How, to what extent, is humanitarian interventions linked to the spread of human rights in international society?

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Abstract

This study examines the role of interventions in the context of their contribution to spreading human rights. It considers more empirical question on how and to what extent humanitarian interventions contributed to the spreading of human rights? While there are different opinions regarding intervention being used to spread human rights values, the hypothesis that will be tested is that the humanitarian intervention can be involved to spread human rights. This article makes a major contribution to research on humanitarian intervention by demonstrating cases of interventions after the Cold War period. The purpose of this paper is to examine the nature and strength of a norm permitting intervention. Therefore, this thesis argues that the constructivist theory in international relations can make sense of interventions such as the case study of Kurdistan (1991) and Kosovo (1999). The findings of this paper revealed that intervention during this period relied on a convergence of a strategic self-interest with identity and value.

Key words: Humanitarian Intervention, Human rights, International law, Constructivism, Legitimacy, Norms and Sovereignty.

1. Introduction

This chapter opens the thesis by providing a brief introduction, then examining the general problem statement, and the main research question.

1.1. Context

Since the end of the Cold War era, international society has progressively recognised the significance of international mediation and intervention for the protection of fundamental human rights and the preservation of international peace and security. It is also significant to understand that the attitudes of state sovereignty and non-intervention have gradually shifted in the international community (Abiew 1999, p.223), and there is a strong agreement among analysts in supporting the concept of human rights as a guide of policy-making. Therefore, human rights norms have imposed much stronger duties upon states to treat their nationals in accordance with global standards (Krylov 1994, p.380). The creation of the United Nations after the end of the Second World War was a turning point in promoting and spreading the idea of human rights (Abiew 1999). This is because the Security Council has engaged with human protection issues and has also developed an agenda to protect civilians since the 1990s (Bellamy and Williams 2011).

1.2. Research questions

The key questions on which this study focuses are:

- Do human rights abuses justify humanitarian intervention in the international community?

- How, to what extent, is humanitarian interventions linked to the spread of human rights?

1.3. Theoretical approach

This section will deal with methodology. In seeking to discuss the key questions and to substantiate the arguments surrounding humanitarian intervention and its links with protecting human rights, it is important first to provide an academic framework and theoretical explanations, using international relations theory to understand the potential consequences of the humanitarian intervention in international society is vital. Indeed, there are various theories that can be used as guidance in a decision to intervene. In terms of a theoretical perspective, the constructivist theory reveals considerable and useful framing of the humanitarian question. Thus, this study depends on the core assumptions of the constructivist approach as it has provided important insights of humanitarian intervention.

Since the end of the cold war, the influence of norms and identity within international and domestic politics has increased, and shapes the base of the idea of humanitarian intervention. The term "norm" is defined by Finnemore and Sikkink as "a standard of appropriate behavior for actors with a given identity" (Finnemore and Sikkink 1998, p.891). Therefore, the main cause for humanitarian intervention is the idea of norms. From a constructivists perspective, "there is no necessary tension between the interests of sovereign states and the moral principles associated with the promotion and protection of human rights" (Dunne and Hanson 2013, p.64). Thus, this presents a different view compared to mainstream theories such as neorealism and neoliberalism (Agius 2010, p.50). For example, Finnemmore focusing on the justification for humanitarian intervention, she notes that it shapes interest and interest shapes action (Finnemmore 1996). According to this theory, the state interests can be changed through changing social movements and norms of international and domestic society. An important part of the constructivist agenda is to show how identity and interests are not fixed over time and space and are open to change (Agius 2010, p. 52).

1.4. Hypothesis and purpose of the study

Under the light of Post-Cold War practice, there have been many interventions in countries such as Liberia, Kurdistan, former Yugoslavia, Somalia, Rwanda, Haiti, Kosovo, East Timor and Libya (VanLandingham 2011). In some of these situations, several successful cases of interventions can be seen. The growing concerns of individual human rights have increasingly developed in term of international human rights law and non-governmental organisations (DiPrizio 2002, p.12). The thesis focuses on the statement that those human rights norms are significantly becoming the major concern of the international community. Throughout this paper, I will examine the doctrine of humanitarian intervention and its relation with human rights value as the fundamental principle and the basis of the modern world order. The purpose of this article is to determine armed humanitarian intervention undertaken to

prevent or stop serious human rights violations. It also seeks to explain the implications of the norm of humanitarian intervention in the international community.

Despite the fact that the main focus on the self-interest of humanitarian intervention has been subject to criticism, this study examines the role of such intervention in the context of its contribution to spreading human rights. There are different opinions regarding military intervention being used to spread human rights values. However, the hypothesis that will be tested is that the humanitarian intervention can be involved to spread human rights values. This study makes a major contribution to research on humanitarian intervention by demonstrating cases of such intervention after the Cold War period.

1.5. Structure of the study

The argument will be structured in the following chapters, each chapter dealing with the necessary aspects of the subject. After this introduction, the next chapter will briefly outline humanitarian intervention after the Cold War in term of understandings of the concept. After discussing the debate and background of humanitarian interventions, the third chapter will examine and evaluate the legal status of humanitarian interventions, the legitimacy of the intervention, and the moral significance of an intervener's legal status. The last chapter will evaluate the Post-Cold War humanitarian intervention in the context of Kurdistan and Kosovo.

