty under normal conditions have a significant role in peaceful relations between states. The principle of sovereignty and the requirement to respect national sovereignty under normal conditions have a significant role in peaceful relations between states. When it comes to avoiding war, it is important to respect sovereignty within international law, but international law has also evolved towards a stronger global community. The UN commission believes that states have a "responsibility to protect" rather than a "right to intervene" (Bring, 2002:285).

The principle of sovereignty applies not only to a state's territorial control but also to the protection of citizens and independence. Interventions have taken place in states that have failed to protect their citizens, such as Yugoslavia, Somalia, Rwanda and Indonesia. The United Nations has a mandate to intervene to prevent international conflicts, and the authority of the United Nations must be recognized by those who have the ability to protect citizens within a state. If the UN has the resources, it can contribute to protecting global ethics jointly (Singer, 2016:228). Bring (2002) opposes intervention but emphasizes that protection of the civilian population should be the main objective if an intervention takes place (Bring, 2002:285). Article 2.4 "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations." and Article 51 of the UN Charter emphasizes the sovereignty and the right of self-defense for States. The Security Council has the authority to authorize executive action under Chapter VII to protect civilian citizens (Chesterman, 2018:1206).

Functioning states have supported Security Council resolutions in cases where the use of force has been authorized to protect the civilian population (Chesterman, 2018:1208). Mertus (2018:471) considers that humanitarian intervention is now recognized in international law as an exception to the prohibition of the use of force against a state. Intervention can be a balance between human rights and economic motives. There are several motivations behind interventions, but this argument assumes that there is clarity of thinking and that the motivations are well defined and clear in each intervention. While Chesterman (2018:1208) believes that the Uniting for Peace resolution of 1950 allows the UN to act when the Security Council cannot fulfill its responsibilities due to veto power. The UN has previously supported interventions without citing humanitarian reasons, such as India's intervention in East Pakistan in 1971 and Vietnam's intervention in Kampuchea in 1978-79. A customary law is being established within international law that recognizes both the right of self-defense and the protection of the individual's human rights. The current framework differs from previous measures where explicit approval from the Security Council was required, such as no-fly zones in northern Iraq in 1991 and NATO's intervention in Kosovo in 1999 (Chesterman, 2018:1210).

The UN principle of sovereignty and respect for national sovereignty play a significant role in peaceful relations between states. Despite this, international law has evolved to promote a stronger global community. Member States have a responsibility to protect their citizens, and the UN can intervene if this responsibility is not met to avoid international conflict. However, the main purpose of intervention is to protect the civilian population. The principle of territorial sovereignty and political independence is fundamental to the protection of states, but there are exceptions for self-defense. The Security Council can authorize the use of force to protect civilians, and functioning states often support such resolutions. In summary, humanitarian intervention in Iraqi Kurdistan has received legal support as an exception to the prohibition of

violence against a state like Iraq, but in any case, UN approval and resources are required to achieve a global ethical level of protection to protect civilians.

5.2.2 Cosmopolitan humanitarian intervention

First, cosmopolitans uphold a deontological commitment that suggests that all people have inherent human worth and dignity that should not be violated (Brown & Bohm, Alexandra, 2015). They argue that human dignity is universal in its scope, so these obligations apply globally to every human being regardless of where they happen to live and despite their cultural and political associations. Therefore, in terms of humanitarian intervention is a justified mechanism to respond to large-scale injustices associated with violations of human rights (Brown & Bohm, Alexandra, 2015). Gross violations of human rights and humanitarian law are generally considered today not to fall under state sovereignty, but are included in the areas that the Security Council is mandated to make decisions about in order to protect international peace and security. However, this interpretation is not shared by all the world's states, as for example Russia and China showed through a joint declaration on 10 December 1999. There it was said that no country has the right to intervene in another country's fight against domestic terrorism. This has caused an increasingly intractable problem for the UN in recent years (Bring 2002).

Under the UN Charter, intervention is mandated to protect individual people from violation. but there are exceptions that refer to the statute according to James Rubin who refers to the Kosovo intervention as an exception rather than a rule. Ian Brownlie, for example, believes that there is a problem in interpreting these articles which are fundamental to a humanitarian intervention to protect individual people from violation within a sovereign state (Chesterman, 2018:1216-1218). Former UN Secretary-General Kofi Annan has emphasized that "it is important to define intervention as broadly as possible, to include measures along a broad continuum from the quietest to the most coercive" (Chesterman, 2018:1221).

