THE UNITED NATIONS AND ITS CONFLICT RESOLUTION ROLE



Edited By
Muharrem Hilmi Özev
Aydın Erdoğan

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Muharrem Hilmi Özev

Associate Professor Dr, Istanbul University, Department of Political Science and International Relations, Turkey

Aydın Erdoğan

PhD Candidate, Istanbul University, Department of Political Science and International Relations, İstanbul, Turkey

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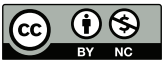
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CONTENTS

A NOTE ON THE EDITORS AND CONTRIBUTORS v
LIST OF ACRONYMS vi
BOOK DESCRIPTION vii

INTRODUCTION
Muharrem Hilmi ÖZEV 1

THE UN AS A LEGITIMATE AND LEGITIMIZING AGENT AND ITS CONFLICT RESOLUTION ROLE
Muharrem Hilmi ÖZEV 9

THE HISTORICAL ROLE OF THE UNITED NATIONS ON THE KOREAN PENINSULA:
THE CASE OF THE KOREAN WAR AND SOUTH KOREA
Caner KUR 27

SOUTHEAST ASIAN CONFLICT AREAS AND THE UNITED NATIONS' INVOLVEMENT
Yasmin SATTAR 57

THE ISRAELI-LEBANESE CONFLICT IN 2006 AND THE UNITED NATIONS' SEARCH
FOR RESOLUTION
Ali Sami MERDAN 75

THE ROLE OF THE UNITED NATIONS IN THE FIGHT AGAINST TERRORISM
Saadat Rustemova DEMIRCİ 97

THE RELATIONSHIP BETWEEN ISIS, BOKO HARAM AND THE UNITED NATIONS IN
THE CONTEXT OF THE RESPONSABILITY TO PROTECT PRINCIPLE
Aybüke EVRANOS, Aydın ERDOĞAN 117

THE UN ROLE IN RESTORING PEACE IN THE MIDDLE EAST: THE CASE OF YEMEN
Sahar Ben YOUNES 143

THE BOSNIA-HERZEGOVINA CRISIS AND THE UN'S DISPUTE RESOLUTION
İbrahim KAMİL 163

THE KOSOVO CRISIS AND UNITED NATIONS DEADLOCK
İbrahim KAMİL, Osman ŞAŞKIN 189

THE ROLE OF THE UNITED NATIONS IN CONFLICT AND PEACE IN LATIN AMERICA
Sezai ÖZÇELİK 213

A NOTE ON THE EDITORS AND CONTRIBUTORS

Muharrem Hilmi Özev, Associate Professor Dr., Department of Political Science and International Relations, Istanbul University, Istanbul, Turkey; and Editor of Non-Periodicals at Middle Eastern Studies Center (ORSAM) in Ankara-Turkey.

Dr. Muharrem Hilmi Özev is a political scientist interested in the study of Geopolitics, Conflict Resolution, Energy Security and Gulf Affairs. Dr. Özev graduated from Marmara University's IR department. He received his master's degree from Yıldız Technical University, Turkey and his doctoral degree in the of Middle East Institute at Marmara University, Turkey. Currently he is teaching in the Political Science and International Relations Department of the Faculty of Economics in Istanbul University. Özev has published, edited, or contributed to several books and articles, and he has recently published a book on **Nationalism, Religion and Oil: the Gulf States** in Turkish.

Since 2007, Dr. Muharrem Hilmi ÖZEV has coordinated several congresses on Middle Eastern and Islamic countries. He follows the developments in Turkey and the Gulf countries and works to improve understanding and cooperation at academic and social levels. Along with his native Turkish, he speaks English and Arabic. He has translated several classical books on philosophy or political science from Arabic into Turkish. He writes and comments on Turkish and Gulf affairs in national and international platforms.

Aydın Erdoğan, PhD Candidate, Department of Political Science and International Relations, Istanbul University, Istanbul, Turkey

He received his BA in International Political Economy from Karabuk University. His work focuses on security, terrorism and African studies. He has previously published a book entitled **Al Qaeda, ISIS and Boko Haram (Religious Motivated Terrorism and its Financial Sources)** in Turkish (2018) published by Berikan; and has contributed to the Üsküdar Universty Journal Of Social Sciences with an article entitled "A New Religion: Nationalism?" (Year: 4, Issue: 7, 2018).

CONTRIBUTORS

İbrahim Kamil, Associate Professor Dr., Trakya University, Department of International Relations, Edirne, Turkey.

Saadet RUSTEMOVA DEMİRCİ, Associate Professor Dr., Department of International Relations, Cankiri Karatekin University, Cankiri, Turkey.

Ali Samir MERDAN, Assistant Professor, Department of International Relations, Cankiri Karatekin University, Cankiri, Turkey

Sezai ÖZÇELİK, Associate Professor Dr., Department of International Relations, Cankiri Karatekin University, Cankiri, Turkey.

Osman ŞAŞKIN, PhD Candidate, Trakya University, Department of International Relations, Edirne, Turkey.

Birsen Aybüke EVRANOS, PhD Candidate, Istanbul University, Department of Political Science And International Relations, Istanbul, Turkey.

Caner KUR, PhD Candidate, Istanbul University, Department of Political Science And International Relations, Istanbul, Turkey.

Yasmin SATTAR, Dr., Faculty of Political Science, Prince of Songkla University, Songkhla, Thailand

Sahar Ben YOUNES, PhD Candidate, Istanbul University, Department of Political Science And International Relations, Istanbul, Turkey.

