New Humanitarianism and NGO's monitoring after military Interventions: A case study in Iraq

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Abstract

Developing humanitarianism and humanitarian action has been influenced with the Post Cold war environment. Human security concept became a part of international policies after 1990's also have affected this humanitarian action directly. The framework of humanitarianism and humanitarian intervention concepts widened with new millennium. The framework of responsibility to protect concept and widening interpretation of providing security and peace in the World has challenged international law basic respect to states sovereignty depending on Westphalian system. UN guaranteed non-intervention principles on countries domestic policies by Chapter 7. 1991 Resolution 668 and Kosovo intervention of NATO in 1999 changed hall procedure and inflamed the big involvement of the global civil society. This paper will base on field study during 3 November - 12 November 2012 in Baghdad and Erbil, which is relying on elite interviews with several local NGO's in both two cities. Intentions of this research are to analyze Iraq that has faced two foreign military interventions, and several civil conflicts. How NGO's are interpreting humanitarian policies and interventions? This question would highlight NGO formation and involvement in policy making and monitoring in post intervention countries like Iraq.

Introduction:

International politics and security studies have gained another debate by the increasing influence of human rights. Humanitarianism and humanitarian values in world politics have settled in the agenda after World War II (WWII). The process is led by the states and inter-governmental organizations (IGO's) structured under UN system, and few but important Non governmental Organization's (NGO'S) have drawn the humanitarian agenda. Furthermore 1990's have widened this agenda and changed the debates in actor question. IGO's and NGO's starts not to implement the state sovereignty rules against states that are acting in failure on human rights issues and used humanitarian act on these countries.

Chandler describes the main principle of humanitarianism, which is influenced directly from emerging human rights regime that determines all the world politics after 70's by determining the basic features of NGO establishment in aspect of humanitarian universalism.

"The principle of humanity was based on the desire to assist the wounded and suffering without discrimination, recognizing a common humanity and that 'our enemies are men'. The principle of impartiality derived from the desire to assist without discrimination except on the basis of needs, giving priority to the most urgent cases of distress. The principle of neutrality bound Red Cross workers from taking sides in conflict or engaging in political or social controversies" [1]

Humanitarian universalism is thoroughly emerged in the Western world and used to restructure the so called failed states or Third World, the challenges have came in these senses especially in 1990's for all world politics. As most of the scholars have accentuated, 1999 Kosovo NATO bombing turn out to be an important exception for the equal state sovereignty system that has been recognized by the UN system.[2]

Nation states have lost its monopoly over the use of arm power. The financing of the war has been moved to private sectors and nongovernmental structures. We must also note that guerrilla based conflicts of this period like the defense to USA army in Somalia and after Iraq intervention 2003 dissolving arm of Iraq military created resisters in the region compacting to terrorist groups or guerrilla structures.

In both cases nation-states still preserve their roles in international system though integrating its self to more economically and politically liberal structures in a more institutional aspect. Despite of its sovereignty of the Westphalian state system, which is strictly preserved during Cold War, states can be easily intervened with the collective values or interests.[3] Security perceptions has been changed clearly, these changes, has affected the idea of war. War can be distinguished from its affects to civilians and also military operations used for political aims. The refugee crises of Palestinian problem could be emphasized as an important example for over millions of people unrecognized by their basic identity and rights.

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[1] D. Chandler, The Road to Military Humanitarianism: How the Human Rights NGO's shaped a new Humanitarian Agenda, Human Rights Quarterly, Vol.23, No:3, p. 679.

[2] Aidan Hehir; Humanitarian Intervention after Kosovo - Iraq, Darfur and the Record of Global Civil Society, Palgrave Macmillan, 2008, p. 14.

[3] E. Hobsbawm, Globalization, Democracy and terrorism, Little Brown Abacus, London: 2007,p. 11-13.

1994 Haiti intervention have showed us an important example for enlarging the understanding of protecting peace and security principle. With Security Council 940 Resolution international armed forces had been formed for overthrowing military government.[4] Wheeler added a different perspective by analyzing Security Council Resolution 688 for constructing safe heavens for the plight of the Kurds 1991 that countries like China and India make strong references to Article 2(7) and claimed the necessity of Iraq's use of force breaching to international peace and security. Otherwise this would be the violation of the sovereignty and territorial integrity of the states. [5] For the Iraqi no fly zones, Holbrook also mentions the new features of the humanitarian intervention that is excepted by the Western countries; 'coercive action, the absence of indigenous consent and a declared humanitarian objective.'[6]

Post Cold War period brought a limitation to world politics with normative implications. Defending human rights regimes against state sovereignty was ruled under 'responsibility to protect'. For the scholars the limitation of sovereignty has been debatable. First some group of theories idealizes individual rights and necessitates the legal and coercive interventions. Other theories like realist or some English school theorists have concerns on sovereign equality between states comprising the people on their territory in democratization and in-security aspects.