2. The Context of Humanitarian Intervention
2.1. Definition of Humanitarian Intervention

In order to understand the normative discussion regarding humanitarian intervention, it is important to begin by outlining the evolution of a key definition of humanitarian intervention, before examining the legal and moral status of such intervention. The concept of humanitarian intervention is extremely complicated subject in political sciences, and in international law. Therefore, there is no appropriate way to express the doctrine of humanitarian intervention, and broad definition of humanitarian intervention would be really hard to formulate. Nevertheless, a working definition may be useful to outline the scope of this article.

At various points, there are many disagreements and debates regarding humanitarian intervention in international human rights. While a group of scholars support to the concept of intervention, others are against it. However, there have been changes in the meaning and purpose of the intervention in the international community since the end of the Cold War era. This paper will use the definition first suggested by Holzgrefe (2003, p. 18), in which the humanitarian intervention refers to as "the threat or use of force across state borders by a state aimed at preventing or ending widespread and grave violations of the fundamental human rights of individuals". This definition highlights the spread of international human rights values which appropriate to the humanitarian intervention aims in international society (Donnelly 2003). Similarly, Sean Murphy defines humanitarian intervention as the

"threat or use of force by a state, group of states, or international organization primarily for the purpose of protecting the nationals of the target state from widespread deprivations of internationally recognized human rights" (Murphy 1996, pp.11-12).

A definition provided by Anthony F. Lang, states that two issues arise when trying to define this term, first of which is that, there is no clearly defined understanding of the term, and the; second is that, any definition contains within it certain normative assumptions (2003, p.2). However, for the purpose of this examination this paper will use DiPrizio's definition of a humanitarian intervention, namely has shown that humanitarian intervention should be comprised of some core and primary goals, including "stop the fighting; stop the dying through the provision of emergency relief aid; promote peace justice, and human rights; promote development and reconstruction" (2002, p. 5). In addition, Brownlie argues that humanitarian intervention can be defined as the use of military force by a state or international organisation, in order to protect human rights values (cited in Hehir 2013, p.21). Although the definition of humanitarian intervention is a contentious subject in the international community, most of the relevant literature argues that the common conception of humanitarian intervention can be identified through the use of force in order to bring an end to massive assaults on human rights.

2.2. Emergences of the Doctrine and Practice of Humanitarian Intervention

It is clear that humanitarian intervention is not a modern phenomenon, and the debate about the concept has a long history. This concept covers a lot of ambiguities such as tension between sovereignty and human rights and the prevention of the use of force for the protection of human dignity (ICISS 2001a). Despite the respect of state sovereignty on territory, it has been recognized that intervention may be reasonable on humanitarian grounds (Heywood 2014, p.325).

Before the end of the Cold War, it was extremely difficult to find examples of the use of armed force by a state in another state in order to protect human rights and liberty (Abiew 1999, p. 32), because state sovereignty and national interest were dominated by international relations. As mentioned, in contrast with state practice during the Cold War, there have been important developments in the concept of humanitarian intervention within the international society as responses to humanitarian disasters. There has been a significant increase in the number of so called humanitarian interventions in the internal affairs of states, associated to the seeming reduction in the prominence of state sovereignty (ICISS 2001a).

For example, immediately after the end of the Cold War, the UN Secretary-General Perez de Cuallar indicated that, "the principle of non-interference with the essential domestic jurisdiction of states cannot be regarded as a protective barrier behind which human rights could be massively or systematically violated with impunity" (cited in VanLandingham 2011, p.882). This message was articulated as an

expansion of international security and peace of the Security Council in order to save the citizens. The Post-Cold War practice suggests that new thinking and forms of intervention emerged in the international community with the aim of ending mass violence and loss of life.

Interventions during the Cold War portrayed as a form of military action in terms of the national interests and the need to restore regional stability. Therefore, it can be said that the contemporary idea of humanitarian intervention was a creation of the post-Cold War period, and it was closely linked to the optimistic expectations of the recognized of a new global order. This period has been described by many scholars as a 'golden age' of humanitarian intervention in the international community (Heywood 2014, 326). According to Scheffer, developments at the beginning of the nineties demonstrate that the international community does no longer tolerate massive repression and other human tragedies within a state (Scheffer 1992, p. 259). In this regard, Finnemore has discussed that violation of human rights and abuse populations in massive are observed as security threats in the international community. For this reason, "the flows of refugees and social tensions that such policies create are destabilizing to neighbors" (Finnemore 2004, pp.134-35)

It can be concluded that during the Cold War, the bipolarity of the international system allowed for a "relatively strong agreement that the way they treated their citizens was a domestic matter", and that interference from another state was a significant violation of sovereignty (Finnemore 2004, pp.134-35). However, the post-Cold War era emphasizes that humanitarian intervention must be multilateral to be viewed as legitimate in international society. Furthermore, the evolution of the meaning of a threat to international peace and security had a significant role on humanitarian grounds.