LIST OF ACRONYMS

AA : Arakan Army
AQI : Al-Qaeda in Iraq
ARMM : Autonomous Region of Muslim Mindanao
BIFF : Bangsamoro Islamic Freedom Fighters
DPRK : The Democratic People's Republic of Korea
ECOSOC : The Economic and Social Council
EU : European Union
FASTRAC : Facility for Advisory Support for Transition Capacities
HD : Humanitarian Dialogue
ICG : International Contact Group
IR : International Relations
ISIS : The Islamic State Of Iraq And Syria
KIO : Kachin Independence Organization
KLA : The Kosovo Liberation Army
KNU : Karen National Union
KPG : Korean Provisional Government
MILF : Moro Islamic Liberation Front
MNDAA : Myanmar National Democratic Alliance Army
MNF : Multi- National Force
MNLF : Moro National Liberation Front
NATO : North Atlantic Treaty Organization
ONUCA : United Nations Observer Group in Central America
ONUSAL : United Nations Observer Group in El Salvador
PKO : Peacekeeping Operation
PLO : Palestine Liberation Organization
SSA : Shan State Army
TMK : Anti-Terrorism Committee
TNLA : Ta'ang National Liberation Army
TPMT : Third Party Monitoring Team
UN : United Nations
UNCOK : United Nations Commission on Korea
UNGA : The UN General Assembly
UNHCR : The UN High Commissioner for Refugees
UNIFIL : United Nations Interim Force in Lebanon
UNMOGIP : United Nations Military Observer Group in India and Pakistan
UNPROFOR : UN Protection Force
UNTSO : United Nations Truce Supervision Organization
US : United States
USAMGIK : United States Army Military Government in Korea
USSR : Union of Soviet Socialist Republics
WMD : Weapons Of Mass Destruction
ZRA : Zomi Revolutionary Army

BOOK DESCRIPTION

While the United Nations was a concept describing the Allied forces combating the Axis powers during and immediately after World War II, it evolved into a more encompassing or universal concept over time as the traumas of war healed. In the 1990s, internal conflicts and terrorism increased, hence UN missions took on an anti-terror role. Technological and structural changes and the phase of globalization have made UN-centered global governance more important. Now, there is more active global public opinion, and it has turned its attention towards the UN. Today, it is almost impossible for the UN to provide the expected services using the methods, tools, and practices from the Cold War era. This situation is eroding the legitimacy of the UN and so the UN has become ineffective in solving global crises.

Today, combating terrorism seems to gradually be losing its functionality in protecting the interests of the great powers. The shift in the balance of power in favor of rising powers, like China and India, has become the main threat to the status quo. Due to the shift in the power configuration within the P5 countries and the emergence of new forces not represented in P5, the UN may well become a stage for conflicting interests soon. The material basis for Chinese-US rivalry has already formed and when they produce intellectual and functional instruments, the struggle will inevitably focus on this rivalry. Therefore, in the near future, great powers will try to instrumentalize the UN and keep it in the spotlight as long as they consider it as functional in their struggles. Otherwise, the UN will gradually become an ineffective institution and it may even disappear altogether.

Against this background, this collection represents the ideas of a group of conflict resolution experts from Turkey striving to explore the nature of the recent global political and sociological structuring and its possible consequences on the functions and the future of the UN. The collection contains articles that present general analyses pertaining to interesting country specific case studies and theoretical and practical issues. It also illuminates the positive and negative features of the UN conflict resolution attempts.

INTRODUCTION

Muharrem Hilmi ÖZEV*

*Department of Political Science and International Relations, Faculty of Economics, Istanbul University, Istanbul, Turkey

e-mail: hilmi.ozev@istanbul.edu.tr

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European political thought has never been alien to the idea of controlling sub-political units under one umbrella entity. This is one of the basic norms of European political history. However, it is also not unfamiliar to the idea of phasing an umbrella entity out of history when its pressure becomes unbearable in the eyes of the sub-units. Indeed the Vatican and the Holy Roman Empire were pushed out of the European political scene after the 30 Year's war. In time, however, strong actors such as France and Sweden within the atomized European political scene developed control mechanisms over the "international" system of the time, which has caused the revival of the idea of a new political umbrella entity. The emergence of the idea behind the League of Nations and the UN resulted from the quest by the actors, especially the weaker ones, to protect their own interests. The pioneer of this idea was Kant, who initially advocated a single world state and, in his later writings, the creation of a federal political structure consisting of all nations. Kant's ideas came to life only after the First World War with the establishment of the League of Nations.[1] But the incompatibility between the understanding of the nation-state interests or "balance of power", and "collective security" prevented the League from being permanent. The UN, on the other hand, created by the traumatic environment of World War II, has taken its place in history as an institution that synthesizes the power balance of the time and the idea of a supranational political umbrella. The structural features of the international system and the lessons learned from the dramas experienced by humanity were influential in determining the basic characteristics of the UN. Great power interests were important but the aim of preventing the recurrence of similar traumas through human rights protection and conflict prevention constituted a basis for the functions of the UN.

The *nation,* as a concept, crystallized in the 17th century. In the beginning, the concept emerged as an objection to the attempt to persist in keeping all of the economic and political

1 See Laurence Peters, *The United Nations: History and Core Ideas*, Palgrave Macmillan, NY, 2015, pp. 47-58.

formations in Europe under a single political or religious entity, such as the Holy Roman Empire or the Vatican. After the French Revolution, with the emergence of secular nationalism and the considerable economic support of the bourgeoisie, the concept of 'nation' and the power of nationalism replaced the authority of the sacred and then gradually became a norm spreading from Europe to all over the world. The concept of nation, therefore, has such a content, which is the cornerstone of both the League of Nations and the United Nations.

In the heyday of superpower polarization during the Cold War, the former colonial nations, which had gained their independence at the height of the anti-colonialist movements, had to either make a stand with one of the two poles or settle for an ineffective role in the Third World. Consequently, the content of the nation-state as a concept has gained a meaning associated with the economic, demographic and geographic elements that have a nation over time, as well as with the alignment of that nation with one of the blocks (Eastern, Western, Third World).

The bourgeoisie on the other hand, which initially played a major role in the emergence of the concept of 'nation', became influential throughout the global system and questioned the legitimacy of the concepts of 'nation' and nation-state. Since the 1970s the dose of criticisms has increased and not only the neoliberal but also in critical circles, such as human rights defenders and feminism, which have harshly criticized the concept. In the face of globalism, the concepts continued to shrink until the rise of rightist political movements after the 2010s.

In the years when the United Nations was established, the concept "nation" comprised the victorious powers, permanent members of the UNSC (P5), and their allies. Since then, approval of all the P5 countries has been a precondition of becoming a legitimate nation or nation-state within the international system. Thus, 'nation-state' has become a concept that crystallizes at the intersection point of ideational elements such as nationalism and great power will, and material elements such as population, territory, and balance of power. Indeed the first condition of UN membership is the approval of the Security Council. The US and the Russian Federation have blocked UN membership of Palestine as a full state and Kosovo as a fully recognized legitimate state.