From the concept of just war to humanitarian intervention all the historical evaluation process has showed us also these values that legitimize the use of force have closely interlinked with the security approaches of the actors. Furthermore the limitation of use of force is directly related with the increasing influence of the society, individual contribution to world politics.

Hence this study has started on theoretical debate by rising question if states still involve to other states sovereignty by determining failures in governing, human right policies in other sense in all respect of humanitarianism, how can the coercive force of states can be monitored, by the hands of states, IGO's or NGO's? Mounting from this question and as a

[4] Aidan; Hehir, Humanitarian Intervention After Kosovo, Iraq, Darfur and the Record of Global Civil Society, Palgrave Macmillan London, 2008, p. 19.

[5] Nicholas J. Wheeler, Saving Strangers - Humanitarian Intervention in International Society, Oxford University Press, 2000, p. 144.

[6] Jon Holbrook, "Humanitarian Intervention and the Recasting of International Law", (Ed) David Chandler **Rethinking Human Rights Critical Approaches to International Politics,** Palgrave Macmilan, 2002 ss. 136-157.

part of my PhD thesis about Humanitarian Intervention and Third World Security I made a field study in the capital of Iraq and at the capital of KRG with local NGO's and authorities who are in charge on supporting and authorizing NGO's in Iraq.

I have talk with important agents of NGO's in Baghdad and Erbil during 1-10 November 2012. The methodology of my field research was elite interview. 13 interviews were made in Bagdad and 4 interviews were made in Erbil. Two parliament members in Iraq one in human right commission and one in NGO commission are interviewed. Also Vice coordinator of NGO Office of the government and Director for Development and Humanitarian Assistance office from United Nations Assistance Mission for Iraq (UNAMI) has welcomed my questions. So two task of questions are formed; one for NGO's and other for institutional authorities, and both question tasks are formed by two levels. First level of question are to understand the NGO's mission practice and funding procedures and also processes their link with government and previous coalition forces. For institutional elites the aim of the institution and their relations with NGO's and IGO's in Iraq are asked. On the Second level of the both question tasks comprises general questions which have formed in seven perspectives. All questions are constructed in two options so interviewed elites are asked to answer general question to consider situation after 1991 intervention and after 2003 intervention.. a) Civil society evaluation b) how civil society monitor human - civil rights c) freedom of law d) how security situation were interpreted by civil society e) minority right-what is minority f) cultural and urban life in both cities e) NGO's and their relations with government and previous coalition forces. In this sense I tried to evaluate how civil society mean before 2003 intervention, and after it. Does Iraqi freedom operation have provided a space for NGO's and civil society initiatives and how it is evolved in 10 years?

Observations from interviews

As it lies in the nature of methodological structures of elite interviews, speeches can reflect highly subjective opinions and demonstrates insight views. So I rather want use this relative disadvantage as a positive outcome because as a foreign researcher considering security circumstances in Iraq, I thought that NGO's would be limited in their activism. Though all the participants have shared their personal views but demonstrate also their institutional perspective, which highlight Iraq's contemporary political history and expectations. While NGO's are getting stronger for impacting the government of especially on public policies they gained important place in 2005 Iraq Constitution and also in 2010 NGO law approved in the parliament. 2005 Iraq Constitutions states that:

Article 45: First: The State shall seek to strengthen the role of civil society institutions, and to support, develop and preserve their independence in a way that is consistent with peaceful means to achieve their legitimate goals, and this shall be regulated by law.

Second: The State shall seek the advancement of the Iraqi clans and tribes, shall attend to their affairs in a manner that is consistent with religion and the law, and shall uphold their noble human values in a way that contributes to the development of society. The State shall prohibit the tribal traditions that are in contradiction with human rights.

Whilst an important Human Right activist Hanaa Adwar as the founder of Iraqi Al Amal Association, states that despite the second part of the Article 45 creates an opening to sectarian values which generally pushes sectarian duality and violence in the country, 2005 Constitution and NGO Law have been forced by local NGO initiatives and civil society blocs which affected Iraq's construction after the intervention.

