

Safe Havens in Iraq: Operation Provide Comfort

By Sophie Haspeslagh

In the aftermath of the 1991 Gulf War, Saddam Hussein's persecution of the Kurds led to a massive flight. 1.8 million Kurds tried to flee, of whom 1.4 million went to Iran and 400,000 went to the Turkish border.¹ This was a frightening prospect for the Turks, who were reluctant to open their borders because of their experience of the 1988 Kurdish refugee flight to Turkey and the inadequate international help they had received at the time, coupled with the fear that these Kurds might join the Kurdish uprising in Turkey. Faced with the prospect of a massive *refoulement*² by Turkey and due to the increasing news coverage of the plight of the Kurds, Western governments decided to act. The allies decided to "take pressure off Turkey and to keep it on Iraq," and passed Resolution 688 at the U.N. Security Council.³

This resolution for the first time interpreted Article 39 of the U.N. Charter in the light of a humanitarian crisis. Resolution 688 transformed the victims into the threat, asserting that their flight would 'threaten international peace and security' in the region. Even though the Resolution made no reference to sending troops, the U.S., France, and Great Britain sent in military forces to set up a safe zone in Northern Iraq. Posen rightly points out that in the case of Iraq one can really describe it as a 'zone' rather than a mere 'area,' because the population remained settled in a distinct part of the country.⁴

The issue of whether there was consent for the intervention is problematic. Minear and Weiss argue that Operation Provide Comfort was based on consent, because the U.N. had negotiated memoranda of understanding with governmental authorities several times.⁵ On the other hand, Landgren points out that the safe zone was established in a military climate and was not based on consent.⁶ I would argue that Hussein's government did not respect or consent to the zone per se as is made clear by his September 1996 incursion in Irbil, yet he seemed to consent to it because of the credible military strength that backed it.

Indeed, in the case of the Iraqi 'safe zone' the coalition was very present militarily. They capitalized on their military victory during the Gulf War, since they had many aircraft in the region. Moreover, Iraqi troops were very vulnerable to the threat of air attacks, because the strategic location of the zone meant that they had to cross much open land to pursue an attack.⁷ More important, this military threat was accompanied by a strong political will to see the 'mission' succeed. The United States would not let the memory of the Gulf War be tarnished by a failure in its 'safe zone' operation.

Operation Provide Comfort saved countless lives, and it did provide security for the Kurds in the 'safe zone.' This can largely be explained by the operation's extremely favorable conditions. The political will was strong, the U.S. wanted the operation to succeed, and the military threat was clear and overwhelming. Due to the credibility of the operation, the coalition was successful in protecting the Kurds even though the operation had not been based on the consent of the parties involved.

However its success has to be qualified for two main reasons. First, protection for the Kurds in Northern Iraq has seriously diminished in recent years. Second, one cannot argue that this is a case of politically neutral protection, since Operation Provide Comfort seems to have opened the way for Operation Poised Hammer.⁸ In August 1991, Turkey intervened in the zone to prevent supporters of the Kurdistan Workers' Party (PKK) from staging raids against targets in Turkey.⁹ In March 1995 35,000 Turkish troops entered Iraq, which led to thousands of refugees being once again displaced.¹⁰ This incursion was condemned by the European Union as a violation of international law, yet the 'coalition' seemed to have given the incursion tacit consent by allowing Turkish bombers to fly over the Kurds.¹¹

In the case of Operation Provide Comfort, it does seem that the establishment of a safe zone hindered the Kurds' *right to flee*. Not only were they stopped cold at the Turkish border, it is because of this *refoulement* that the international community decided to establish a safe zone. Thus Kurds could not choose between staying in the safe zone or seeking asylum, since it was considered that they were being offered sufficient protection within the 'safe zone.' However, as we saw with the Turkish incursion, the 'safe zone' was not free of human-rights violations.

¹ K. Mills, 'United Nations intervention in refugee crises after the Cold War' in *International Politics* Vol.35 (4), December 1998, p.394

² This term is explained in the primary **safe havens essay. It basically means the refusal to accept legitimate refugees.

³ B. Frelick 'Preventing Refugee Flows: Protection or Peril', *World Refugee Survey 1993*, US Committee for Refugees (1993), pp. 5-13

B. Posen 'Military Responses to Refugee Disasters', *International Security*, Vol.21, Issue 1 (Summer 1996), p.93

⁵ L. Minear & T. Weiss *Mercy Under Fire: War and the Global Humanitarian Community*, Westview Press (1995), p.171

⁶ K. Landgren, 'Safety Zones and International Protection: A Dark Grey Area' in *International Journal of Refugee Law*, Vol.7 No.3, p.443

⁷ B. Posen 'Military Responses to Refugee Disasters', *International Security*, Vol.21, Issue 1 (Summer 1996), p. 94

⁸ A. Roberts 'Humanitarian War: Military Intervention and Human Rights', *International Affairs*, Vol. 69, Issue 3 (July 1993), p.448

⁹ *Ibid*, 438

¹⁰ K. Landgren, p.443

¹¹ Geneva Post, 23 March 1995, cited in B. Frelick