The one who can decide whether the criteria have been met for an intervention is only a global organization that can be considered to decide through an authority of customary law. The UN can decide whether intervention is legally supported or not. Article 39 of the UN Charter immediately specifies that the Council can only do this in response to a "threat to the peace, breach of the peace or aggression" (Chesterman, 2018:1205). For example, an intervention occurred in 1991 in Iraq. More recent examples are alleged humanitarian interventions without explicit Security Council approval, such as the 1991 Kurdish air defense zones in northern Iraq and the 1999 NATO intervention in Kosovo.

Singer points out that the right to intervene should not be used unless there are suitable situations to intervene. He adds that the UN needs military strength to have a successful intervention. This means that the UN would have such income to be able to support its own military forces and be available to defend the civilians threatened by genocide or large-scale crimes against humanity. As well as having a democratic idea of sovereignty, which makes it easier to justify intervention

against a government that is not democratic. But the Security Council's five permanent members - the United States, Great Britain, France, China and Russia - have veto power. The General Assembly elects ten states to the Security Council for a period of two years, but no important decision can be taken if any of the five permanent members show open opposition. The five states have veto power, which was often used by both the Soviet Union and the United States. It is impossible to increase permanent members with veto rights because it reduces the functioning of the Security Council (Singer, 2016: 222, 223).

In summary, interventions include the issue of cultural imperialism and respect for other cultures' moral standards. Singer believes that morality is connected to a society and that people in other cultures have the right to maintain their own moral values.

5.3 US intervention under the pretext of humanitarian considerations and the role of the UN

In the following part of the section, the part of the study based on a compilation of Iraq, Iraqi Kurdistan and resolutions from the UN is presented. I have summarized the material so that in a concentrate, for Iraqi Kurdistan, it answers the question: What role and what action did the United States, the UN Security Council and other countries have in the intervention in Iraq and how effective was the protection of the Kurds during the intervention in Iraq 1991?

Security justifications aim to justify actions based on the protection or advancement of national interests, particularly focusing on the security and well-being of one's own nation. This perspective makes people assess the benefits and consequences of actions based on how they affect their own security and the interests of the nation as a whole. Security justifications often emphasize self-defense, territorial defense, resource control, and prevention of threats to the nation's sovereignty (Maxey, 2019). Resolution 688 (1991) in this study does not directly show that the reason the operation was started is because the UN has done it in other cases. It appears that it is generally rather at an early stage of the drafting phase of the resolution that states look for exemplary models or sources of inspiration referenced in international war crimes. The difference between legitimacy and legality is that something can be illegal but still be considered legitimate if supported by international justifications and exceptional reasons. In practice, we see that the American intervention in Iraq violates the rules of international law that prohibit interference in the internal affairs of states. Despite this, the intervention gained legitimacy by claiming that the US was acting in national security interests that outweigh state sovereignty, which was really just a pretext to justify military intervention in Iraq (Maxey, 2019).

The case of Iraq is in the same state and it may be true with Beetham (1999:138) who claims that despite all differences in culture, social position and circumstances, all people share certain common needs and capacities: the need for sustenance, security and respect; the capacity for reflective individual and collective choice and ingenuity to meet their needs. To insist on human equality in these respects is not to deny difference. Indeed, the capacity for difference, and the

need to have one's difference recognized and respected, is inherently human, and is recognized in such human rights instruments as the UN Resolution on Minorities.

The problem lies in the fact that military intervention or the use of force is a legal right that belongs only to the UN Security Council, the most important body within the UN. If any country uses force to attack another country, it violates the law and threatens international peace and security. Iraq is in a weak position internationally, as it is formally an independent international organization under the law, but in practice it is only a tool to favor the interests of the major countries, with the United States as the most influential power in the Security Council. The American intervention in Iraq is the clearest example of how the organization is controlled by the interests of the great powers. The UN Charter, whose introduction meant, among other things, an attempt to regulate the use of force by states, contains in Article 2 (4) a prohibition of force. This means that states must avoid the use of force (use of force) in their relationships with each other. The wording contains a certain amount of ambiguity and the concept of the use of force is, at least in a purely linguistic sense, broader than war. This is because states engage in various forms of use of force that do not necessarily fall under the concept of war, which led to the conclusion that the prohibition of force must respond to that use of force. According to Article 2 (3), international conflicts must be resolved by peaceful means (Singer, 2016:169, 207, 209).

