

THE TRAGEDY OF HALABJA

A PATHOLOGICAL REVIEW ON SOCIAL-LEGAL ASPECTS OF THE CASE FROM HISTORICAL AND INTERNATIONAL POINTS OF VIEW

Akbar Valadbigi^a, Shahab Ghobadi^b

^a State University of Yerevan, Armenia.

^b Kurdistan State University, Iran.

Corresponding author: karvan74@gmail.com

© Ontario International Development Agency. ISSN 1923-6654 (print)
ISSN 1923-6662 (online). Available at <http://www.ssrn.com/link/OIDA-Intl-Journal-Sustainable-Dev.html>

Abstract: March 16, 1988 is supposed to be a human catastrophe for all the times, when the tragedy of Halabja, the genocide of a nation, evident grimace at human and civil rights and the most detestable form of military operation against undefended Kurd civilians in the closing years of 20th century took place. Extensive military operations called "Anfal" were undertaken in three phases by means of mass destruction weapons against Kurd residents of North Iraq in the mid 1987 April. Due to lack of meeting their rights within Iraq, the Kurds will have this right to demand their human and ethnical rights and international society will be expected to defend this right. Perspectives of this article include: anatomy of power and its structural deviations in the world and the Middle East, protocols regarding prohibiting construction and application of mass destruction weapons in relation with public opinions, power deviations and their relevance with the structures of undemocratic governments of the Middle East, world capitalism and regional catastrophes, reactionary ideology of "Fascism" and its Eastern illegitimate child-Arabic Ba'athism*, and finally fear and hope and disappointing perspective of "civil society" in the Middle East.

Keywords: Halabja, Chemical Weapons, War Rights, Militarism, Genocide, Fascism, Ba'athism, Power, the Middle East, Civil Society.

I. INTRODUCTION

Ba'athism: The fascist government reigning over Iraq and Syria in the last decades of twentieth century. Holding a population of about 170,000, Halabja is located in Solimani province. This city lies to the southeast of "Darbandikhan" lake in a plat plain between mountains of "Malkhor" and "Soren". Halabja has some 25km distance from Iraq-Iran borders and is considered to be a prolific area economically.

In March 16, 1988, the fascist and reactionary regime of Ba'ath under Saddam Hussein brutally attacked civilian-populated area of Halabja with chemical weapons and created the genocide massacre of Halabja against undefended Kurds. During that operation, some 5000 undefended Kurds of this city were killed and thousands other were left refugee and homeless. In most of the disturbed canons worldwide, in southeasters Asia, South America, North Africa, and the Middle East for instance, those regimes that pursue their goals through these tensions are supposed to be capable of producing complicated chemical weapons. It goes without saying that this fact can be a potential threat to the current generations worldwide. With respect to this matter that some Kurdish cities of Iran too, like "Sardasht" and "Marivan" as well as some border villages have been among the victims of these chemical attacks, investigating the political and international aspects of this incident in legal and pathological terms is necessary and lies among the objectives of current paper. In spite of the approved and confirmed protocols regarding the prohibition of applying chemical weapons, June 1925 and April 1972 protocols, for instance, it is not beyond expectation that applying chemical weapons be common in the upcoming wars of next centuries.

In response to such frightening and threatening perspectives facing future of the world, the international society should find a prompt resolution to prohibit production and application of mass destructive weapons. It should also ask for the observation of public opinions over "war rights". As we observed in the World Wars I and II these rights were strongly protected. Furthermore, among the preferences ahead of this case's legal and meta-governmental aspects is the necessity of international legal organizations, the UN for example, and public opinions' understanding of the increasing threats from modern and insane regimes like Ba'ath and their

consequences against humanity. There is no doubt that any delinquency from international organizations brings about a threatening future for the current generations and their undefended civilians. The current and upcoming generations of idealistic and deprived Kurds will carefully pursue the measures of international organizations on their democratic and civil rights. The quality of their evaluation will certainly be influenced by this matter that whether political and legal institutes or international sources will stop their passivity about this event or not.

II. RESEARCH DESIGN AND ITS IMPORTANCE

During the preceded centuries the Middle East always has been a focus of confliction and the civilians of this region have had the concern of prohibiting the application of uncommon and mass destruction weapons more than other people of the world. This paper calls for the legal and political organizations to refer to the protocols of preventing violence in the Middle East and try to fulfill them. Restoring peace and national unity in Iraq to somehow depend on resolving problems of its Kurd citizens inhabiting in the north. During the previous decades, Kurdish people of Iraq and Turkey have been treated with apartheid policies; but now the Kurds as a national core having their own institutes and enjoying equal rights with the majority of this region's citizens are rising. The obvious daily crimes of the fascist party of Ba'ath in the 1970s, 80s and 90s and the atrocities of Turkey' Pan Turkism against their undefended Kurd people remind us of the possibility of the reoccurring of such shameful genocides. Providing the security of border villages and other settlements populated by the Kurds is a preferred matter; so if the regional and international sources including: the UN, the Non-alignment Movement, Islamic Conference, Arab League, and Africa Unity Organization do not make serious efforts in pursuing and punishing the agents committed those crimes and generals of Turkish fascist government, we should expect a future perspective laden with threats and panics.

Another concern is over the density and deviations of militarist, suppressor, and undemocratic governments, Ba'ath regime and Turkish Generalism, for example, and the possibility of violating the national and international treaties regarding prohibition of applying mass destruction weapons by these regimes. Not only does have the major sources of power, but also military power enjoys a complete control over tools of power. Not owning to its potential results, but for its possible consequences this power is supposed to be a glorious thing!