2.3. Criteria for Humanitarian Intervention

From the different filed, the objectives of humanitarian intervention have been progressive by scholars, international lawyers, and policymakers. Although, it is too complicated to outline all the criteria for interventions, a set of criteria can be mentioned to determine the legality or illegality of military intervention. Also, interventions for human protection purposes have been made on a wide range and variety of grounds. Likewise, the International Commission on Intervention and State Sovereignty (ICISS) argues that because "motivations are inevitably mixed… the humanitarian rationale need not be exclusive, but it must be explicit" (ICISS 2001b). In other words, humanitarian intervention requires basic elements in order be considered legal.

As Merriam (2001, p.127) points out, humanitarian intervention should include two basic criteria; first, any military intervention must limit its primary objective to ending the crisis, and limit its duration to that time required to resolve the crisis, and second, to the greatest extent possible, humanitarian intervention should be multilateral in

nature. Moreover, credible evidence of human rights violation is required for a legal humanitarian intervention (Merriam 2001, p.127), such as genocide, crimes against humanity and humanitarian catastrophe. The primary purpose of an intervention must be to halt or avert human suffering (ICISS 2001b, p.35). This sense of humanitarian crisis obtains more relevance if is proved by some sort of evidence of human rights violations provided by a credible source (Merriam 2001).

Other elements involved here are the protection of the 'most basic human rights' and the level of abuse (Merriam 2001). For Krylov (1994) an intervention should be only allowed for large-scale abuses, such as torture, systematic rape, genocide, war crimes and expulsion. The scale of the crisis can be described as a significant measure for the purpose of humanitarian intervention. As Martha Finnemore argues that "antidemocratic human rights abusers have now been defined as threats to international peace and security, which might explain why many more humanitarian interventions were undertaken in the 1990s than in any previous ten-year period" (Finnemore 2004, p.57), and also a state's violation of the human rights of its own population are no longer considered an internal matter (Finnemore 2004, pp.79-80).

Lastly, multilateral actions are generally preferable to unilateral action. As Krylov believed that, multilateral interventions are more likely to succeed (Krylov 1994, p. 396). A multilateral intervention, therefore, is one involving several states acting collectively, possibly through a formal international organization (Heinze 2009, p.117). Merriam also argued that Legitimacy is derived from wide-spread agreement when the population suffers from human rights (Merriam 2001).

It concludes that the principle of international protection of human rights has progressively expanded. Therefore, the most grave and massive abuses of human rights and threaten the lives and well-being of large groups of civilians may justify intervention in international humanitarian law. Additionally, humanitarian intervention should be matched with the variable of acting in answer to a widespread and extreme sense of large-scale humanitarian catastrophe. Next section will examine a legal status of humanitarian intervention as a legal basis for using force, and provide an argument as the moral dimension for such a right.

3. The Legal and Moral Legitimacy of Humanitarian Intervention
This chapter begins the examination and investigation of the legal dimension of humanitarian intervention in the international community in order to respect human rights value.

3.1. Legal status of Humanitarian Interventions
In order to evaluate the normative value of humanitarian intervention, it is essential to examine the legal status, and the justification of intervention within the international community. From the beginning, there is a wide range of assessments regarding the

legal status for humanitarian intervention. For instance, Hurd has discussed that the legal status of intervention is an extremely controversial matter, and contemporary international law can be read as either allowing or forbidding international humanitarian interventions (2011, p. 293). In this context, the important question will be addressed: "who should decide when the criteria have been stratified? Who has the right authority to authorize military intervention for humanitarian purpose?" (Heywood 2014, p.333) The response to this question is that the most suitable body is the UN Security Council. For this reason, this reflects the UNs role as the principal source of international peace and security (Heywood 2014). In terms of politics and authorities, the Security Council has the legal authority to intervene (Donnelley 2003, p. 257).

Despite the legal right of intervention, in the UN Charter's legal norms for humanitarian intervention are conflicted. For example, Article 2 (4) in the UN Charter declares that "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 purpose of the United Nations" (Donnelly 2003, p.143). Simultaneously, however, force can be used under Chapter VII of the UN Charter. Thus, there is a tension between intervention and international law. This is because the UN Charter includes both intervention and non-intervention norms, and there is a paradoxical relationship between state sovereignty and the human rights in the international community. The following sections of this chapter will discuss legal arguments to intervene and then presents an outline of the moral dimension of intervention.

3.2. The Legal basis for Humanitarian Intervention

In this context, the research will look primarily at three sources of legal foundation of the humanitarian response.

3.2.1. International Human Rights Law

This section looks at the legal basis for human rights obligation to the international community. It starts with focus on international human rights law as the most important basis in international law. It is clear that international human rights law comes from the Universal Declaration of Human Rights and in a number of international human rights treaties. Subsequently, it is quite remarkable that the concept of universal human rights has played a significant role in the international community (Donnelly 2003). It can be argued that the Universal Declaration and the Covenants provide the norms of the international human rights regime. Its principal organs are the "UN Commission on Human rights, the Human Rights Committee, and the High Commissioner for Human Rights" (Donnelly 2003, p. 129). Currently, the human rights norms have become a strong player in the international community. Additionally, bringing the international human rights laws and treaties in their domestic law, are significantly increasing (Donnelly 2003).