The UN Charter only leaves room for two exceptions to the prohibition of violence. One is the possibility of an authorization by the Security Council under Chapter VII of the UN Charter, which is not relevant for the targeted killing of terrorists and is therefore not affected. The other option is the right to self-defense according to Article 51 of the UN Charter (Chesterman, 2018:1206). The UN:s has failed to address human rights violations in Iraq. The United States has violated the UN Charter by using force without Security Council approval and by interfering in Iraq's internal affairs. Major countries such as Russia have tried to use their veto power to stop US military intervention in Iraq, but the US acted quickly and prevented this from happening. The Security Council within the UN is controlled in practice by the five permanent members. This limits the Council's ability to confront all security threats to all countries and to protect the rights and freedoms of small countries. The right to self-defense provides a basis for the state to use violence against non-state groups. It is considered that states intending to kill the citizens of another state's territory can count as an impermissible act against the state. If the self-defense basis is in itself a sufficient basis for targeted killing, states have the right to self-defense in advance or to prevent attacks. Article 51 of the UN Charter does not contain any requirement that self-defense may only take place against states. However, there was previously a common law rule with the meaning.

5.3.1 UN Security Council

This mechanism is basically about the UN Security Council pulling in the same direction because they have similar values and mindsets because they have a similar case. The Security Council has not acted to investigate and punish the military operations that violated Iraq's

sovereignty and rights. Although Iraq asked for help from the Security Council to stop the armed attacks against the country, no deterrent measures were taken. This suggests that decision-making within the Security Council is controlled by political forces and decisions are made in accordance with their interests. The UN and its affiliated bodies cannot escape international responsibility for the violations resulting from the military intervention in Iraq. The role of the Security Council has changed from maintaining international peace and security to legitimizing interventions and attacks on the sovereignty of states. Consistency within the UN is maintained through participation in the Security Council and meetings. The initiative to establish a resolution has in any case been taken by politicians. In the case of Iraq, the initiative has been taken by France, Great Britain and the United States and in a political collaboration. This picture agrees fairly well with previous mapping done by other researchers. Because the three countries that have taken the initiative are of the five countries that have the right of veto. I believe it is of interest to try to expand the concept of genetic code to also include politicians. It is, however, difficult based on Beetham's (1999) criteria for the UN's legitimacy for its activities formally to preserve sovereign states. Because the theory of civil society at the national level insists the development of self-organizing associations of a civil nature is dependent on a political regime provides a framework for their operation.

The UN Security Council is one of the UN's six main bodies. Its membership of 15 nations consists of 10 non-permanent members and five permanent members – China, France, the Russian Federation, the United Kingdom and the United States. Each of these five states has veto power over the adoption of Council resolutions on substantive issues. This means that if a resolution receives the nine yes votes required to pass, if even one of those five states votes no, the resolution will not pass. The non-permanent member countries are elected by the UN General Assembly every autumn, five annually, for the two-year term. In 2003, the non-permanent members were Angola, Bulgaria, Cameroon, Chile, Germany, Guinea, Mexico, Pakistan, Spain and Syria.² According to the UN Charter, the Council has the main responsibility for the maintenance of international peace and security (UN Article 24) (Browne, 2003).

A solution to this problem is to form the UN the same as the Parliament of the European Union which is directly elected by the people to have a democratic UN. But the UN must have more powers than that of the European Parliament to have a greater role. There must also be an opportunity for entry, including democratic form of governance and guarantees for basic human rights. If China, Saudi Arabia and many other states have a voice, it would be less effective in preserving world peace than a more inclusive UN. He believes that undemocratic states are excluded from the UN if they do not respect human rights and have permanent representatives from all member states in proportion to their population in their assembly (Singer, 2016: 226. 227). In this regard, intervention is seen as a legal mechanism, which is based on deontological notions of human dignity, and which can bring unstable political and legal orders into line with cosmopolitan political aspirations and values (Brown & Bohm, Alexandra, 2015).