While the United Nations was a concept used to describing the Allies combating the Axis powers during and immediately after World War II, it evolved into a more encompassing or universal concept over time as the traumas of war healed. In the 1990s, when internal conflicts and terrorism (Islamic terror activities such as al-Qaeda) increased, hence UN missions took on an anti-terror role. Today, combating terrorism seems to gradually be losing its functionality in protecting the interests of the great powers. The shift in the balance of power in favor of rising

powers, such as China and India, has become the main threat to the status quo. Due to the change in the power configuration within the P5 countries and the emergence of new forces that are not represented in P5, the UN may soon become a stage for conflicting interests. The material basis for the Chinese-US rivalry has already formed and when they produce intellectual and functional instruments, the struggle will inevitably focus on this rivalry. Therefore, in the coming years, the great powers will try to the instrumentalize the UN and keep it in the spotlight as long as they consider it as functional in their struggles. Otherwise, the UN will gradually become an ineffective institution and it may even disappear altogether. In order to better understand this, it is useful to look at the current developments about nation as a concept again.

Maintaining the prosperity and power created by modern trade and production patterns, and exploiting the rest of the world can only be possible with the nation-state system brought by the peace of Westphalia. Two major world wars erupted during the term when the great powers in this center did not know how to limit this "brand-new" competition, let alone share their wealth with the poorest parts of the world. The existing power structures patterning around the nation-state transformed the process of wealth accumulation of certain countries and peoples into a vicious circle and aggravated the competition between the great powers. In this sense, the only factor that prevents a third world war is not the UN, but the nuclear balance of terror.[2] Today, the main question must be "what purpose would the UN serve if there was no balance of terror?"

Today, we cannot say great powers perceive threats from poor countries or peoples, although they try to use this kind of "threat" as a discourse in their power projections. The main threat to the status quo is the power transition. Poverty is a cause of conflict not because of the possibility that the poor will wage a war against the great powers but because the order and stability are deteriorating in poor countries because of great power schemes there. Therefore, poverty has become a useful tool in the hands of the great powers to realize their own interests. For example, al-Qaeda and its derivatives would never have reached its present strength if peoples in some Middle Eastern countries had not been dragged into poverty. The idea and money could have come from the wealthy or the elite but the majority of the radicals in the field were recruited from the poor. This conflictual situation enabled Western countries, particularly the United States and Britain, to intervene in the Middle East in their own interests, but also in a way that had nothing to do with human rights or democracy. We can never assert that this great power behavior pattern will disappear as rising powers such as China and India

2 Jussi M. Hanhimaki, *The United Nations: A Very Short Introduction*, Oxford Publication, Oxford, 2015, p. 50.

have more say in the global arena, as they have risen and progressed within the framework of existing norms, "the nation-state interest" understanding in the first instance.

Unmanageable competition between nation-states or problems in integrating rising powers into the system are not today's sole conflict risk factors. The real cause of today's conflicts comes from the tension between global capital movements or multinational corporations and the nation-state as the former pursuing such goals as earning more money and paying less tax. These goals are often incompatible with the logic of the nation-state because over-growth leads to the loss of legitimacy in the eyes of the poor because keeping the level of welfare at an acceptable level seems to be the responsibility of the nation-state. Moreover, the only element that maintains the nation-state is not large masses of people: nationalist ideologies and institutional infrastructure ceaselessly reproduce the nation-state. The actual tension of our age, therefore, is not between classes, but between capital and nation-state. Especially since the 1970s, capital has steadily increased its effectiveness against the nation-state through neoliberal policies and has narrowed the sphere of influence of the nation-state like never before. We can think of the rise of rightist currents of the present time all over the world as a reflex developed by the nation-state against the global capital. The terrible contradiction here is that one of the main pillars of the nation-state itself was once the capital/bourgeoisie of the time. The main source of conflict is the struggle and conflict of interests between the national bourgeoisie and the global bourgeoisie. This provides clues on which factors can direct the UN's transformation in which direction in the forthcoming periods. But for the time being, the UN seems to be quite far from renewing itself. To answer the questions regarding the future of the UN, it is necessary to follow the developments regarding the theoretical background and organizational structure of the organization and the practices it has carried out recently. Based on perspectives from Turkey, the volume in hand aims to make contributions in this sense.

In the article "The Relationship Between ISIS and Boko Haram and the United Nations in The Context of Responsibility to Protect Principle", Aybüke Evranos and Aydın Erdoğan analyze the posture of the UN in the cases of ISIS and Boko Haram in terms of the responsibility to protect (R2P) principle regarding the significant changes in expectations regarding the responsibilities of the international community. After explaining how this principle has gradually become effective as an international norm, they examine both the deficiency of the UN in these two cases despite the UN's earlier reports which proves war crimes and crimes against humanity committed by ISIS, and international media coverage. Analyzing historical background and related UN resolutions, Evranos and Erdoğan extrapolate that the doctrine of responsibility to protect is now universally accepted; however,

its effectiveness and application are still being questioned. Although the responsibility to protect as a framework was the basis of both successful and disappointing actions in the past, it is not sufficient to simply take the required action in the current crises. Evranos and Erdoğan conclude their pieces asking crucial questions about the UN and its conflict resolution role: Why does the UN wait until a crisis escalates to a certain level before coming to any decisions and not before the events deteriorated? When should it intervene? Are the responses to the conflicts sufficient? Considering geopolitical challenges, how realistic is the concept of international cooperation? How should the responsibility to protect be realised today?

In the article "The Kosovo Crisis and the United Nations Deadlock", İbrahim Kamil and Osman Şaşkın discuss the efforts to solve the Kosovo crisis through peaceful means and procedures, such as the UN attempts to declare ceasefires, to impose embargos on both sides, to abate the clashes between the Serbians and the Kosovan Albanians or to resolve the issue through dialogue and negotiation, and NATO's attempts, none of which served the purpose, which rendered NATO intervention unavoidable. Although the problem was finally moved to the UN, the UN was still ineffective. Kamil and Şaşkın conclude that the UN's idleness before the Kosovo crises was because of the great power blockage, as they tried to conduct the issue according to their national interests and vetoed the prospective decisions to solve the problem.