"I think now the NGO's have entered to a new stage on impacting on public policy. And this has been very clear when we met on the constitution. From the 2004 -2005 and we also interfered in the elections. We did awareness campaign and we did monitor the election process. We also made evaluations and also pushing on the electoral law. So this is a very effective role of the NGO's in Iraq Now NGO's have really important part now in Iraq. In 2010 – NGO law, there is a very important example now. After the last election, when parliament has joined her first session. There was really a fear in the country everybody feared what had happened. And we interfered immediately we raised the issue of lawsuit to the federal court. We made the creations of civil initiative constitution, more than 800 institutions and more 2000 personals joining the campaign of very specific demand. And when we raised the issue to the federal court, Al Amal and other institutions raised the lawsuit to the federal court and that was the hall initiative of the NGO's in Iraq."[7]

Certainly there is a drastic difference in Erbil and Baghdad interviews because KRG have gained important peace situation to program civil society act in the field. Likewise after 1990 all majority of civil society action for Iraq's future were constructed in Erbil and they resettled in Baghdad after 2003.

[7] 6 November 2012, Hanaa Edwar, Founder of Iraq-i Al Amal Assosiation and Baghdad Director-transcription from voice records.

As Ala Ali, Iraqi Al Amal's Erbil office coordinator mentions KRG's economic growth have crated an operational milieu for NGO's.

"In 1992-93, people started to know about the civil society organizations and civil society organizations started to be created and formed. Almost all of them were working for relief and humanitarian aid, because this was the need of the community at that time. It was financially supported by the UN agencies and the international organizations. We really had a lack of human resources, on the local level but people really started to develop very fast. It was not very well organized on a legal framework aspect at that time, because as I told you, it was a really new issue even for the government. Then things changed after 2000. Even before 2000, in 1997-98 when the economic situation in Kurdistan started to improve and we started to work on a legal framework. We started to develop from humanitarian aid focus to other humanitarian development issues. In 2003, after US invasion in Iraq, we can say that the political and security situation did not negatively affect Kurdistan, on the contrary it was a relief for Kurdistan to develop more economically and socio-economically. Local NGOs started to become more professional, started to train and exchange knowledge and experience between Kurdistan Regional Government and Baghdad. In 2005-06-07, security situation was terribly bad in Baghdad. And south, many activities mainly like 80-90 % were conducted in Amman or Beirut for civil society organizations. In 2008, policies changed for international NGOs. They started to move back the activities to the Kurdistan Regional Government, because it was safe and economic development started to grow very fast. Many international companies and NGOs, they started to have a base in Erbil especially. So in 2009, really almost all the activities and now you can say 90 % of the activities are conducted here in Erbil for all Iraq."

In this sense we can state some common observations from NGO's and also from the institutional officers that US intervention was unavoidable because of Saddam Regime have created a fear regime on the people and destroyed all the opposition in the country that can raise voice or create an armed resistance that provided silent consent for intervention. While all the participants of NGO presenters and parliament officials questions USA intentions for Operation Iraqi Freedom. Humanitarian aims were questioned by the civil society action generally because of the unplanned existence - long duration of stay and their nontransparent implementations like Abuh Garip. 1991 perceived as an important turning point for KRG though for Baghdad NGO's state Saddam had increased its oppression much more worsened the situation in other provinces especially in South. Two of the participants have made

exceptions about the unavoidable circumstances of the 2003 Iraqi Freedom Operation. Iraqi social and Education Team members Ahmad Jaber Abbas and Dafy Hasan have emphasized their doubts about US help to Saddam after 1990 for oppressing Shia resistance in south. As UN declared "no fly zone" region from 36 parallel and widened it 32 parallel, nonetheless USA remained silent for Shia led region in Iraq. Which also Wheeler has emphasize it by mentioning states interest in No fly zones can create unilateral implementations that ignores Security Councils responsibilities for the humanitarian aims. [8]

Hanaa Adwar has emphasized 1991 intervention and Saddam's success to oppress Shia rising stimulates todays sectarian conflict in the country. Also she states the importance that all the local NGO's declared that they will stay neutral for Coalition forces because as huge money passed for humanitarian aims Iraqi government faced huge corruption custodies and also NGO's are became part of these accusations.[9]