5.3.2 The UN's R2 P (*responsibility to protect*)

The UN's R2P (Responsibility to Protect) is a principle adopted by UN member states at the UN World Summit in 2005. R2P states that it is the primary responsibility of each state to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity. At the same time, the principle emphasizes that if a state is unable or unwilling to protect its own population, the international community has a responsibility to act to prevent such serious violations of human rights. There is no wording for human rights, but only for "threat to the peace, breach of the peace or act of aggression". The UN Charter imposes two obligations on member states and they are to respect human rights and not to intervene in the internal interests of another state.

When the human catastrophes in Iraq happened, the Security Council tried to overcome that language in its charter to legalize an intervention. Chesterman (2018) thinks that you should look at the consequences in a different way. A consequence must be long-term and is expected to promote international law to reduce the plausibility of a war that could happen. A consequence can lead to many changes in international law. He believes that interference in Libya or Syria should not be supported as a threat to international peace. When the Security Council has in practice an unlimited mandate to intervene where necessary. It is difficult to define both "war" and of "disaster" that happens after the intervention (Chesterman, 2018:1225).

An intervention happens because of "threats to the peace" as used by the US after the attacks on September 11 by the Bush administration still seeking permission from the Security Council to protect itself. The UN Charter limits restrictions on sovereignty. Russia and China have voted against or remained silent when voting for intervention. Despite this, the US as a state was allowed to attack Iraq in 2003 without considering the harmful consequences that can follow after the war for democratization in Iraq. The right to humanitarian intervention must be authorized by the Security Council (Chesterman, 2018: 1226-1228).

In conclusion, NGOs play an important role in the global protection of human rights and can report to the UN. The case is the Kurds in Iraq who were on the run in 1991 Kurdistan investigated by humanitarian organizations before the intervention. If the Security Council considers that there is a threat to international peace and security, a crime against them or an act of aggression, it must submit recommendations or decisions on measures. UN actions are aimed at maintaining or restoring international peace and security according to Article 39 of the UN Charter.

5.4 US motives for the 1991 intervention in Iraq

The international influence for the creation of sovereignty derives above all from the UN Charter. The conventions on human rights are the guiding document that is most often cited as a starting point and reason to work for reduced state influence among the states in which intervention happens. The United States, and particularly President Bush, gave a strong response

to the invasion of Kuwait, possibly the strongest response of any country. The President expressed clearly his determination by to say: "I will not discuss with you what my options are or might be, but they're wide open, I can assure you of that" (Bush, 1990a). Three days after Iraq's invasion of Kuwait, the president promised before a crowd on the South Lawn that he would; "whatever was necessary" to protect American lives. He also denounced Saddam Hussein and members of his regime as liars, " outlaws and renegades " .

Humanitarian motivations have had a significant influence on security-driven interventions by helping to create a domestic coalition framework where the motivations are evaluated based on which support is decisive before an intervention. According to Maxey (2019), it is important to highlight humanitarian narratives in order to build a broad coalition of support for the intervention. However, it is important for the president to be careful not to exaggerate the humanitarian aspects, as this could lead to backlash and questioning of their motives. On the other hand, humanitarian motives focus on protecting or promoting the welfare of foreign nationals or non-state actors. This point of view calls for individuals to consider and value the effects of the action on the safety and well-being of others. Humanitarian motives may include preventing or alleviating human suffering, protecting fundamental rights, and promoting humanitarian values such as solidarity and compassion (Maxey, 2019).

It is significant to see that security and humanitarian motives are not mutually exclusive. Sometimes there can be overlaps and interactions between these two frameworks. For example, security interests and humanitarian needs may coincide in certain situations, where actions both promote the security of one's own nation and protect the welfare of foreign nationals (Maxey, 2019). There have been reports of serious human rights abuses in Iraq, including torture, arbitrary arrests and violations of privacy. Despite this, the Security Council has not taken significant steps to address these abuses or prevent further violations. This has given rise to criticism and questioning of the Council's effectiveness and ability to act to protect human rights in Iraq and other similar situations. During this time, the Council did not authorize further use of force to ensure Iraqi compliance with Resolution 687 (1991) or any of its subsequent resolutions (Browne, 2003).