In his piece "The Bosnia-Herzegovina Crisis and the UN's Dispute Resolution", İbrahim Kamil observes that the UN was effective in its efforts to stop the war, make the warring parties sit down at the peace table by following the resolutions of the UNSC, and ad hoc missions were established to ensure and maintain tranquility in the region. Given that partially accepted plans did not satisfy the warring parties, however, they failed to meet expectations and could not achieve the desired results. Hence, the solution proposals put forward by the UN for the fair fulfillment of the interests of the parties involved were not successful. Kamil underlined the need for the UN to solve the problems before their deterioration by using preventive diplomacy much more actively at the first signs of emerging regional and/or international crises. The UN should take more effective and urgent measures to prevent competition or disagreements before they transform into civil wars, regional crises or genocide.

In "The Role of The United Nations in the Fight Against Terrorism", Saadat Rustemova Demirci underlines the role of the UN in conserving the fundamental values of and creating a normative order for international society. Operations against terrorism are, therefore, of great importance for the activities of adjusting the order mechanism of the UN. In a retrospective analysis, Demirci showed that the dangers emerged following the effects of globalization, that the 9/11 attacks increased the functions of the United Nations in the prevention of terrorist

threats, and that the United Nations brought international society together to collaborate in order to ensure an efficient strategy led by the Security Council, which led to a normative development based on the "international convention" concept. Noting the activities of the United Nations in its fight against terrorism to ensure a better examination of foregoing developments, Demirci analyzes the policy of the United Nations to fill the current gaps in terms of anti-terrorism policy, and the duties against terrorism undertaken by the Security Council and General Assembly. Demirci concludes that the methods developed for the fight against terrorism are inadequate to fight against extremism because the dimensions of extremism with its extremely aggressive nature have broader criteria than the concepts shown in the UN documents. She suggests that the UN should determine both concepts of the fight against terrorism and general security measures.

Ali Samir Merdan carries the debate about the UN's role in conflict resolution to the Middle East in his article "Israeli-Lebanese Conflict in 2006 and the United Nations Seeking Resolution". Merdan analyzes the global and regional actor involvement in the crises during which the US and its allies in the Middle East supported Israel and the "democratically" elected Lebanese government, and Iran and Syria supported Hezbollah. He concludes that, although the conflict was stopped by the ceasefire provided by the UN Security Council resolution 1701, it could not solve the problems between the parties peacefully and the region could not enter the normalization process because there was no clear conciliation between the interests of the regional and global actors. History of the Middle East is full of unapplied and violated ceasefires. Hence the UN Peacekeeping Force UNIFIL is at risk in many respects, and if the parties violate the ceasefire and enter a conflict, UNIFIL may get caught in the cross-fire.

Focusing on one of the least conflict-ridden regions in the world, Latin America, Sezai Özçelik examines the region in his article "The Role of the United Nations in Conflict and Peace in Latin America". Analyzing the unique characteristics of, and the lessons to be learned from, Latin America, Özçelik states that Latin America has seen a unique regional conflict management approach under the United Nations, including actions such as applying international arbitration in territorial disputes, and using economic sanctions as the main tools to solve crises through negotiation and mediation. In Latin America, where the last hundred years have witnessed an absence of war and a relatively long peace, regional countries have increasingly used non-governmental organizations in various aspects of conflict resolution such as critical services and humanitarian relief. The UN has benefited the Latin America countries in reaching positive peace, economic growth, transformation and sustainable development. Özçelik concludes that the UN has played a vital role in global and regional environmental problems in Latin America in the last decade and South American

countries have increased their contributions to and participation in collective security measures, owing to strong normative elements in a broad defense and foreign policy.

In her article "Southeast Asian Conflict Areas and The United Nations' Involvements", Yasmin Sattar states that the UN involvement in the conflict areas is one of the third-party roles to assist for settling the conflict and rebuilding the system in affected society. Sattar concludes that the UN has not only played roles in using force to prevent and stop the conflict parties during peacekeeping missions, it also operates the role of builder and supporter of peace through humanitarian assistance, and in Southeast Asian conflict areas, the UN could well apply the latter strategy. With the limitations of the UN's basic principle of non-intervention in domestic affairs without the consent of the related states, the UN could offer assistance to the conflict zones as long as certain state permit this. In Southeast Asian conflict areas including the case of Moro, Rohingya, and the Patani people, with the limitations from Thailand and Myanmar and with the OIC involvement in the mediation process in case of the Moro, this article argued that the UN's role is still limited in the Southeast Asian conflict areas.

In his conceptual analysis "The UN as a Legitimate and Legitimizing Agent and Its Conflict Resolution Role", Muharrem Hilmi Özev aims to understand the impact of legitimacy on the UN's conflict resolution role. Özev argues that, the UN, after being created by the victors of World War II, has transformed itself into an actor that can sometimes limit even the will of its founders. Özev states that it is possible to examine this process and its effects on conflicts through the phenomenon of legitimacy in terms of both the UN's own legitimacy and its legitimizing power. In his article, he examines how the concept of "common security", which had evolved throughout modern times, is embodied in such international organizations as the League of Nations and the UN, and how the latter and its conflict resolution role evolved throughout history. Ozev concludes that the UN, in its existing form, is far from resolving global governance problems and that building a peaceful world and reform is essential. Without meaningful balance and interaction between the principles of representation, the interests of the great states, and universal democratic human rights, the legitimacy and legitimizing power of the UN cannot be permanent and it cannot remain as an effective agent in conflict resolution.

Our sincere hope is that this volume makes a modest but effective contribution to better understand the conflicts and crises in the world and make the UN more effective in preventing every form of violence.

Muharrem Hilmi Özev

Beykoz, Istanbul, 2019

CHAPTER 1

THE UN AS A LEGITIMATE AND LEGITIMIZING AGENT AND ITS CONFLICT RESOLUTION ROLE

Muharrem Hilmi ÖZEV*

*Department of Political Science and IR, Faculty of Economics, Istanbul University, Istanbul, Turkey
e-mail: hilmi.ozev@istanbul.edu.tr

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INTRODUCTION:
Historical and Ideational Basis

The victors of WW II established the UN on principles such as protecting future generations from the scourge of war,[1] protecting human rights and the integrity of international law, providing social progress and better living conditions.[2] The idea of a universal and effective organization that would ensure peace and the integrity of international law, and prevent the recurrence of massacres, genocides, and tragedies further strengthened during World War II. Considering the failure of the League of Nations, the founders of the UN identified more modest goals and more acceptable principles, such as permanent membership and veto power in the Security Council, and putting restraints on authority to prevent them from interfering in domestic affairs. The UNSC was formed under these principles.