The collective memory of the masses has not forgotten the tragedies of Vietnam, Hiroshima, Chechen, and Iraqi Kurdistan; to our great surprise,

military governments from one hand have clung to uncommon destruction weapons while advertising extensively about the importance or even the advantages of keeping these obligations from other hand. Undoubtedly the survival and the well-being of the current and upcoming generations depend on pursuing and supporting the negotiations of prohibiting the application and production of these weapons as well as their subsequent treaties in an atmosphere free of political and martial tensions. Environmental and ecotourism considerations, economical investments, and civil rights can be included in this matter.

III. A REVIEW OF THE ASPECTS OF THIS TRAGEDY

Succeeding the tragedy of Hiroshima, Halabja's genocide massacre is marked as the most brutal crimes of the 20th century in which the coward dictator of Ba'ath regime attacked 70,000 of his patriot by means of mustard and nerve gas and siafojen. In this terrible crime over 50,000 undefended civilians dead and some 70,000 other were left injured or paralyzed. In the late 1988 during the closing days of Iraq-Iran imposed war, when the fascist-chauvinist regime of Iraq under Saddam Hussein saw that had suffered a lot of damages and is next to defeat, brutally attacked border cities and villages. The Ba'ath party and in heart of it, Saddam himself used to kill Kurdish people, as a result, during those days around 4000 Kurd populated villages were demolished.

Iraqi Kurdistan (northern Iraq) has been used to be a military and occupied region and as a good excuse for correlation to suppress its people under the name of Iraqi territorial integrity. As a fake territory used to be a part of the laagered and rotten emperor of Ottomans for 6 or 7 decades, then by the winner imperialists of World War I it was separated and called as "Iraq". Like other areas of the Middle East, Iraq has always been a focus of crisis and rebellion. The Arab chauvinism in search of an Arabic territory turned north of Iraq into the shambles of its Kurd habitants; of course these crimes have been inherited from their precedent governments which had killed, expelled, and exploited these inhabitants and created the operation of Anfal. Saddam Hussein was supposed to be the darling of imperialism and the victorious of the world capitalism I the last half of 20th century. Indeed, the fake ad fragmented country of Iraq could not be ruled but through despotism and terror. So, when the World War I ended and the allies separated Ottomans, the Kurds had been living in that region for some four centuries. When the World War I ended and Iraq was constructed, some of these Kurds and their region joined this country (Beshekchi, 1998), but the depended and wild regimes of Iraq extensively applied policies of

elimination and suppression on Kurds; once the chauvinist party of Ba'ath take power, these savageries came to their highest point, so this situation coincided with the development of the legal struggles of the colonized Kurds. Although seemingly has different forms, dictatorship culture has the same content and culture with a whole strategy: suppression or murdering; this punishment was operated in its most brutal form against the undefended Kurds of Iraq in the final years of the 1980s. The tragedy of Mars 16, 1988 was the largest chemical operation performed by the Iraqi fascism against the Kurds; the very element that distinguishes this crime from other similar ones is in its extent and the number of the killed. Not only did kill and injure most of the Halabja's inhabitants but also this crime resulted in some complications among the survivals, for example, blindness, birth defects, and cancer.

IV. ANFAL, THE LAST MOST EXTENSIVE CRIME SADDAM'S REGIME COMMITTED AGAINST THE KURDS

Operation Anfal, the 1986-1989 campaign conducted by Saddam Hussein's regime to terrorized the Kurdish rural population. Under the leadership of Ali Hassan al-Majid(chemical Ali) this operation came to its peak in 1988. The main objective of the Ba'ath party of that operation is said to be cleaning the race of the Kurds thoroughly. In order to reach this objective, they did not refuse committing any land attack, air bombing, destroying residential areas, mass expel, and chemical operations against the Kurds. These operations brought about villages' demolition and did structural damages to the ancient culture of the Kurds. The reports of the independent sources estimated that the number of the killed as more than 100,000 while the Kurd sources believe this figure is more than 182,000, whether dead or disappeared (Husseinpanah, 1989).

Anfal was a thorough genocide conducted against the Iraqi Kurds inhabiting in northern Iraq. During 8-phase operations most of which conducted in Solimani and its surrounding, Ali Hassan al-Majid-then General Secretary of northern Iraq- arrested the Kurds and dispatched them to the camps. Those who were arrested, especially men and boys, were murdered soon and delivered to the mass graves. Scholars have compared this murdering with the crimes of the Nazism in Europe. In this human crisis thousands died of hunger and lack of health care, in June 1987 in accordance with the aim of unifying Kurd regions and at the order of chemical Ali the policy of arabising and unrestrained racial genocide were conducted. Kirkuk-a then mostly Kurd-populated city- was of strategic importance, as it was an oil-rich area. By building luxurious structures and delivering them to the Arabs, Ba'ath regime sought to

Arabize that city. The statistics indicate that in during that ominous current some 4,000 villages, 1750 schools, 270 hospitals, 270 hospitals, 2450 mosques, and 27 churches were ruined. (Husseinpanah, 1989) The mass graves are the live and undeniable evident of Ba'ath regime's crimes against the Kurds.