One of the first responses to Iraq's invasion of Kuwait was to impose economic sanctions on Iraq. This action, which one historian described as "he can't drink the oil" argument, aimed at limiting Iraq's ability to benefit from its oil wealth and thereby reducing its economic and military capabilities. This reasoning is based on the idea that by preventing Iraq from selling oil and thereby generating revenue, its ability to finance and sustain warfare would be limited (Hurst, 2009:91).

In 1991, the UN Security Council adopted a series of 12 resolutions assigning the UN an extensive set of tasks and imposing an equally extensive set of obligations on Iraq. The Ceasefire Resolution, Resolution 687 (1991), was the most comprehensive and longest resolution ever

adopted by the Council and set out a range of issues to be covered by the UN (Browne, 2003). They included border demarcation, UN Iraq-Kuwait observer mission, weapons of mass destruction, return of Kuwaiti property, compensation (reparations), sanctions: general and arms embargo, sanctions: oil export/humanitarian import program and repatriation of Kuwait and third country nations. The Council also adopted Resolution 688 on humanitarian intervention (Browne, 2003).

A major distinguishing feature of Resolutions 687 and 688 and at least four subsequent resolutions was the extent to which the Council imposed duties and obligations that directly violated Iraq's internal affairs. Iraq was forced to host teams of inspectors on its territory in search of weapons of mass destruction to be destroyed and/or removed. Iraq had to accept international aid for housing, sheltering and feeding those parts of the country's population that had been subjected to and fled gross human rights abuses inflicted by the Iraqi government (Browne, 2003).

Military intervention becomes a last resort after all other means of calming the situation have been exhausted and when states refuse to comply with international resolutions and continue to violate human rights and violate international law conventions. The UN plays a central role through the Security Council in maintaining international peace and security under Chapter VII of the UN Charter. Security Council approval is essential for military intervention for humanitarian purposes to be legitimate and for states to have the right to intervene. Under Chapter VII, the Security Council may take necessary measures by air, sea and land forces to maintain or restore international peace and security if the prescribed measures have not achieved their purpose. Article 43 requires UN member states to provide armed forces, assistance and facilities to help maintain international peace and security as requested by the Security Council and in accordance with specific agreements (UN-Charter, www.un.org).

Mearsheimer (2001) has generally expressed criticism of the United States' role as global police and emphasized that interventions can have side effects that affect the stability of different regions. Although he has not specifically focused on the 1991 intervention in Iraq, his theories and reasoning on strategic interests and balance of power may be relevant to understanding his skeptical view of American interventions and their consequences. Mearsheimers (2001) argues that there are, however, optimists who do not claim that the threat of armed conflict has disappeared from regions outside the sphere of influence of the great powers. For example, the American-led war against Iraq in early 1991 cannot be used as evidence against their argument.

When the United States considered military action against Iraq after its invasion of Kuwait on August 1, 1990, US President Bush vowed to avoid the mistakes of the Vietnam War. This set off the first post-Cold War international crisis. The crisis came as a surprise and caused many new surprises. Unlike the long, drawn-out defeat in Vietnam, the 1991 Persian Gulf War was a quick and decisive victory for the US-led coalition (Ambrose & Brinkley, 2011:361, 362). Many Americans shared Bush's anger and believed that intervention in the Persian Gulf was justified to

save American hostages, although most did not believe that was the real reason behind the administration's policy. There are arguments that the stated justifications for war changed over time. Although Americans generally supported the president's response to the Gulf crisis, the reasons for this varied greatly, and by the late fall of 1990 many were increasingly skeptical of the case for intervention.

Bush did not ask for a declaration of war, but his request for a resolution supporting the use of force was the functional equivalent. Congress engaged in intense debate with strong arguments for continued sanctions and for immediate action. The final vote on January 12 was close. Fifty-two senators, mostly Republicans, voted for war, forty-seven were against. In the House, the division was also mainly along party-political lines, 250 voted for, 183 against. This was one triumph for Bush. Bush clarified after the war that "Saddam and those around him are accountable all of us grieve for the victims of war for the people of Kuwait and the suffering that scars the soul of that proud Nation for all the Innocence caught up in this conflict and yes we grieve for the people of Iraq the people who have never been our enemy" (Bush, 1991a) The president has been careful and impressive in to pursue their politics .