Today, the structure of the UN reflects the balance of power that emerged at the end of the Second World War. Now, the victors of that period are trying to preserve their roles and privileges in the international system.

1 The Charter of the United Nations, "Preamble", *the UN Official Webpage*, http://www.un.org/en/sections/un-charter/preamble/index.html, (30.01.219).

2 Hunhimaki, p. 1.

With the emergence of the Cold War, the UN Security Council was inadequate in carrying out its essential functions or making objective decisions. The UN was not as effective as expected in the peace-making processes during the Cuban missile crisis, the wars in the Middle East and Vietnam. The UNSC remained silent during the US occupation of countries such as Panama, Grenada, and the Dominican Republic, the invasion of Iran by Iraq in 1980, the invasion of Hungary, Czechoslovakia, and Afghanistan by the USSR, and was content to condemn Israel because of its operations against Palestine, Syria, Lebanon, Jordan, Egypt, Tunisia, Uganda, and Iraq.[3] However, the same UNSC ordered the withdrawal of Iraq from Kuwait in 1990 and the withdrawal of Syria from Lebanon in 2005.

Particularly in the aftermath of the Cold War, the UN remained as an inert organization in the face of internal wars, ethnic conflicts and, genocide and ethnic cleansing attempts by ultra-nationalist leaders. The inertia exhibited during the massacre in Srebrenica, Bosnia, which occurred in front of the UN peacekeeping forces, the events in Darfur and Somalia, the genocide in Rwanda and conflicts in Sri Lanka, and the efforts of the permanent UNSC members to exploit conflicts according to their own interests intensified the question marks over the UN's functionality and legitimacy. Even recently, the ineffectiveness of the UN in the face of the tragedies in Myanmar, Syria, Yemen, and Libya has made the ontological foundations of the organization completely questionable. The UN has been ineffective even in such cases where there exists a clear violation of international law - such as the use of chemical weapons against the civilian population.

As the UN's most important decision-making body, the UNSC is unable to fulfill its task of preserving world peace because of its current structure. Because of the veto power, a permanent member can prevent the council from making decisions when they deem it contrary to their national interests, and paralyze the organization.[4] The veto power makes some UN members *more* equal[5] and thus weakens the sense of legitimacy. Hence, beyond human concerns, material interests and institutional procedures influence UNHCR decisions.[6] Here, the UN becomes a convenient tool for Western countries to hold the monopoly on legitimate power. As an obvious manifestation of this contradiction, the UNSC, which was able to take concrete steps in the

3 Berdal Aral, "The United Nations and International Inequality", *SETA Analysis*, November 2013, no: 2, pp. 11-2.

4 Raimo Vayrynen, "Focus on: is There a Role for the United Nations in Conflict Resolution" *Journal of Peace Research*, vol. 22, no. 3, 1985, p. 193.

5 Hunhimaki, p. 52.

6 Martin Binder, *The United Nations and the Politics of Selective Humanitarian Intervention*, Palgrave Macmillan, NY, 2017, p. 241.

Iranian nuclear crisis, has been ineffective in the Syrian issue.[7] In 1991, to remove Iraq from Kuwait, the UNSC took decisions that were effectively implemented with the diplomatic weight of the US. After September 11, unilateral military interventions by the US in Afghanistan and Iraq led to the UNSC gradually losing its weight within the system.

During the intervention in Libya, which was one of the breaking points of the Arab Spring, the US took the support of the Arab League and used the UN as an instrument of legitimizing regime change. From then on, the reaction developed by Russia would make it impossible to legitimize such a military intervention again.[8] The reasons behind the blocking of the decisions against the Assad regime by Russia, even against the use of chemical weapons, were based on this reaction. Likewise, the US continued to use its veto power in the Security Council to prevent condemnation of Israel and the decisions rejected by Israel.

The UN General Assembly (UNGA) meets once a year and any issue or opinion can be brought to the attention of world public opinion in these meetings. Although the UNGA's decisions are not binding, it has the effect of attracting world public opinion on such issues as liquidation of the colonies, elimination of systematic racism, disarmament, international peace, and security. However, from the early years of the Cold War onwards, the UN General Assembly has been under pressure from the US, and this has been a situation that has undermined the sense of justice and legitimacy. For example, UNGA Resolution 181, which foresees the division of Palestinian territories between Arabs and Jews, received over two-thirds of the votes only after the US pressure or blockade on, or promise of economic aid for, many member countries. In time, the increase in the number of members of the UN General Assembly and the opening of different autonomous branches within the organization did not contribute much to increase the effectiveness of the organization. With the end of the Cold War, it disappointed those who had expected the UN to play a more effective role in international relations.[9]

As to the role of the Secretary-General, he remained ambiguous and unimportant in such major issues as the Gulf crisis and his role was totally dwarfed or eclipsed by other crises such as in the Balkans, West Africa, Liberia, and Sierra Leone, Central African States, Algeria, the Middle East, and subsequently in the Democratic Republic of Congo and Lesotho.[10]

7 Binder, p. 241.

8 C.S.R. Murthy, "United Nations and Arab Spring: Role in Libya, Syria, and Yemen", *Contemporary Review of the Middle East,* 5 (2), (pp. 116-136), p. 132.

9 Norrie MacQueen, *The United Nations, Peace Operations and the Cold War*, Routledge, NY, 2011, Second Edition, p. 112.

10 Mwelwa Chambikabalnshi Musambachime, "The Role Of The Un Secretary General In Conflıct Resolutıon In The Gulf", *International Journal on World Peace*, vol. XVI, no. 2, June 1999, p 38.