International Non governmental organizations and local NGO's are formed after 2003, and USA has funded international NGO's especially in Green zones, which have widened the gap between locals and international organizations. Especially NGO's funded by USA originated groups or foundations shift their agenda to USA's security concerns in Iraq which Mohammed Hassan Al salami, founder of the National Association for the Defense of Human Rights have declared. [10]

Human Security vulnerabilities of Iraq

"Sovereignty, as enshrined in positive international law, is regularly identified as the clearest barrier to the realization of the normative vision of proactive interventionism constituted on the primacy of human security."[11]

As Aidan Hehir, identified the legitimate background of the interventions our research has tried to validate how post intervention countries construct human security by the help of civil society movement. Human Right commissioner in Iraqi Parliament Dr. Bushra Obeydi, added that still NGO's are constructing the gaps between laws and constitution main rights that construct human rights were not established in freedom speech. As we can understand

[8] N. Wheeler, Saving Strangers – Humanitarian Intervention in International Society,Oxford Press, 2000 p. 160-162.

[9] 6 November 2012, Hanaa Adwar, Founder of Iraq-i Al Amal Assosiation and Baghdad Director.

[10] 3 November 2012, Mohammed Hassan Al salami, National Association for the Defense of Human Rights.

[11] Hehir, op.cit. p. 14.

that after intervention incase of human security aspects, national security aspects have risen on top of the public. [12]

"Government act against freedom. There is still the draft about freedom of information about networking and blogging. This drafts put all the NGO activist and bloggers to the terrorist law. Especially the bloggers and activists who use social networks. All opposition will regarded as supporters of terrorism."

Regarding to Iraqi central government 2006-2008 civil war between the sectarian part of the society have affected civil society movements turn into underground movements because especially radical Islamist saw NGO pressure against threat to religious governing in their society. Main security vulnerabilities can be listed like

- Gender issues: Repression on women, domestic violence and tribal violence against women, low representation in political life
- As Civil war has shown sectarian conflicts bombings in daily life
- Infrastructure problems in main cities especially in Iraq
- Corruption in federal governors and central governments.

In this research all participant have shown women killings beyond the daily attacks because thousands of women were killed after 2003 which sectarian violence have shadowed the politics in preventing it. Also sectarian influences in the government make *the hicap* issue more debatable than honor killings. Honor killings especially targeted rural women in both center government and in KRG. NGO's like Women League who is one of the oldest NGO movements in Iraq since 1950's and Women Empowerment Association in KRG are working for advocacy, parliamentary pressure on this issue. Also Iraqi Al Amal and Widow center in Baghdad have specific programs to enforce local governors to built shelter houses and increase recruitment policies for women.

To conclude are research briefly, NGO's are still progress in to construct one part of the civil society movement and because of the restriction in law, sectarian division in political mechanisms, local NGO's which I can reach are generally secular ones are still confronting big entanglements from the political decision makers that are in the power. Though 2010,

[12] 4 November 2012, Bushra Obeydi, Member of the Human Right commission in the Iraqi Parliament 2010-2014, Transcriptions from voice records.

NGO law is one of the unique example in the region that makes an important contribution to Iraq which will enforce civil society action in every field and also an important guarantee to form NGO's as monitoring elements in policy making process.

Additional note of the researcher after ISIS intervention in Mosul

As we state in the human security vulnerabilities in Iraq, sectarianism is the most crucial problem in the country that is extremely turned into violent clash in 2013 after this research has completed. After the civil war Iraq gives its major victims to radical Islamist clash in last year and after the general elections at 13 April, Maliki government Shia supported leader formed the State of law coalition. Sunni tribes who are the important part of Iraqi society and the biggest challenger for the Coalition forces during its presence at Iraq, felt the political desperation since USA late regulations in proportional representations to Sunni's (After the civil war) With the vulnerability in Syria ISIS, is excluded in the war zones of the country though took an important support from Sunni tribes in Iraq.

Because of the security vulnerabilities and deaths in the cities NGO's are still under big pressures for continuing their activities.

Falah T. Al –Alwsi 's explanations for sectarian violence in Iraq from Salam Al Rafidian Organization will be meaningful in this sense . "Saddam have oppressed Shia and Kurds under central Sunni regime and in this sense there is no sectarian fight like today, though he is afraid of Iran's influence and increased its central power. Hence political parties haven't raised the political awareness after 2003 and used these sectarian vulnerabilities to win this support. So old sectarian conflicts blasted today."[13]

[13] 6 November 2012, Falah T. Al –Alwsi, Salam Al Rafidian Organization, Transcriptions from voice records.