Maxey (2019) puts forward a more correct point of view when she claims that there were multiple motives for an intervention, but this argument presupposes clarity of thought. It is important to my view that the justifications for the intervention in Iraq to protect the Kurds were at least flexible, and I seek to undermine any preconceived notions of consistency in this case. But in the end, I do not go beyond this goal to offer a more precise set of real motives for protecting the Kurds in the conflict. Fundamentally, this essay is about how the various justifications for intervention in Iraqi Kurdistan were constructed to persuade domestic citizens, not necessarily in line with the actual reasons for intervention.

Bush poses up in one international coalition for to take the offensive and says "In the Middle East recognize that they will bear the bulk of the responsibility for regional security but we want them to know so now America stands ready to work with them to secure the peace this does not mean station in US ground forces in the Arabian peninsula but it does me American participation enjoyed exercises involving both air and ground forces it means maintaining a capable US Naval presence in the region just as we have for over 40 years and secure we must act to control the proliferation of weapons of mass destruction" (Bush, 1991a). He has held the Arab states together; he consults Congress beforehand; he builds up a huge strike force in the desert to leave the warfare to the military. In short, he is trying to avoid the mistake Truman had made in Korea (failure to consult Congress before acting) and the mistakes Johnson had made in Vietnam (failure to marshal international support, failure to start the war with overwhelming force, failure to let the generals the war is fought). Baker's statement prompted Kushner (1991) in Newsweek to review the justifications for the war and argue that the administration's efforts to date were insufficient to explain and justify the military response to Iraq's aggression.

6. Conclusion

The result suggests that it is possible to see the influence of different countries where those with veto power can cause the resolution to be entered. France was one of the countries that cited humanitarian reasons for voting in favor of Resolution 688 (1991), thereby authorizing a military operation in Iraq to save the Kurds, the civilian population of Iraq, from genocide. MacQueen (2011) argues that the international system has undergone many changes and developments in recent decades, which have led to an adaptation of its rules and norms. One of the most tangible shifts in the international system has been the transition from a world order dominated by Western countries to a more multipolar world order, where several regional powers and developing countries play an increasingly prominent role.

Iraq had challenges and an unstable situation before the intervention in 1991. However, the situation worsened significantly after the intervention, both politically, economically and socially. The UN Assistance Mission for the Kurds reported clear and direct violations of human rights, but no effective action was taken by the Security Council that was not in line with international human rights law or international humanitarian law.

This has led to a reexamination of previous rules and norms designed during the Cold War. For example, the previously strict prohibition of intervention in the internal affairs of other countries has been relaxed in certain situations, and the concept of "responsibility to protect" has been established as a norm for protecting the civilian population in cases of war and conflict. In addition, international institutions such as the UN and the World Trade Organization have undergone reforms to better reflect the new global balance of power. At the same time, some of the older rules and norms have continued to be relevant and important, including the principle of sovereignty and non-intervention in the internal affairs of other countries. But the transition to a more multipolar world order has undoubtedly led to a change in the rules and norms of the international system, and a continued development is likely to be expected in the future.

The cosmopolitan theory of humanitarian intervention by Brown & Bohm (2015) advocates humanitarian interventions based on universal human rights and international law. According to

this theory, the duty of the international community is to protect people from massacres, genocide and other serious violations of human rights. The cosmopolitan theory is based on a cosmopolitan view of the world, where all people have the same basic value and rights regardless of nationality, race, gender or religion. This means that states' sovereignty cannot be used as an excuse to neglect the protection of human rights within their borders.

Brown & Bohms (2015) emphasize the importance of international institutions, such as the UN and international courts, to ensure that humanitarian interventions are carried out in accordance with international law and human rights principles. This means that interventions should take place in consultation with international institutions and with full respect for international legislation. Critics of cosmopolitan theory argue that it can lead to Western countries using humanitarian interventions as an excuse to advance their own interests or to bring about regime change in other countries. This can weaken the international community's confidence in humanitarian interventions and make it more difficult to carry them out in the future.