V. MILITARISM, THE OBJECTIVE EVIDENT OF POWER PATHOLOGY

By militarism, at the first sight we mean the influence of the army, martial culture or lifestyle on political or social life. (Bashyrieh, 2001) Militarism may appear as the result of increasing international militarist competitions, the need for heightening arms expenses, renewing the army, and increasing the number of armed forces by the civilian government. Furthermore, maybe the influence of militarist leaders and circles increases in the interior or foreign policies, and as a result, militarism leads to the development of " industrial-military assembly" and arms culture that these two pave the ways for modern militarism. (Bashyrieh, 2001)

Historically, the origins of militarism rate back to the tradition of Perus Army and the military attitude of Germany government at the time of Great Frederic. The out breaking of the World Wars I and II by Germany reinforced the militarist attitudes. The policy and government of Japan in these two wars is another paradigm of militarism. Generally the development of militarism is a basis for the appearance of fascism, while fascism in its turn has reinforced the tradition of militarism. (Batamor, 1980) This illegal method of government has often accompanied with conservative and anti-liberal attitudes. In his book " The ruling class", Moska- the Italian sociologist- has discussed the dangers of militarism in the modern life. (Moska, 1938) applying the army for political and destructive objectives in undeveloped countries is easier than establishing and creating stable political parties and organizations. In such countries, especially from 1950s on when the World War II ended the army has served mainly in reconstructive services, so it has been more influenced by the ideology of the middle class, nationalism, and economic development. In other words, we can claim that the armed forces have served both as conservative and constructive forces. (Moska, 1938)

The appearance of fascistic Ba'ath Party in Iraq and the young Ottoman Turks in Turkey under the name of Pan Turkism is another real and objective proof confirming this claim. In such countries where there have been prolonged military challenges, the existence of the army in the political and social life has been more evident. In addition to Iraq and Turkey, we can add Israel, Pakistan, and some other Arab governments to the above list.

In developing countries due to the weakness of political legitimacy, civil society, and lack of development in the political parties, the direct intervene of armed forces in politics has been more common. Based on the ranges of political development in these countries, the rates of army's intervenes are different. In Turkey, for example, Democrat and Public Republican parties emerged when there was republic government in that country. The Democrat Party as the representative of traditionalism was anti-reconstruction and in accordance with Kamalism had some religious and rustic attitudes. Enjoying a powerful Kamalist tradition, the Turkish army supported intellectuals and the Public Republican Party. Policies of extensive suppression have always been supported by the Army - the representative of modern classes and the operator of defending Turkism and Turkish nationalism projects- and Kamalist Generals. Now this project is extensively performed and is blended with suppression and identical cleaning of the Turkey Kurds. (Beshekchi, 1998)

VI. FASCISM AS AN IDEOLOGY

Is Ba'athism dead? Can the physical elimination of "Hitler", "Saddam", "Mussolini", "Milosevic", and "Stalin" give the glad tidings of human release from the ominous and destructive shade of fascism? Is not the "Pan Turkism" of Turk generals as a potential danger threatening collective rights and security of the Kurd civilians? Has the potential of the reoccurring of Halabja's tragedy and the genocide massacre of Kurds disappeared for ever? Do fascism and the Middle Eastern neo-fascism reappear as a destructive ideology and a horrible governmental experience in the political-social fields? Discussing about the backgrounds, origins, social, political, and mental elements of the appearance of this phenomenon can, to somehow result in the analysis and morphology of Ba'athism, the tragedy of Halabja and Kurds' genocide massacre in the Middle Eads.

At first fascism was applied as governmental syndicalism, that is organizing the economy of the society by the government and supporting private monopolies; later it was applied to describe a kind of totalitarian political regime. (Bashyrieh, 2001) Fascism was a government symbol in the ancient Rome. (Bashyrieh, 2001) Then, it meant revolutionary groups and organizations for Italian socialists. (Batamor, 1989)

VII. BACKGROUNDS AND FEATURES OF THE FASCISTIC MOVEMENTS

Fascism is applied as a general attitude in politics about extremist, authoritarian right-wing, great anti-capitalism, anti-democratic, anti-liberal, anti-modernism, anti-socialism, anti-anarchism, anti-

Marxism, and anti-reactionary movements that possibly results in establishing totalitarian political systems. Appearing in the interval between the two World Wars in most European countries, this ominous phenomenon is supposed to be a mixture of extremist nationalism, imperialism, opposing intellectual traditions, pragmatism, state praising, racism, powerism, elitism, mass mobilization, pugnacious, leaderism, conservatism, peasantism, radicalism, bourgeoisie, and traditionalism. Ba'athism as an extremist and declined ideology that emerged from the fascist movement of some Arab governments of the Middle East emphasized on some concepts such as: individual obedience, hierarchy, inequality among the orders of society (elitism), the necessity of class unity, national correlation, and Arab nationalism; the it rejected democracy, individuality, and freedom in its liberal sense. In such movements, mass mobilization, pervasive leadership, and ideology attract attentions; psychologically, any fascistic movement is based upon authoritarian personality that is both obedient and rule seeker. (Forum, 1984)

Iraq in the 1960s, 70s, and 80s based on its political, social, cultural, and economic texture was characterized by some potentials and features including: social regression, classical chronic terror and insecurity, crisis of reconstruction and ill-experiences, relative development of the micro-bourgeoisie, conservative attitudes among higher traditional classes, mass tendency to macro-capital, acute public conservatism in defending and supporting cultural, family, and Arabic traditions, patriarchy and peas antic traditionalism, the abnormality of Arab society- in Iraq and Syria, for example- the development of contempt and disillusionment after the appearance of alternative and anti-Arab powers in the region, the development of inequality owing to the order of increasing capitalism, and the declined racism based on the lost ideal past altogether paved the ways for the appearance of an Eastern fascism under the name of "Ba'athism"; then its brutal and reactionary nature and consequences involved the society of Iraq, and more importantly its idealistic and democracy seeker Kurds.