Although human rights do not in themselves provide sufficient guidance about the justification for intervention, it is widely accepted that the principle of human rights provides a moral framework for humanitarian intervention (Heywood 2014). The UN effort to create a legal basis for the international human rights has formed into a formation of the new body of law international human rights law. The Universal Declaration of Human Rights signaled a normative shift away from the absolute sovereignty presumed by states and toward the idea that all individuals should have rights by virtue of their common humanity (Dunne and Hanson 2013, p.64). As Nicholas Wheeler points out, international society has reached out a point where a state's violations of the human rights of its own population are no longer considered an internal matter (2013)

In this context, it is important to mention that three multilateral human rights treaties that potentially create avenues relevant to a sufficiently principled legal framework for humanitarian intervention are: the Genocide Convention and the two principal Human Rights Covenants (Heinze 2009, p.66). It can be concluded that the legal ground to support humanitarian intervention includes the norms of international human rights law in the international society. In addition, human rights activists look the humanitarian intervention as a good way to respect human dignity and human life.

3.2.2. International Humanitarian Law
This section begins the analysis of the legal dimension of intervention in international humanitarian law. International humanitarian intervention is more commonly referred to as treaties and international conventions. According to the International Committee of the Red Cross, which is a humanitarian institution based in Geneva, "International humanitarian law is a set of rules which seek, for humanitarian reasons, to limit the effects of armed conflict. It protects persons who are not or are no longer participating in the hostilities and restricts the means and methods of warfare" (ICRC 2004). Moreover, "international humanitarian law is part of international law, which is the body of rules governing relations between States" (ICRC 2004).

It can be noticed that similar to human rights law, protecting individual's rights within humanitarian law highlights the significant features of the normative framework of that legal system (Provost 2002, p. 34). Contrary to humanitarian law, human rights law applies mostly in peacetime while humanitarian law governs only armed conflict; even within a war. Therefore, it can be said that humanitarian law does not similar that of human rights law (Provost 2002, p.42).

3.2.3. Customary International Law
Another potential grounding for a legal right of humanitarian intervention is characterized by the international customary law which has developed in reaction to the state practice (Heinze 2009). Interventions during the 1990s provide the main evidence in support of the argument that a legal custom associated with humanitarian intervention. Customs in international law can generally be defined as

rules developed by the practice of states. Thus, exist a rule of customary international law must be a practice that is followed by the generality of states. The state practice since the end of the Cold War suggests that there is a customary right of humanitarian intervention (Lepard 2002).

Although there are many controversial arguments of customary international law in regards to human rights, in customary international law, and in a diversity of soft law expressions, the role of the state beyond its national borders in protecting human rights is evidently recognized. The UN Charter shows clear evidence to justify intervention in order to protect human rights within the international community; therefore, the state sovereignty and national unity must completely respect and adhere to the UN Charter systems. Accordingly, humanitarian intervention has become necessary when states violate human rights norms (Donnelly 2003). More importantly, it seems that at least certain parts of international human rights law have expanded status as customary international law. Thus, for the most analysts, all of the norms of international human rights regime represent international customary law (Skogly and Gibney 2002, p.787).

Practically, since the end Cold War period, the customary international law has been a significant role for states to justify the use force to protect human rights. For example, in the case of Kurdistan, the British country argued that there were uploading customary international law, France invoked a customary right of intervention, and the USA noted a rebalancing of the claims of sovereignty and those of extreme humanitarian need (Bellamy 2002). Arend and Beck define this is in the following terms: If, over a period of time, states begin to act in a certain way and come to regard that behavior as being required by law, a norm of customary law has developed (cited in Wheeler and Bellamy 2005, p.560). Thus, another legal basis for intervention is the existence of a customary rule in order to permit humanitarian intervention.

From the above examination of the current legal, we can conclude that While international human rights law, international humanitarian law, customary international law has different historical and explanations, they have the share of goals in order to protect all individual rights, and human dignity.

3.3. The Moral Responsibility

One the most essential questions will be addressed is, does the international community have a moral duty to intervene to end massive human rights violations? It is widely acknowledged that, moral motivation plays a considerable role in the need for an intervention by the international community (Donnelly 2003, p. 257). Thus, it is likely to be required in each of the cases the humanitarian intervention. Franck and Rodley support this claim, also arguing that intervention "belongs in the realm not of law, but of moral choice, which nations, like individuals, must sometimes make" (cited in Wheeler and Bellamy 2005, p. 560). As such, it seems that the state violation of

the human rights of citizens or in cases of serious human rights violation it should not only be a right, but a duty to intervene.