Since the establishment of the UN, the number of members, and thus the balance within the UN has changed. There have also been serious changes in international relations. With the Cold War losing its impact, the problems which are structurally different and have to be solved by different methods, such as the deepening North-South divide, failed/weak states, terrorism, ethnic/micro-nationalism, and environmental issues have replaced East-West divergence. Classical inter-state conflicts have declined, while internal conflicts have increased. The principle of non-involvement in internal affairs is a fundamental principle of the UN. Over time, however, it has been understood that there are serious discrepancies between the principles of expanding the functions of peacekeeping missions, humanitarian intervention and protection, and the principle of not interfering in the internal affairs of other countries. The principle of non-interference in internal affairs is a principle that more powerful states enjoy. For the states that have become problematic within international system, this is overshadowed by other principles such as humanitarian intervention and protection.

The UN is an institution established by nation-states and giving legitimacy to the existence and behavior of nation-states. Developments such as globalization, advancement of information technology, and social media have produced corrosive consequences for the sovereignty of the nation-state. It is an inevitable need for the UN to gain an ideational ground within the framework of these developments.

Legitimacy and the legitimizing power of the UN

We can talk about two aspects of legitimacy when we associate this concept with the UN. First, the UN's own legitimacy as an acceptable and sustainable organization and second, the UN has the power to provide legitimacy for its members and other actors within the international system.

Today, UN membership is the basic condition for an agent to be recognized as a state. This means more than just the legitimizing power of the church that crowned the kings of Europe in the Middle Ages. Today, UN membership is the only way to gain recognition as a legitimate state in the international arena and to develop relations with other states and actors. That no member country has ever planned or even considered leaving the organization since the day of its establishment reveals how profound the legitimizing power of the UN is. Moreover, the costs of international operations without UNSC approval are geometrically higher even for prominent members such as the US. The most striking example of this is that the US had to bear high costs due to its failure to receive UNSC approval, hence the originally intended support for the operations it carried out in Iraq.

The UN's own legitimacy is primarily related with the question of representation, but the procedural rules about creating representation and decision making are equally important. What is more important, however, is the compliance of the decisions taken by UNSC and UNGA with the interests of P5 countries, in the first instance, and gradually of all member states. Today, the legitimacy of the UN is problematic in terms of its representation competence and capacity. When there are problems with representation, they also damage the perception of legitimacy in terms of procedures and decision-making mechanisms. But there are other considerations that damage perception of legitimacy. This leads us to the concept of rationality, to the interaction between the principle of representation and the interest definition processes, which is the second leg of the modern Weberian legitimacy approach.[11] Earlier, legitimacy was considered as consent developed spontaneously in the hearts and minds of the ruled and bestowed to the rulers but now it is transformed into a top-down imposed plot in the hands of countries that have strong economic and diplomatic levers, such as the US. In fact, some authors argue that legitimacy has turned into a phenomenon that is being traded.[12] One can argue that there is no problem in terms of the modern Weberian legitimacy approach. However, when we examine the concept a little closer, it is clear that such an understanding creates anomalies and reduces the principle of legitimacy to a hollow and meaningless phenomenon because, when the understanding of legitimacy is reduced to interests and procedures in this way, we have to accept that great powers can produce their legitimacy themselves, in which case there is no point in discussing the principle of legitimacy. In this context, there remains only one transcendental principle that can save the UN's legitimacy: human rights. Taking this principle into consideration, the ineffectiveness of the UN in the face of dramas such as Rwanda, Bosnia, Haiti, Yemen or Syria makes the organization's legitimacy completely problematic. Under present circumstances, the respect for human rights is a fundamental principle and a threshold that one cannot ignore if the UN is to maintain as a long-lasting organization. The inability to follow human rights issues properly has made the legitimacy of the organization questionable.

If it were not for the principles of human rights and democracy, the UN would not go beyond the search for a dry balance of power or alliance relationships. This would destroy the UN's admissibility and sustainability. If the UN is to remain as an effective organization, it has to continue to strengthen its characteristics and activities on universal human rights and

11 For a wider description of Max Weber's understanding of legitimacy, see Muharrem Hilmi Özev, "Meşruiyet Kavramının Dönüşümü" (Transformation of the Concept of Legitimacy), *Bilim Sanat Vakfi Bülten* 57. Sayı, Istanbul 2005.

12 James Raymond Vreeland, *The Political Economy of the United Nations Security Council*, Cambridge University Press, Cambridge, 2014. P.1.

dignity. Otherwise, the UN will remain as a platform to legitimize the power games of the strongest actors and will not be able to contribute to the advancement of humanity. The legitimacy of the UN, however, is problematic not only in terms of principles such as human rights and democracy but also in terms of representation, procedures and interests/outcomes.

In the current picture, the representative power of the UN is severely reduced because most countries and social groups worldwide cannot find a permanent seat in the UNSC. These include Germany, Japan, India, and Brazil which have gained more economic and political leverage, regions such as Africa and Latin America that have recently come into question because of their demographics or economic activities, and also faith groups such as Muslims and Hindus whose number of members amount to billions. Neither the Muslim world, having a population of approximately one and half a billion, nor any of its member countries, have been mentioned in the reform plans that have come into question since the 1990s.[13] This representation issue will lead to further questioning of the UN's legitimacy in the coming periods.

Today, policies developed within the framework of the UN have a serious legitimacy deficit. The main source of this dilemma is that there is no possibility to comply with principles such as nation-state sovereignty, veto rules in the UNSC and the fact that the legality of international decisions depend on UNSC approval.[14] By implication, we can say the main source of the legitimacy problem is the representation deficit. As long as there is no common belief that the UNSC, as the main decision-making body of the UN, represents all the actors affected by these decisions in a just and fair manner, the question of the legitimacy of UN resolutions will not cease. This shows that the UN is experiencing a legitimacy deficit similar to but much more profound than the democracy deficit in the EU. Unless the issue of representation is resolved, unless the African Union and the OIC, for example, increase their influence within the UN's organizational framework and unless the actors representing Africa, the Indian subcontinent and the Islamic world have veto right within the UNSC, the legitimacy of the UN will continue to be questioned and, perhaps, a group of countries will seek to create new alternative organizations to the UN or strengthen their present regional or identity based organizations.

The UN, designed by the victors of World War II, has an unfair mechanism due to veto rights. Between 1946 and 2008, the most powerful states used their veto rights 344 times.