Historically, the very content of fascist ideology is in fact the traditional conservatism that emerges as a reactionary and violent ideology in historical evolutions. This element is supposed to be a consequence of transition from traditional society to the modern industrial society and the indication of classes' protest- bourgeoisie- against the results of democracy, modernism, and industrial society. All the methods applied in this model of government are undemocratic and frightening. Fascism is a legal justification and appearance for the world capitalism. (Gidens, 2000)

Ba'athism as a "Pan Arabic" declined and reactionary ideology in the 1950s and 60s emerged in Iraq and Syria under the influence of internal and external challenges, then was forced to adjust its violent radicalism and reinforce conservatism and supported some parts of the army and the armed forces. Its structure was characterized by imperialism and pugnacious, then it turned to a ragged and composed pattern of its European precedent counterpart models, such as: Italian Fascism (1920s), German National Socialism (1920s and 30s), Spain Falangisme (1920s and 30s) and some examples of the left-winged regimes like; Stalinism in the 1920s and 30s. In a comparative study conducted in the late 1970s about countries of the Middle East, Diamond and his colleagues have pointed to a common threat emerging continually in these countries. They have referred to corruption, opportunism, undemocratic and violent performances of the governments as the common elements threatening the masses. (Diamond et al, 1977) The chauvinist Ba'ath Party ruled on Iraq for some 30 years and with its more or less fluid and changing nature involved in destruction and violence.

The military mastery of this party over Iraq and its counterpart in Syria resulted in the appearance of democracy seeker and anti-fascist movements in the Kurdish regions of this country; these movements were the continuation of the civil movements and protests of post decades, but unfortunately the violent suppression of Ba'ath army and finally the tragedy of Halabja marked their end. Are not single-party government, political army, dictatorship, and autocracy the characteristics of such fascistic movements?

VIII. POWER AND DESTRUCTION (Halabja; the victim of Arabic Populism)

Due to the lack of certain geography and independent governments, the Kurds have always suffered from chronic political dispersion. (Beshekchi, 2000) Genocide and refugee are a great part of our nation's historical memory. While fighting continuously with the aliens, the Kurds have always been unaware of their society's political and social evolutions. The existence of tribal and feudal systems in Turkish and Iraqi Kurdistan is a reason of their political and social underdevelopment. The evolutions of human rights based on the new geopolitics was the preamble of a new era occurred after the World War I. In the Versie Peace Treaty (1991) the Kurds had not a noticeable stance. (Cendal et al, 1990) In the Sour Contract the promised commitments given to the Kurds were countermanded by the struggles of Turkish Kamalists; the Lozan Treaty (1925) which replaced Sour canceled those legal and political commitments thoroughly. (Cendal et al, 1990) Lack of strategy and not attending then circles and having a closed

geography has hindered the Kurds from joining the circles of the international society. Although the two World Wars had come to their end and the international and regional organizations like the UN and Human Rights Organization were established, the Kurds in the Middle East are still the main victims and the first choice to suffer from the violence of the Turks and Arabs like: Turk chauvinists in Turkey and Ba'athism in Iraq.

Although genocide and forced migration have been forbidden in these seemingly humanitarian organizations, during the preceded 80 years a great deal of Kurds have been killed or made refuge by these two governments, and we observed its peak in Halabja. The tragedy of Halabja like Vietnam and Hiroshima's is just a hint of a bitter perspective resulting from the violations of the Nazis, Fascists, and dictators and shameful crimes that have a similar nature that is based upon dictatorship's vengeful psychology and the natural cycle of their reactionary progress towards oppressing and repressing the rights of the toiler and undefended masses around the world. This deviation, to somehow, necessitates a closer observation and study of the psychological and sociological aspects of this pathological item-power-, legitimacy and its deviations, and finally investigating this problem across the Middle east, especially among the Arab society in the 1940s, 50s, 60s, and 70s.

Having access to tremendous sources and enjoying disciplined organizations, the fascist and military powers apply conditional and yielder powers to subdue their civilians. In the two preceded centuries in most of the Middle East governments the major power has been in hands of those groups that have succumbed to applying force and violation more than others; then their often use of brutal punishments is an evidence of illegitimacy and uncertainty of their power basis.

Michel Foko, the French post-structural philosopher and sociologist, believed that "Body is a surface the power is exerted on." (Foko, 1982) In his point of view, power is the opposite point of straying. In his controversial book "punishment and jail", Foko has resembled some societies to large and specific jails ; then he goes on to say that in the present time, punishments, murders, and violence have changed their forms and have transmitted from body to soul. In his opinion, some corrupted and illegal powers through mechanisms like: isolation and centralization have sought to create gruesome open social jails and by applying the modern facilities of the industrial period operate punishments in their most brutal forms.