Cosmopolitan Democracy by David Beetham (1999) is a theoretical framework that aims to promote democracy at the international level by enhancing the legitimacy and fairness of global decision-making processes. Beetham's theory advocates that democratic principles should apply to the whole world and that all people should have a voice in global issues related to human rights, environmental protection and global development. Regarding international humanitarian interventions, Beetham (1999) emphasizes the importance that such interventions should be based on democratic principles and that they should be implemented with respect for sovereignty and international law. Beetham (1999) argues that the legitimacy of international humanitarian interventions depends on whether they are done in accordance with the principles of justice, equality and democracy. Beetham (1999) also advocates that international institutions such as the UN should play an important role in decision-making processes for international humanitarian interventions, as they can act as an arena for democratic consultation and dialogue. He also emphasizes the importance of strengthening the voice of civil society in these decisions and involving the affected communities in the decision-making process.

Critics of Beetham's (1999) theory point to the challenges of implementing a democratic process at the global level, especially given the large cultural, religious and political differences between different countries and regions. In addition, it can be difficult to reach agreement on how democratic principles should be applied in different contexts.

Coercive mechanisms are usually associated with coercive measures, such as military or economic sanctions, to achieve desired outcomes. David Beetham's (1999) theory of cosmopolitanism in the case of Kurdistan, enforcement mechanisms may have played a role in UN Resolution 688 relating to conflicts in the area. Beetham (1999) also emphasizes the importance of involving the affected communities in decision-making, and this can mean giving voice and influence to Kurdish communities directly affected by the conflict. This may include

strengthening their representation in decision-making bodies such as the UN or other international institutions.

From the essay, resolutions 687 (1991) and 688 (1991) are considered to be about Iraqi Kurdistan and those along with subsequent resolutions. It meant a violation of Iraq's sovereignty by imposing on the country obligations that directly affected its internal affairs. Iraq was forced to accept inspectors on its territory to search for and destroy weapons of mass destruction, as well as to accept international aid to help the part of the population that had been subjected to gross violations of human rights. Although economic sanctions continued, Iraq was allowed to export a limited amount of petroleum products under strict UN control (Browne, 2003:3).

The redefinition of state sovereignty through the forces of globalization and the new international cooperation has evolved over time. The state is now widely regarded as the servant of its people. The UN Charter authorizes intervention to protect people from violations of their rights, but at the same time the Charter states that the UN does not have the right to intervene in matters falling within the jurisdiction of a state, except in certain cases covered by Chapter VII (UN Charter).

Peter Singer (2016) argues that it may be morally right to intervene in other countries, even by military means, to prevent suffering and promote justice. He emphasizes the importance of the intervention being motivated by moral principles rather than political or financial interests. He advocates peaceful solutions to conflicts and emphasizes that intervention does not necessarily have to be military but can take various forms of help and assistance. Singer (2016) and (Bring:2002: 280-283) point out that consequentialism can lead to changes in international law and that there is no statute in international law that gives the Security Council unlimited power to intervene. The attempts to justify interventions have often occurred by reinterpreting the language of the UN Charter to legitimize an intervention in situations such as Iraq, Somalia and Haiti.

The cosmopolitan of Beetham (1999) emphasizes the importance of democratic principles and legitimacy in international humanitarian interventions. This should be done through consultation and dialogue between international institutions, civil society and affected communities, with respect for sovereignty and international law. Both the cosmopolitan theory of humanitarian intervention by Brown & Bohm (2015) and cosmopolitan democracy by Beetham (1999) can be applied to Iraq, but with different perspectives and angles. While the Westphalian system and state sovereignty can be used as part of the explanation of humanitarian interventions in Iraqi-Kurdistan in 1991, but there are also other aspects that need to be considered.

During the invasion of Iraqi Kurdistan in 1991 to protect the civilian population of the Kurds, the United States and its allies used the argument of humanitarian interventions to justify their

military intervention in the country. Brown & Bohm's (2015) theory of cosmopolitan humanitarian interventions can be seen as relevant in this context, as it emphasizes the importance of protecting human rights and international law. However, critics of the intervention have questioned the legitimacy of this argument, accusing the US and its allies of having other political and economic motives for invading Iraq.

The international influence for the creation of sovereignty mainly comes from the UN Charter and human rights conventions. Historically, there has been a positive trend towards promoting human rights and reducing the influence of states through interventions. However, there is a weakness in the implementation of these rights. The principle of sovereignty and the power interests of certain states have hindered the effective enforcement of human rights. Humanitarian motives have played a significant role in security-driven interventions and can sometimes overlap with security interests according to (Maxey, 2019).