13 Aral, p. 21.

14 Kate Seaman, *Un-Tied Nations: the United Nations, Peacekeeping and Global Governance*, Routledge, 2017, P.58.

Especially in the Cold War years, the frequent use of veto paralyzed the organization.[15] Although the post-Cold War veto ratio declined drastically, the UN's ability to resolve international problems depended on the approval of P5 countries. When we look through vetoes used regarding the case of Syria, we can see that the main addressee of Turkey's discourse "The world is greater than five" are not Western countries but Russia and China. If the US and Western countries want to keep the UN as a functional organization, hence maintain their influence, they must be able to elect new allied representatives from among the rising powers and be meticulous about the geographical and identity representation capabilities of these new representatives.

The UN's quiet stay in Syria made up a real basis for Turkey's discourse "The world is greater than five." The sole country that suffered most from the uncertainty in Syria has been Turkey. If it was possible to bring peace and stability in Syria with a UNSC decision, this would have been a much more preferable option for Turkey and other countries in the region, even if the decision at issue was contrary to Turkey's demands. However, the UN, which legitimizes, rules, and makes binding decisions, has neither made a decision nor has it allowed regional actors to develop their own policies. There emerged situations, in which the actors who were off the system (terrorists) or who were experiencing problems with the system (Iran) behaved quite comfortably, which punish the actors that try to be in harmony with the system while rewarding the 'spoiled', which makes the legitimacy of the organization more questionable.

Since its inception, the UN has shown interest in almost all problems across the world and has carried out very important studies on a good number of issues such as the Universal Declaration of Human Rights, democracy, freedoms, women's and children's rights, health, education, trade, development, and environmental issues. It has pioneered the establishment of many important organizations. However, as with the cases of Palestine, Afghanistan, and Iraq, the UN has taken side not with the right but with the powerful and this has damaged the prestige of the organization. As with the case of ethnic cleansing in Arakan, Myanmar, the UN could not go beyond harsh condemnations and watched the situation from a distance. Such behaviors continue to deepen the legitimacy crisis of the organization. In order for the organization to play a more active and fair role in international issues, the UNGA's increasing competence or any other reasonable designs must balance the privileges of the P5 countries.

The UN is an unusual organization that has severe problems in its essential functions, but is more or less successful in matters irrelevant or indirectly related to its essence. This is the

15 Vayrynen, Ibid.

real basis of the UN's legitimacy deficit. To overcome this problem, some of the UN's burdens or activities may be transferred to local actors within the framework of the local ownership[16] principle. As a matter of fact, regional organizations have been attempting to increase their physical and legal skills.[17]

In the sense of the modern Weberian legitimacy approach, the legitimacy of any political structure depends on its commitment to the law and its rationality. The UN has serious problems in these two areas. Therefore, depending on its effectiveness or ineffectiveness on these two issues, the legitimacy deficit of the organization will be yet more questionable in the forthcoming periods. The UN will preserve its status as the most important universal international organization in the near future. The problem is not the survival of the UN, but whether it will be a functional organization that contributes to global order, stability, and peace.

If the UN maintains its appearance as a useful tool, the P5 countries and their supporters will try to extend the structure of the organization through new rhetoric or new security issues to close the UN's legitimacy deficit because the UN is still an undisputed source of legitimacy for all international actors.

The UN is a unique legitimacy source in the international arena. Its membership is the first condition to become a legitimate state. All states are trying to become a member of its structure and, until now, no member state has ever considered unsubscribing from its membership. The UN has been formed according to the nation-state norms but it has become a source reproducing these norms through the nation-states' own wills and consents.

The UN has the power to create a global society and even to put a "legitimacy crown" on its members. In fact, the UN, with all its sub-organizations, the UNSC in the first instance, is the only organization that can be used to decide not only which people have the right to be a nation-state and, therefore, can take part within the international society (here the UN itself), but also which members are troublesome, rogue and, therefore, are to be anathematized or punished by society. Further, under the umbrella of the organization, discourses on human rights and democracy are also secondary elements that may be employed for great power interests.

The main reason for the existence of the UN is its mission of building and protecting international security and peace. However, the great powers are exploiting this mission in furtherance of their own interests. Consequently, the "might makes right" approach is the

16 On this principle and its relation with the conflict resolution, see Sarah B. K. Von Biller beck, *Whose Peace?: Local Ownership & United States Peacekeeping*, Oxford University Press, Oxford, 2017.

17 Gary Wilson, *The United Nations and Collective Security*, Routledge, NY, 2014, s. 219.

rule. As a matter of fact, at a UN General Assembly meeting, the current US President, Donald Trump, was able to say that he does not recognize the International Criminal Court.[18] In an environment where the law is not recognized, UN diplomacy is increasingly losing its influence. The influence of the UN is not on its economic or political strength but on the values it represents and its role in the formation and maintenance of global norms. The UN should renew itself to keep pace with the requirements of the day.

Transformation of the UN and Its Conflict Resolution Role

Like the League of Nations, the UN was built on the goal of building and maintaining international peace. At first glance, we can think that this aim is based on merely idealist-liberal principles. There can be no objection to the fact that an institution open to membership of all, aims to protect human rights and peace, and that an institution that pushes all economic and institutional cooperation opportunities has liberal features. However, realist principles were also taken into account in the establishment of the UN. The Security Council itself was a reflection of the classical realist balance of power approach. The UN seemed to be an alliance against any rogue power or agent/s that might threaten the new status quo. One can see in the UN agreements that this aim would be achieved by military means, which means another war or conflict would prevent an ongoing war. In the following periods, it became clear that the phenomena of violence, conflict, and war were caused not only by political and economic reasons but by cultural, psychological and legal reasons as well, and consistent efforts were required in these areas for lasting peace. Consequently, the UN's range of tasks has expanded in these directions. Therefore, we can assert that the UN came to existence on both liberal and realist theoretical foundations and gained constructive features over time.