Saddam Hussein as the ruminator of the power of the capitalism in the last decades of the 20th century

reorganized jail system in the developing society of Iraq. The major powers of the capital system equipped him with the most modern approaches and latest methods of massacre reminded the history of the bitterest memories of crimes occurred in Vietnam, Kampuchea, Hiroshima, and the horrible camps of Stalin. Halabja as the most apparent pattern of capital system's jail in the 20th century was the victim of absoluteness, totalitarianism, and cruelty of the Arab fascist wardens. The psychological aspect of this destructive and human tragedy is to somehow interlaced with the sociological-psychological theories of Irish Forum- the noted German psychologist and a member of the Frankfurt School. Forum, as the analyzer of Nazism disasters in the Europe of the 1920s and 30s in his book "Escape from freedom" notes that fascism is basically the result of the mental stresses of modernism and capitalism. In his mind, the mental structure of the middle class- totalitarian identity- has some sadistic and masochist attitudes that make it apt for accepting fascism. (Forum, 1962)

Ba'athism appeared in the middle of the 20th century in a couple of Arabic countries; it was a bed based on fearing from loosing the accustomed past and encountering an ambiguous future and a fearful reaction to the modern world the Arabs were to face. The Arabic Ba'athism, to somehow sought to have a reactionary and utilitarian return to the lost security of the traditional Arab society from an elitist and patrician perspective; this, in turn requires the restitution of obedience tradition among the masses toward the selected elite leaders.

We observed the same process in Turkey where the Ottoman Turks returned to the structure of power in the middle of the 20th century. Saddam, Assad, and Mostafa Kamal (Ataturk) as the leaders of this cycle were worshiped as saints and were the focus of power. The nature of these two cycles is basically aristocratic and elitist and requires a powerful element of patrimonialism. In the decedent-ideologies of these currents, (Pan Turkism and Ba'athism) some prompt and structural actions regarding declining the modern democracy were undertaken; then, in a situation in which the basis of traditional correlation had been ruined, nationalist and pseudo nationalist elements (racism) emphasized on the lost ideal past and the symbol of asking unity and correlation. Both Arab and Turk societies had experienced a new molt and had stepped into the modern period. The physiologic elements like: race and language were paid more attention and the situation was ready for suppressing other different elements including: religious and ethnical minorities. Kurds' and Armenians' genocide in the 20th century in Turkey (during the time of World War I) and violence of the brutal Ba'ath Party in Iraq during 80 previous

years are indications of this tragic and deviated path.

During Turkey and Iraq's modernization the conservative and right-wing groups took power, as they were undeveloped economically and industrially in order to strength the basis of their national power they had to operate some economic and cultural reforms. Ataturk and Saddam imitated the reform of Migi in Japan and Bismarck's in Germany differently. As those revolutions and reforms were incomplete, the traditional society and classes were not thoroughly destroyed; then, as a result, the old and modern patterns maintained along with each other. However, the result of these revolutions was the appearance of a double social structure or social Freemason co-existence. This structural doubly gradually paved the ways for the development of fascistic movements in forms of Kamalism and Ba'athism. The terrific ghost of power was empowered by the historical or political elements and turned to be the main element of crisis in Iraq and Turkey which provided the beds for the structural deviations and abnormality of power. The protests of right-wing radicals intermixed with interior traditional conservatism and reactionary ideologies through murdering and violence revealed their wild and anti-human natures. So, the tragic history of the Middle East was again marked with the blood of the toiler and undefended masses.

IX. GENOCIDE, FROM THE HUMAN RIGHTS AND INTERNATIONAL SOCIETY'S POINTS OF VIEW

When the tragedy of Halabja occurred the international and regional organizations' response was muted. No country or organization- even the Islamic Conference or Non-aligned Movement did condemn the event or even any opposition from Human Rights Organization or the UN was not observed. Referring to the 7th point of article 10 of the UN charter which interprets Iraq's interior qualification as an internal case, Ba'athism claimed that the intervenes of the international organizations were illegal and tortures, toils, and the genocide of Iraqi' people were some internal cases ; while, most of the international regulations including article 39 of this charter indicate that the Security Council will investigate the existence of any threat to peace, violating it or any kind of aggression and offers some advices or decides to undertake some appropriate actions in this regard. (Luin, 1999) Now, reserving peace is supposed to be the reverse of the international security, however, as we observed that in spite of the abovementioned and other related articles, conventions, and theories the government of Ba'ath created the horrible tragedy of Halabja.

In legal perspectives, what happened in Halabja was that Halabja, as a residential and civil area was involved in the battlefield; thousands of people were

victimized in a war that had nothing to their business; above all, in that war there was no separation between the rights of armed forces and civilians. In the introduction of the treaty of October 18, 1907 we read that if the executive regulations between the involved sides of the war are reversed, undefended civilians of the two sides will be under the support of the human rights principals. (Luin, 1999) This principal- separating armed forces from the civilians- was the inspirer of the Geneva Convention in the August 12, 1949 about supporting the civilians during wartime.

Human consideration is the reason of the international regulations in supporting civilians, as in the Geneva Convention the aged, children, pregnant, and mothers are strongly protected. (Sharel Russo, 1991) The genocide-related treaty of 1948, too, insists on putting war criminals on trial. (Husseinpanah, 1989) Through trying those who reverse humanitarian regulations and punishing them, the motivation of obeying regulations of war rights among the armed forces will strengthen. (Husseinpanah, 1989)

The Ba'ath Party applied the mass destructive weapons while Iraq is among the 12 countries that have signed Geneva Protocol on prohibiting the application of chemical weapons, strangler weapons, and the similar components. Geneva 1925 which reapproved through Treaty 1261 of the UN explicitly prohibits the application of chemical weapons (Husseinpanah, 1989). Once the tragedy of Halabja had occurred, The New York Times in 1989 wrote: "This action, in any sense, is a war crime interlaced with Iraq's informal and loose opinion and informal excuses regarding applying brutal means."