In this regard, in the diversity perspective, such as utilitarians, communitarians, social contractarians, cosmopolitanisms have debated the morality of a doctrine of humanitarian intervention (Holzgrefe 2003). Therefore, some legal scholars argue that despite the legality of humanitarian intervention, it might be morally required to use force in order to save the human being from the massacre. For example, Michael Walzer in his book *Just and Unjust Wars* offers a moral argument with the historical illustration. For Walzer, Humanitarian intervention is justified when it is a response to acts that shock the moral conscience of mankind (Walzer 2005, p. 107).

According to Eric A. Heinze, there is a different position between law and morality regarding to the permissibility of humanitarian intervention, although it is very important to reconcile and connect between the law and morality (Heinze 2009, p. 59), and also it is necessary to maintain a moral significance as a subject to moral duty and responsibility. Advocates of this position argue that another argument for moral duty is related to the natural law. Natural law is the naturalist doctrine that human beings have certain moral duties by virtue of their common humanity. For natural law theorists, ''our common human nature generates common moral duties, including, in some versions, a right of humanitarian intervention'' (Holzgrefe 2003, p.25). The above discussion appeals the existence of moral normative value in legitimating norms of interventions. Consequently, humanitarian response can be seen as a moral duty and responsibility of international society.

4. The Practice of Humanitarian Intervention in the Post-Cold War Period: Case Studies

In order to demonstrate how the humanitarian agenda has contributed to the spread of human rights and to assess the utility of the theory presented here, it is significant to examine the evidence presented by two case studies of intervention. The 1990s witnessed a series of interventions clearly supported by humanitarian objectives, and a number of cases that have been subsequently recognised as igniting willingness to start humanitarian action (ICISS 2001a). In the first and second sections, the scope of humanitarian intervention is examined in the establishment of human rights norms in Post-Cold War northern Iraq at the end of the first Gulf War, and the NATO action's Operation Allied Force in Kosovo. The final section of the article evaluates the role of humanitarian norms in shaping intervention in the case study. In both cases, it can be seen the emergence of the norm of humanitarian intervention within international society.

4.1. In Kurdistan 1991
4.1.1. Background
The illegal Iraqi invasion and subsequent occupation of Kuwait was met with universal disapproval, and by October 1990, Iraq had occupied Kuwait for more than two months (ICISS 2001b, p.84). After the end of the Gulf War in 1991, the overthrow of Iraqi forces created an unstable political situation in Iraq that enabled the Kurds living in the north (Wheeler 2000, p. 141) to seek refuge in some cities and towns. Consequently, as Iraqi troops retook the Kurdish cities, approximately two million Kurds fled towards Turkey and Iran (DiPrizio 2002), subsequently, suffering under difficult conditions including a severe lack of food, medicine, and shelter (Wheeler 2000).

4.1.2. Humanitarian situation
At the inception of the discussion, this difficult situation and humanitarian crisis became obvious and widespread concern in the international community. Therefore, Resolution 688 was a fundamental motivating factor behind the international norm of humanitarian intervention and the legitimacy of the operation. Resolution 688 stressed the effects of Iraq's actions, against its Kurdish population, on other nations in the region, stating that the UN was: ''gravely concerned by the repression of the Iraqi civilian population in many parts of Iraq, including most recently in Kurdish populated areas which led to a massive flow of refugees toward and across international frontiers and to cross-border incursions, which threaten international peace and security in the region'' (UNSCR 1991). The Security Council focused on the link between the preservation of international peace and security and protection of human rights norms (Abiew 1999, p. 239). A 'non-fly' zone was set up over northern Iraq, and Western military forces were deployed inside Iraq's borders to set up ''safe havens'' to protect the Kurds (Wheeler 2000, p.140). As a result, no-fly zones were imposed by the U.S., the UK, and France in northern Iraq in order to guarantee the delivery of humanitarian assistance (Massa 2009, p.58).

The key element in this argument is the claim that this intervention matches the criteria of acting in cases of large-scale abuse, which was proved by a credible source. For this reason, humanitarian concerns in this case became apparent to everyone. Therefore, the media coverage played a crucial role in influencing public opinion and global leaders, with the BBC in 1990 reporting "a strong condemnation from leaders around the world" (BBC 1990). Public opinion is a key factor in influencing Western countries to intervene in the international conflict. Moreover, as DiPrizio points out, two main reasons behind the creation of safe havens in Iraq were international pressure from U.S. allies, and the gradual learning process growing out of events on the ground (2002, p.39).

The main motives for Western countries to intervene in Iraqi Kurdistan have been articulated by Wheeler as following certain reasons, namely: "first, bringing humanitarian aid to refugees dying on the mountains"; second, "getting the Kurds

down from the mountains and into the safe havens"; and "finally the most difficult task of all creating a security environment that made it possible for the Kurds to return to their homes" (2000, p.158). It is clear that saving the Kurdish population can be seen as a major motivating factor in the West's decision to intervene in Kurdistan. However, other researchers argue that a geopolitical interest was a considerable factor in this operation. According to DiPrizio, the desire to assist an important U.S. ally in a strategically sensitive area can be identified as the primary factor (2002, p.33).