Approval by the UN Security Council is critical to the legitimacy of military intervention for humanitarian purposes. However, there have been shortcomings in the Council's ability to act consistently and protect human rights in certain situations, which has been questioned and criticized. Economic sanctions have also been used as a measure to influence states and limit their ability to wage war. Mearsheimer (2001) has criticized the role of the United States as global police and emphasized that interventions can have side effects that affect the stability of regions. Although some regions remain unstable and conflict-ridden, interventions have succeeded in avoiding war in some cases. The 1991 Gulf War was a quick and decisive victory for the US-led coalition and was met with different motives and support from the American public. The stated justifications for the war changed over time, leading to increased skepticism from some people. In the end, it was President Bush who decided to use force without requesting a formal declaration of war, and Congress voted for war with some division. The intervention has dealt with various aspects of international influence, interventions and the complex dynamics around security and humanitarian motives.

A humanitarian intervention in Iraqi Kurdistan in 1991 was carried out by a coalition of countries led by the United States after the Saddam Hussein regime had tried to crush an insurgent movement in the area. The coalition established a no-fly zone over northern Iraq to protect the Kurds from airstrikes and established a security zone on the ground to protect Kurdish refugees and insurgents from attack. The intervention was carried out on humanitarian grounds, as the Kurds were threatened by massacres and repression by Saddam Hussein's regime. The intervention was also a reaction to the UN's failure to act to protect the Kurdish population.

The intervention can be interpreted as a challenge to the principle of sovereignty, as it involved an interference in the internal affairs of another state. But the intervention was also carried out with the support of Kurdish leaders and with the aim of protecting the civilian population and the insurgents from oppression and violence. Furthermore, the intervention was carried out without

any permanent occupation of Iraqi-Kurdistan, which can be seen as a limitation of the interference in the sovereignty of the Iraqi state.

6.1 Further Research

The dramatic events of recent years in the form of the intervention in Africa, Bosnia and East Timor after 1991 and disasters such as the terrorist attacks in the USA on September 11, 2001 have also contributed to a humanitarian intervention receiving a lot of attention in the world community and thus also by politicians and the public.

Incorporating rights and obligations to intervening states and establishing a link between coercive intervention and post-conflict responsibility is problematic for two reasons. First, the incorporation of rights and obligations to intervening states can be problematic because it can lead to an imbalance between states' sovereignty and their responsibilities towards the international community. If a state violates the rights of its own citizens, the international community should have the right to intervene to protect those rights, but at the same time, the intervention should be in accordance with the basic principles of sovereignty and non-interference.

Second, the link between coercive intervention and post-conflict accountability can be problematic as it can lead to undesired and unintended consequences. If an intervening state takes responsibility for rebuilding a conflict-affected state, it may mean that the intervening state becomes responsible for all the social and economic problems that arise in the aftermath of the conflict. Furthermore, this can lead to the international community becoming dependent on the intervening state to solve the problems of the conflict-affected state.

Here are some suggestions for further research on humanitarian interventions:

1. Empirical studies of past humanitarian interventions: It is important to conduct empirical studies to evaluate past humanitarian interventions and their effectiveness. This may include examining factors that have influenced the success or failure of an intervention, and what can be done differently to increase the chances of a successful intervention.
2. Humanitarian interventions and international law: Research can also focus on international law and its relevance to humanitarian interventions. This may include evaluating how international law can be used to balance the sovereignty of states and the need to protect human rights.
3. Ethnic and cultural factors: Research can also examine how ethnic and cultural factors affect humanitarian interventions. This may include evaluating how cultural differences may affect the success or failure of an intervention and how to take these factors into account when planning and implementing an intervention.

4. Humanitarian interventions and economic development: Research can also examine how humanitarian interventions affect the economic development of the countries intervened in. This can include evaluating the effects of humanitarian interventions on trade, economic growth and investment in the country concerned.

5. Humanitarian interventions and the media: Research can also focus on how the media influence the perception of humanitarian interventions. This may include evaluating how media coverage of an intervention may affect public perception of the intervention and how this may affect the success or failure of an intervention.

These are just a few suggestions of possible directions for further research on humanitarian interventions.

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