The emphasis of the international and regional organizations (e.g. Islamic Conference, Arab League, Non-aligned Movement, the UN, and Security Council) on the positions of passivity and waiting to somehow confirms Ba'ath's crimes and is supposed to be a legal barrier on public opinion's crucial encounter with human crimes. It is regrettable that the UN, as a formal source is capable of issuing treaties for around the world (e.g. Southern Africa, and so on), however, prefers to keep its eyes closed on the racial and exploitative actions operated daily against the Kurds of Iraq and Turkey.

Although more than 150 countries have accepted the legal conventions and their additional protocols, the tragedy of Halabja is the obvious evidence of their lack of executive guarantee in action and the apparent wrying of the exploitive turbulent like: Turkey and Iraq by massacring their largest internal minorities. Guaranteeing the observation of human rights requires the development of international humanitarian rights by means of political tools.

Furthermore, while Halabja is an eternal stigma on the forehead of the black dictatorship of the East and the Middle east and a shameful mark in the performance of the international and Arabic Chauvinism, it has the secret of political crime in its heart; that is, those chemical weapons Saddam massacred the Kurds with were the gift of the Lords of Capitalism. There is no doubt that the physical elimination of Saddam Hussein released the European, mainly in Berlin, agents and sellers of those destructive weapons. If Saddam were not so early executed, he would reveal the roles of more individuals and governments that had contributed him in those crimes!

X. THE PERSPECTIVE OF CIVIL SOCIETY IN THE MIDDLE EAST; HOPES AND FEARS

In our time, collective and populist governments are dominant almost worldwide- except for the Middle East. The martial dictators have always suppressed the reformists; as a result, popularism cannot appear in this region. Gramshi, the Italian socialist sociologist in the 1920s, considered civil society as a space in which capitalists can control the economical and social performances through unviolent methods. (Gramshi, 1932) Habermas, the last philosopher and left-wring sociologist of Frankfurt School, believed that: " Civil society is a set of boundaries which includes all collective unviolent activities that are common between citizens and the government."

Adam Fergosen, too, discusses that " Well being of the individuals is the ultimate goal of civil society, as one can not imagine a society that feels lucky while its members are unhappy." (Fergosen, 1992)

Discussions on the ways of forming civil society come back to three decades ago. Authoritarianism, lag, harsh and single-party systems, fundamentalism, and traditionalism are among the characteristics of this region's governments; in fact, these characteristics have hindered the development of civil society within the boundaries of the Middle East. (Afzali, 2000)

In most points of the Middle East, as a systematic plague civil society is being applied by the authoritarian and undemocratic systems in order to suppress their opponents. Insisting on authoritarianism and suppressing the masses mostly originates from the tendencies of elites and political leaders for reserving their governance over the society.

If we define civil society as a space in which a compound of groups, associations, parties, trades, syndics, federations, and unions have gathered around to create a medium between the government and its citizens (Mawlawee, 2001), then this sort of society can be a space different from the political

societies the governments, and citizenships are supposed to be its components. (Habermas, 2000) During Persian Gulf War and Ba'ath's crimes in the 1990s, we observed how most professional associations, religious groups, and cooperative associations in Kuwait mobilized to fight against Iraqi fascism.

Without doubt, the colonialism of Europe has played an important role in forming the political order of the Middle East, especially regarding the crisis of legitimacy in its government systems; as if the long-term and gradual reform that took place in the Europe never found sufficient situation in the Middle East; however, harsh tactics, coups and bloody revolutions were abundant in this region.

According to the conceptual distinguishes of Max Webber of traditional legitimacy, the existing regimes of the Arab world can be classified into two categories: 1. Traditional regimes, and 2. patrimonial regimes. Patrimonialism is an advanced version of traditional legitimacy in which the government develops to a modern model and loses its traditional patriarchy form. Egypt and Libya are located in this category. (Webber, 1936) Usually these governments gain their legitimacy through some elements like: opposition with colonialism, imperialism, and more importantly, Arabic nationalism.

Applying this factor, Hafez Assad, Jamal Abdunaser, and Saddam Hussein were governing over a mass society. Their formal ideology has been "Arabic nationalism"; above all, by having an economy dependent on oil, they had developed a kind of cancerous populism in most of these regions. Most Arab governments, including: Iraq and Syria by earning and distributing oil revenues were distributing welfare, so they created a kind of mass society free from economic intellects. The mass nature of Arab regimes has a direct relationship with their revenue, mainly their oil single-product economy.

In addition to the economic factors, the idea of Arabic nationalism to somehow have decreased the importance of other thought school, including: Marxism, Socialism, Liberalism, and so on. It is possible to call the 1980s as the era of "Arab nationalism defeat". Nowadays, we observe the bleeding war of Gaza and the new embattles of Arab World; in this situation, Arab World in action has left Palestinian government and groups alone. It seems that this strategy to somehow has resulted from a deep difference in the Arab World that has prevented them from forming a unit front against Israel. The ominous economic policies, extensive loans, paralyzing debts, widespread bureaucracies, martial expensive costs, population growth, and decrease in oil revenues have exposed most of these governments

to political –economical crisis and have motivated them to succumb to political-economical neo-liberalism. The aforementioned factors are the main barriers on the way of establishing democratic (civil) society in the Middle East.