Nevertheless, taking humanitarian action was a necessary act. In order to create protective "safe havens" for the Kurdish people, military force was involved through an intervention in April 1991 (Wheeler and Bellamy 2005, p.564). In this context, the Bush administration emphasised humanitarian concern as a significant factor behind intervention, arguing that "the human tragedy unfolding in and around Iraq demands immediate action on a massive scale" and emphasising that "this effort is prompted only by humanitarian concern (cited in DiPrizio 2002, p.33). According to Francis Kofi Abiew the violation of the rights of individuals by their own governments encouraged intervention in order to protect human rights in the northern Iraq case (1999, p.156).

As this case very clearly demonstrates, it is important that the real motive behind the intervention in Kurdistan was consistent with the humanitarian agenda, and aimed to provide emergency aid to the Kurdish refugees to enable them to return home. By way of illustration, Krylov claims that the humanitarian intervention in Kurdistan was consistent with the criteria of a humanitarian agenda, and he also supports it as a significant factor for a justified intervention in order to restore the most basic human rights (1995). Furthermore, the behavior that was legitimized, at least in part, by appeal to humanitarianism, as Wheeler (2000, p. 169) states "For the first time a group of states publicly justified the use of force in terms of enforcing compliance with a Security Council Resolution that demanded respect for human rights".

4.2. Kosovo 1999
4.2.1. Background
The former state of Yugoslavia was established by six different nations, including Serbia, Croatia, Slovenia, Montenegro, Macedonia, and Bosnia. As a Serbian province, Kosovo had been primarily home to ethnic Muslim Albanians (Lepard 2002, p.19). After the end of the Cold War, a violent civil war broke out in Yugoslavia, which involved massive human rights violation. As such, international intervention was required from many global nations (Valentino 2011, p.61), ultimately articulated by military intervention in 1999. After the failure of diplomacy and the Security Council's failure to act, NATO embarked upon an air war against Serbia without Security Council authorisation, with the attacks described as deterrent attacks against ethnic Albanians living in Kosovar (Lepard 2002, p.20). This indicates that the Kosovo intervention changed the nature of the international legal agreement (Byers and Chesterman 2003, p.178). Orford argues that in order to stop widespread violence,

humanitarian response by NATO in Kosovo characterized a new phase in the progression of international legal arguments (2003, p. 4).

4.2.2. Humanitarian situation

When violence spread in Kosovo in early 1998, the international community began to respond. This violence triggered three 'syndromes,' as identified by Alex Bellamy, which saw meaningful intervention placed on the agenda of the international community: the 'Srebrenica syndrome' was a fear of a repeat of the 1995 massacre in Srebrenica; the 'refugees syndrome' was a fear that conflict would provoke a flood of Albanian refugees into the West; and the 'Balkan wars syndrome' was a fear that violent conflict in Kosovo would spread throughout the region and threaten to involve Macedonia, Albania, Bulgaria, Greece and Turkey (Bellamy 2002, p.2-3)

One major argument advanced for a legal right of intervention is that humanitarian intervention in Kosovo was one of the most controversial interventions in the international context (Moore 2007, p.176). Therefore, there has been a border debate and disagreement over this case. In the Kosovar case, Security Council action was blocked by Russia and China, resulting in the decision to intervene, being made by the NATO member countries (Byers and Chesterman 2003, p. 178). It could be argued that the national interests of the Security Council permanently became the lack of legal authority to use force. For example, Russia declined to participate in the intervention in Kosovo because it had interests in a relationship with Serbia (Donnelly 2003, p.258). However, at the same time, according to other arguments, the intervention in Kosovo was legal. This is because the human rights atrocities perpetrated by Yugoslav forces in Kosovo were condemned by the Security Council itself in specific resolutions (VanLandingham 2011, p.886).

Many legal humanitarian responses in Kosovo established the norm of resorting to force without the authorisation of the UN Security Council (VanLandingham 2011, p.886). Alongside this statement, there is no doubt that the NATO intervention in Kosovo saved the lives of hundreds of thousands of Albanian Kosovars in immediate peril (Merriam 2001, p.152). According to this view, the legality of humanitarian intervention is engaged with the new human rights warriors (Orford 2003, p.6). This intervention was addressed for more effective enforcement of human rights in Kosovo (Orford 2003, p.6). Geoffrey Robertson has supported this perspective, arguing that "we are indeed entering the third age of the human rights revolution: the era of enforcement" (2002, p.387). Human Rights Watch in its World Report 2000, stated that it welcomed these developments as marking "a new era for the human rights movement" and perceived it to be a good example of a new willingness in international society to prevent crime against humanity and genocide (Orford 2003, p.8).

Nevertheless, the counter-perspective suggests that protecting human rights values was not only the motive for intervention in Kosovo, rather was applied by the international political agenda. Massa, for example, argues that national interests

contributed in Kosovo (2009), whilst Cohn (2002, p. 81) claims that the main reason for this intervention was not humanitarian aims, but rather the United States' wish to maintain its status as sole superpower in the world in order to control European markets and the transportation of rich oil deposits from the Caspian Sea. However, the moral imperative to aid Kosovar Albanians was seen as a common rationale by NATO states in 1999. This is because the use of force was the only way to prevent more human suffering and more repression and violence against the civilian population of Kosovo (Guicherd 1999, p.19).

There is a further germane point here, which is that the primary motivation for Western intervention in Kosovo was not only relevant to territorial interests, but also was applied in order to save citizens threatened by humanitarian disaster (Sloboda and Abbott 2004). Recent cases reported by Wheeler (2000) also support the hypothesis that, as a result of this operation more than 500000 refugees were able to return home. Despite the controversial intervention in Kosovo; it was possibly encouraged by a desire to spread human rights values.

4.3. State Behavior: Convergence between Identity and Interest

In this section, this paper presents a constructivist assumption in order to the analysis of humanitarian intervention by focusing on the norms, and underlining how legitimate norms can influence state behavior in the interventions in Kurdistan (1991) and Kosovo (1998) cases. This is because in the constructivist approach identity is the basis of interest, and thus behavior (Wendt 1992, p. 398). In the first case responded to the situation of Iraqi Kurds clearly indicates the emergence of a new normative environment within the international community. As Finnemore (1996, p.157) explains that norms and actions are connected together, and state actions come from the norms. Therefore, norms create permissive conditions for action, and also the states' interests may change according to change norms and actions in the differences of period (Finnemore 1996). It is clear that in this case the national interests were motivated by the identity and norm (Wheeler 2000, p. 154). This case offers a wider lesson in assessing the relationship between norms of decision making in order to use of the force.

Another development in the emergence stage of the norm of humanitarian intervention was in Kosovo in 1999. In March 1999, President Clinton outlined his justifications to use force against Slobodan Milosevic and the Serbs in Kosovo. Although including the humanitarian reasons, Clinton emphasised America's strategic interests in a stable Europe. President Clinton made the following statement: "We act to protect thousands of innocent people in Kosovo from a mounting military offensive. We act to prevent a wider war; to diffuse a powder keg at the heart of Europe that has exploded twice before in this century with catastrophic results. By acting now we are upholding our values, protecting our interests and advancing the cause of peace" (Clinton 1999).

A further line of argument is to point to the fact that the convergence of humanitarian considerations and national interests was also highlighted by former British Prime Minister Tony Blair. In this regard, it is important to mention Tony Blair's speech regarding the military intervention in Kosovo, which he claims set the criteria for military intervention "as a just war, based not on territorial ambitions, but on values" (cited in Orford 2003, p.9). According to Blair, "the war in Kosovo was fought in order to defend human rights values, and it was fought for a fundamental principle necessary for humanity's progress" (cited in Orford 2003, p.9). Blair suggested that "our actions are guided by a more subtle blend of mutual self-interest and moral purpose in defending the values we cherish. In the end, values and interests merge. If we can establish and spread the values of liberty, the rule of law, human rights and an open society then that is in our national interests too" (Blair 1999).

In the final analysis should be considered in this context is that values and identity are, therefore, significant to constructivism, as Christine Agius puts it "actors cannot act without an identity and identity explains the actions of actors" (Agius 2010, p. 50). Therefore, it can be said that the role NATO states had on pushing humanitarian intervention. Finnemore and Sikkink emphasize three possible motivations for responding to the "peer pressure" of a normative shift legitimation, conformity, and esteem (Finnemore and Sikkink 1998, p. 902-903).

In both Kurdistan and Kosovo cases of intervention after the end of the Cold War, violations of essential human rights were clearly happening. In Kurdistan the Kurdish population were forced to flee towards neighboring territories, whilst "ethnic cleansing" took place in Kosovo (Stromseth 2003). As such, the motivations behind the interventions were result of human purposes in order to stop immediately the severe human rights violations that were occurring. As a result, both humanitarian interventions were accepted by the large of a population.

Returning to the main research questions, it appears that constructivist hypothesis can provide potential explanations. Such as norm entrepreneurs can affect the extent to which there is a norm of humanitarian intervention and how state behavior. Throughout this normative context, it can be seen that domestic and international politics reflect changes in norms, and also norms shared by actors of the international community. Consequently, it is argued that norms can recognise a right of humanitarian intervention in response to human rights violations and the Kurdistan and Kosovo cases represent good illustration.

Conclusion

This paper has examined the status of the norm of humanitarian intervention in international society, specifically focusing on the use of force to protect people from violations of human rights. From the study of the literature relevant to this paper, since the end of the Cold War era, forced implementation of human rights values has been increased in terms of humanitarian response. While cases such as Kurdistan and Kosovo were motivated by national interests such as concern for "regional stability', it seems that the significant motive behind the above interventions was the protection of the citizens from the human rights abuses perpetrated by states and political authorities. As was highlighted, humanitarian response in Kurdistan is a good example of the use of emergency assistance in order to shelter the Kurds from human rights abuses. Although humanitarian concerns were motivated by different factors, the evidence suggests that the primary mission of operation in the Iraqi Kurdistan case was a result of the human rights concerns and to secure delivery of humanitarian aid.