The crisis of civil society in most countries of the Middle East including that space in which Arab fascism and Ba'athism emerged, the result is the defeat of several decades of economic reforms, claims of the Arabic and Turkish chauvinism and its major element "crisis of structural legitimacy" that have faced totalitarian regimes. Arabic nationalism, religion, anti-imperialism attitudes and traditional rights are among the most considerable resources gave legitimacy to the Arab governments of the Middle East. (Afzali, 2000) This topic encountered major challenges and new problems in the 1980s.

The fascist and single-party regimes of some countries like Iraq under the influence of some elements like: the stress of universal processes, legitimacy deadlock, formation of the primary cores of civil society, democracy and decrease in the price of oil decided to undertake socio-economic structural changes. By doing so, they received major reactions from their society, in turn, when their legitimacy faced challenge from within and by intellectuals and ethnical groups, they operated destructive policies, elimination and suppression and finally extensive genocide. The tragedy of Halabja is its most obvious example that occurred in the 1988 by the Ba'ath Party. Generally, when we conduct a final evaluation on the perspective of civil society in the Middle East, some brief points are appropriate to be included. In most governments of the Middle East, civil society is in its primary stages, and in spite of the plurality of social structures, it is so vulnerable and sensitive. (Afzali, 2000) Institutes and organizations of civil society have not been institutionalized in these countries and most of the groups and parties are temporary and being used as tools for performance in a certain world. The structure of parties in most of these governments is individual or family-created and others are just ideological. (Khobroyepak, 1998) Groups, trades, labor and commercial unions also have uneconomical nature and with political dependencies and temporarily have emerged; forces and potentials of civil society in the Middle East are part of government power structure lack complete freedom or independency. (Batamor, 1988) The Ba'ath-stricken Iraq and the altar of Kurds and other religious and ethnical minorities is a perfect instance of civilization's deadlock at the heart of the Middle East. The corrupted political structure and the totalitarianism of Iraq's leader, especially Saddam himself and his complete dominance over all state forces and power organizations in the appearance of the fascist party of Ba'ath through a military

existence paved the ways for the Middle Eastian fascism and Nazism; but, instead of the Jews, it was the Kurds people who were the victims of power deviation.

Fifty years after the Cold War, new applications from groups, parties, and civilians of the Middle East have been suggested to stabilize democracy; and now through some issues like: citizenship rights, renewing elections, and political participation some new steps have been taken toward democracy. Believing in negotiation and relying on a country full of ideal and peaceful efforts, the Kurds are considered to be the pioneer of this long and difficult path. Some parts of their legal applications are establishing in Iraq, the altar of freedom and justice; while history itself has proved that the very early motions toward democracy are the most difficult ones.

XI. DISCUSSION AND CONCLUSION

The 20th century with all of its horrible turbulences and tragedies came to its end; the century of resultless revolutions, destructions and continued ruins was an appropriate altar for masses and minorities. The last century has been a century of tragedy and laden with different ups and downs for the victimized nation of the Kurd who has sought to redefine his status in the region appropriately. Nationalist efforts of the Kurds have been a continuous expansive reality and a series of different historical, political, and social events that most of the times have encountered unhappiness and defeat and in some points have been characterized with bloody tragedies that Halabja's genocide and Anfal operation as the turning point of this gloomy horizon were the focus of this paper. The Kurdish nationalism within the boundaries of Iraq and as a civil movement under the pressure of Arab chauvinistic nationalism (Arab fascism) developed side by side (Mahmoudzadeh, 1989); it was a matured phenomenon of economical, social, and political processes and as the result of the mechanisms of monopoly political development of the Arab society during the first decades of the 20th century under the supports of the bloodthirsty dictatorship of Ba'ath Party under Saddam Hussein. The existence of this identity and ideology instead of invasion and brawl has been a defensive and anti-opponent for survival and struggle for existence in the despotism-stricken Middle East.

The chain of idealistic efforts of opposite groups and parties in Iraq paved the ways for emerging of modern savagery and physical elimination of those groups and currents that were against the totalitarian system; Kurds were the prominent victim of this ill-like process who were the bait of the last evolutions of western industry and intellect and as the last line of the bitter story of Ba'ath's nationalism deadlock which led to their suppression and massacre.

There is no doubt that the ethnical and national minorities of a country facing some problems as a result of forming modern nationalism (Maghsoudi, 2001); that from one hand has reinforced ethnical correlation among minorities and has strengthened nationalistic feelings of the ruling party from other hand. The Middle East as a geographical space is located within the boundaries of two cultural fields and having different ethnical minorities has provided this region with a lot of challenges.

The tragedy of Halabja, similar to other genocides was the result of power deviations in the single-party system of Ba'ath. The disillusionment of the reactionary movement of Ba'ath and its succumbing to neo-capitalism and neo-liberalism after the Cold War caused it to victimize Halabja in search of returning to the lost glory of the patrician fascism of Ba'ath while relying on the destructive ideology of Arab chauvinism. The tragedy of Halabja as its precedent genocides indicates of the coming of a gloomy century and the beginning of fearful and bloody reactions to the new order of the adjacent regions. The crisis of world capitalism enriches totalitarianism, recreates fascism and Nazism and their abstract gathers in Eastern Stalinism that results in the frightful methods in regions like the Middle East; as the cancerous glands of the deviated and right-wing power lead to a critical gap in mass societies and finally creates such tragedies.

The perspective of international society more than ever is full of despair and panic. To solve this threatening perspective, we have just one choice that is preventing powers, circles, and organizations that are involved in producing and supporting mass destructive weapons, in action rather than in conventions. The human crisis of the world including some countries of the Middle East, for example: Afghanistan, Palestine, Vietnam, Cambodia, and Kurdistan obviously indicate of the discredit of the international law of war and put the authenticity and qualification of human right supporter organizations under question; it reveals the inability of regional and international institutes in controlling warmongers. (Husseinpanah, 1989)

Ba'athism, the creator of ill-like and destructive process of radical right-wing sine the previous emperors to European Nazism in the 1920s, and 30s and Stalinism took power in Iraq in form of a deviational and radical ideologies under the support of war criminals; it conducted the genocide and massacre of the toiler masses; the chemical operations of Kurdistan revealed their ill-natured goals and the reoccurring cycle of crime and harsh limitations of human rights and war regulations!

Halabja is the alarm of a potential threat to the international society. Where is the stance of such

unfortunate people in the order of modern world? The UN is required to recognize such events as threat to peace and international society according to principal 39 of its charter. (Luin, 1999) State members of the international society due to their international negligence in fulfilling their duties toward Kurds should be responsible and according to article 46, suggesting the international responsibility of the states through being responsible to this charge while provides Kurds with vital guarantee regarding eliminating the signs of genocide, they are also required to eliminate the signs of Arabisation policies and Kurds' forced migrations; in other words, the migrated Arabs should return to their original places and Kirkuk be returned under the territory of Kurd government.

The case of minorities' rights was among the most important concerns of the late 1980s and early 90s. During these two decades we had the highest points of internal struggles of governments, rebellions, pains, and indescribable toils of the masses, mainly in the Middle East, that its most tragic form took place in ethnical cleaning. These structural savages, to somehow, come from protest and discriminations for a while have been neglected by the ruling leaders. Identity- seeker requests in terms of civil requests are solution for preventing violent struggles or even civil wars.

The experience of Ba'ath fascism effectively confirmed that the bloodthirsty dictators during history have thought wrongly, as the humanity of humans comes from their reason, and this reason soon or later will overcome their forces and violations. Dictatorship is based on this concept that they can suppress a nation for ever, prevent them from protest, spoil their intellects, treat them as animals, make them slaves spoils their happiness and burn books in order to guarantee their survival !!!

Alas, the case of the 20th century closed with a face laden with savagery, violence, and murders and in the turn of the new century we have no choice but making inexhaustible efforts for reserving the freedom of thought and fighting with tortures, murders, and discriminations. The International Conference of Human Rights (1993) firmly has recognized the role of non-governmental organizations, international, and voluntary institutes in promoting the principals of human rights and humanitarian activities at national, regional, and international levels. (Mawlaee, 2000)

Holding scientific-legal seminars by the student intellectual groups as is making effort in observing and promoting human rights, gives importance to the

negotiations among different sectors of society ,and an honest emphasis on realizing educational programs in developing civil, political, and legal freedom is justifiable and praiseworthy.

REFERENCES

- [1] Adibi, Mahdi, (2000). *Sociology of war and armed forces*. Tehran: SAMT Press,
- [2] Afzali, Rasoul, (2000). *The perspective of civil society in the Middle East*. Tehran: Bashir-e-Elm and Adab Press.
- [3] Batamor, Tom. (1980). *Political sociology*. Tehran: Keyhan Press.
- [4] Bashyrieh, Hussein (2001). *Political sociology*. Tehran: Ney Press.
- [5] Beshekchi, Esmaeel (1999). *The case of Kurd in Turkey and Iraq*. Tehran: Hamira Press.
- [6] Duding, Keit (2001). *Power*. Tehran: Ashyan Press
- [7] Forum, Erich (1984). *Escape from freedom*. Tehran: Golshae Press.
- [8] Galberit, John Cont (1990). *The anatomy of power*. Tehran: Soroush Press.
- [9] Gidens, Antony (2004). *A collection of his works*, compiled by Hassan Chavoshyan Tehran: Ghoghnos, Press.
- [10] Husseinpanah, Ali (1989). *Chemical weapons in the international policy and rights*. Tehran: Jihad-e Sazandegi Press.
- [11] Kendal, Wanli (1990). *The Kurds*. Tehran: Roozbehan Press.
- [12] Kornhavser, W (1963). *The politics of mass society*. New York: Oxford university press.
- [13] Luin, Lia (1999). *Questions and answers about human rights*. Tehran: Ghatre Press.
- [14] Maghsoudi, Mojtaba (2000). *Ethnical evolutions in Iran*. Tehran: Ghatre Press.
- [15] Mahmoudzadeh, Nasrollah (1989). *The tragedy of Halabja*. Tehran: Raja Press.
- [16] Pahlavan, Changiz, (1980). *Critical sociology* (Frankfort School). Tehran: Navid Press.
- [17] Soltani, Ali, (2005). *Power, discourse, and language*. Tehran: Ney Press.
- [18] Valadbigi, Akbar (2007). *Federalism and perspectives of democracy*. Tehran: Ney Press.
- [19] Vogot, A, (1999). *A history of militarism*. New York: Oxford University Press.
- [20] Webber, Max, (1990). *Basic concepts of sociology*. Tehran: Markaz Press.
- [21] Woolf, S, (1969). *European fascism*. New York: Oxford university press.