Many of the same arguments apply to the Kosovo case, regarding the delivery of humanitarian assistance in order to rescue the population. As discussed, humanitarian intervention in Kosovo contributed to the enforcement of human rights and protected people from aggression and genocide. Whilst this intervention was criticised as controversial because of its uncertain motivations, it was broadly advanced by the primary desire to spread human rights norms and in response to human rights atrocities as well as halting extreme violations of basic human rights. Therefore, in the case studies examined, it can be advocated that humanitarian intervention can contribute more effectively to a wider spread of human rights and in both cases, intervention was required act to end the grave violations of human rights.

Nonetheless, it could be noted that national and geopolitical interests contributed in each of the cases of humanitarian interventions. However, previous examples of intervention support the view that humanitarian intervention is likely to contribute to the widespread protection of human rights norms in the international community. Therefore, it can be concluded that intervention in Kosovo and Kurdistan represented an important step in the interplay of norms and interests with regard to humanitarian action. According to the constructivist approach, humanitarian interventions in order to protect human rights norms are allowed and legitimized by the international society. Consequently, interventions during this era relied on a convergence of normative values with a clearly perceived strategic self-interest which is derived from normative structures.

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پوخته

ئەم توێژینەوەیە، هەڵدەستێت بە ڕاڤەکردن و شیکردنەوەی ڕۆلی دەستێوەردانی مرۆیی لە کۆنتێکستی پاراستن و بڵاوکردنەوەی مافەکانی مرۆ. بۆیە توێژینەوەکە ڕەچاوی پرسیارێکی جەوهەری و پراکتیکی دەکات، بەوەی کە چۆن و تا چ ڕادەیەك دەستێوەردانە مرۆییەکان پەیوەستن بە پاراستنی مافەکانی مرۆ؟ لە کاتێکدا کە دیدو تێڕوانینی جیاواز هەیە سەبارەت بە ئامانجەکانی دەستێوەردانەکان، گریمانەی ئەم لێکۆلینەوەیە ڕەچاو دەکرێت بەوەی کە دەستێوەردانەکان دەتوانرێت بەشداربن لە پاراستنی بەهاکانی مافی مرۆ. توێژینەوەیەکە هەوڵێکی گرنگ و سەرەکیە لـە ڕاڤـەکردنی دەستـێوەردانی مرۆیـی بـە دیراسـەکردن و هەڵسـەنگاندنی کەیسـەکانی دەستێوەردان لە دوای قۆناغی جەنگی سارد. ئامانجی توێژینەوەکە خۆی دەبینێتەوە لە خستنەڕووی سروشت و هێزی نۆرم و بەهاکان لـە ڕێگەدان بـە دەستێوەردانی مرۆیـی لـە کۆمـەڵگای نێودەوڵەتیـدا. بۆیـە تێزی ئـەم توێژینەوە پشت دەبەستێت بە ئارگیۆمێنتەکانی تێوری بوونیادگەرایی (Constructivist Theory) لـە تێـوری پەیوەنديیـە نێودەوڵەتيەکانـدا، بـۆ دەستـێوەردانەکانی کوردسـتان (1991) و کۆسـۆڤۆ(1999). دەرئەنجامەکانی ئەم لێکۆلینەوەیە، دەری دەخەن دەستێوەردانەکان کە لەو ماوەیەیی ئاماژەیان پێکراوە پێنـاو پاراستنی مافەکانی مرۆ پشت دەبەستن بە یەکگرتنی بەرژەوەندی زاتی وشوناس و بەهاکان .

المستخلص

تناقش هذه الدراسة الدور الذى يلعبه التدخل الإنساني في سياق مساهمته في نشر حقوق الإنسان. في هذا الدراسة يتم طرح المزيد من الأسئلة العملية التى تتعلق بكيفية و مدى مساهمة هذا التدخل في نشر حقوق الإنسان؟ فبينما هناك أراء مختلفة تتعلق باستخدام التدخل لنشر قيم حقوق الإنسان فإن الفرضية التى سيتم اختبارها تتمثل في ان التدخل الإنساني يمكن أن يدخل في نشر مبادئ حقوق الإنسان. تساهم تلك الدراسة بشكل كبير في الأبحاث المتعلقة بالتدخل الإنسانى بواسطة شرح و اختبار الأسباب المنطقية لحالات يحدث بها مثل هذا التدخل الإنسانى بعد الحرب الباردة. بالإضافة إلى أن هذه الدراسة تهدف إلى تناول طبيعة و قوة المعايير التى تسمح بالتدخل الإنساني في المجتمع الدولي. لذلك تـرى الدراسة الحالية أن النظرية البنائية (Constructivist Theory) في العلاقات الدولية يمكن أن تقوي مـن التدخل كمـا هو الحـال في دراسـة على كردستان (1991) و كوسوفو (1999). توصلت الدراسة إلى الكشف عن التدخل الإنسانى خلال تلك الفتـرة و اعتمـاده على تلاقي كل من المصالح الذاتية الإستراتيجية و الهوية والقيم.