Despite the limiting effects of the great powers, new security concepts such as social security, cultural security, economic security, ecological security, biosecurity, and human security have become visible in practice. Now we have a multi-dimensional concept of security. As a universal organization, the UN has tried to reflect its new perception of security in 1992 on its actions and discourses in which the UN could play an important role in transforming global security approaches. For an operative UN to ensure global security and peace, we should first answer questions, such as how to create an effective global governance, how to transform the organizational structure of the UN, and how a pluralist universal structure is to be achieved. Unfortunately, as the other sections of this volume shows, the UN

18 Gabby Deutch, "Full Transcript: Donald Trump at the United Nations General Assembly", *The Atlantic*, Sep 25, 2018, https://www.theatlantic.com/international/archive/2018/09/trump-unga-transcript-2018/571264/, (5.2.2019).

has proved unsuccessful. If an organization does not fulfill its expected functions, we cannot say this institution is rational and therefore legitimate. If the UN has problems with its own legitimacy, its legitimizing and crowning features will also be diminished, so, by implication, the UN's prestige and efficiency will too, as Miall et al. assert:

> Where parties have consented to a UN mandate and have wished to settle, and where adequate finances and personnel have been available, mandates have been clear and chains of command and communication have been straightforward, the UN has been able to play a remarkable and useful role; but when the parties have been unwilling to accept a UN role, the UN has not been able to impose settlements.[19]

The United Nations should set strict and clear criteria for future preventive deployments, such as open objectives, clear missions, early warnings and comprehensive linkages between political and economic processes. Regional organizations should obtain the approval of all parties and actors in the region for implementing of preventive deployment. Besides the extensive diplomatic processes, the active participation of organizations, governments, the Security Council and the international community can contribute to preventive deployments to be more systematic and comprehensive. In this regard, *"[o]f particular importance is thinking about long-term prevention, and developing appropriate, concrete measures for addressing the root causes of conflict, rather than only imminent or recurring conflict"*[20], and the principle of "Responsibility to Protect" (R2P), has to be established as a norm.

Regarding the UN peacekeepers; a shortage of staff and financial problems, a lack of educational and communicational standards, the need for cooperation between the permanent members of the UNSC in creating peacekeeping troops, and getting caught in the crossfire etc. adversely affect the functionality of the peacekeepers. We should not forget that peace operations relate not only with the conflict zone but also with wider projects,[21] the great power interests, in the first instance. Still, UN peacekeepers are the only legitimate multinational force to represent all countries in the international arena and we have not found a better alternative yet. Therefore, these forces need to be made more effective. Finally, besides conflict prevention, it is necessary to give importance to human rights and development

19 Hugh Miall, Oliver Ramsbotham, Tom Woodhouse, *Contemporary Conflict Resolution*, 2005, Polity Press, Cambridge, Cambridge, Second Edition, p. 43.

20 Gustavo de Carvalho and Adriana Erthal Abdenur, "Can the UN Security Council help prevent conflicts?", *Africa in the World Report 1*, ISS (Institute for Security Studies), June 2017, p. 13, https://issafrica.s3.amazonaws.com/site/uploads/aitwr-1.pdf, (2.2.2019).

21 Cedric de Coning, "UN Peace Operations and Changes in the Global Order: Evolution, Adaptation, and Resilience", in *United Nations Peace Operations in a Changing Global Order*, *edited by* Cedric de Coning and Mateja Peter, Palgrave Macmillan, NY, 2019, pp. 313-14.

issues in order to eliminate feelings of injustice and illegitimacy, which make up the real basis of conflicts. UN peacekeeping operations should not be content to benefit more from the existing conflict resolution theories and studies.[22] They should also enjoy the experience and knowledge of different cultures, religions, and nations.

Prospects for Reform

Complaints and reform proposals related to the structure of the UN began to be voiced soon after the establishment of the UN. But they brought the first serious reform proposals after the 1990 Gulf War. The circles that thought that the UN and the UN Secretary-General were ineffective during the war, have underlined the need for reform by the UN in this period[23] because they thought, as Hanhimaki says, that "[i]*t is structurally flawed and operationally cumbersome. It often lacks the means of implementation even as it may serve as the source of excellent ideas. Its different programs often duplicate work that might be better done by one centralized agency. In short, the UN is in need of reform and support if it is to have a meaningful future.*"[24] Later on, an important step was taken in September 2003 by Kofi Annan, who assembled a High-Level Panel on Threats, Challenges, and Change. The panel brought about some ostensible suggestions to make the UN's composition better reflect today's realities, such as revitalizing the General Assembly and the Economic and Social Council, restoring credibility to the Commission on Human Rights, strengthening the role of the Secretary-General in questions of peace and security, increasing the credibility and effectiveness of the Security Council, and creating a peace-building commission.[25] Until now, they have implemented only the final suggestion.

The UN needs serious reforms. In this sense, the fate of the new world order depends on certain aspects of the reforms in the UN. Here, the main contradiction is that this task is a duty of the great powers. By implication, reform is not easy to achieve. First, it is necessary to accord the plans with the interests of the members, great powers at the outset, and establish a global consensus on the extent to which the reform should take place and the content of the reform. Countries like the United States, which provide a significant portion of the UN annual budget, argue that the organization has become very costly and bureaucratic, the costs must

22 David Curran, *More than Fighting for Peace: Conflict Resolution, UN Peacekeeping, and the Role of Training Military Personnel*, Springer, NY, 2017, p. 142.

23 For example, Stockholm Initiative in 1991 was one of the first initiatives in this regard. see Pakistan Institute of International Affairs, "The Stockholm Initiative on Global Security and Governance", *Pakistan Horizon*, Vol. 44, No. 4 (October 1991), pp. 89-139.

24 Jussi M. Hanhimaki, *The United Nations: A Very Short Introduction*, Oxford Publication, Oxford, 2015, 135.

25 Hanhimaki, p. 138.

be reduced, and the organization must undergo administrative reform. The countries that have recently gained importance in terms of demographic, economic, political, and strategic considerations underline the need to improve the representation capacity of the organization.

Despite the veto power of P5 countries, the UNSC is not accountable to the UN members or any other political or judicial entity.[26] Here, the organization has done little more than be an extension of US foreign policy. The UN has not changed structurally since 1945, while significant changes have occurred in the global balance of power, especially after the 1990s. During this period, the USSR was replaced by the Russian Federation, China raised its share in the global economy to fifteen percent, and countries such as Germany, Japan, India, Brazil, South Africa, and Turkey increased their visibility in the international arena. More recently, there have been ever increasing voices that the African continent and the Islamic world, are facing a severe representation problem in the UN.

The UN has its own autonomous or semi-autonomous structure, it can sometimes make decisions that go beyond their founders or members' wills. These kinds of decisions may sometimes have binding consequences even against powerful members such as the US. However, this autonomy is extremely limited. If the autonomy of the UN is reinforced, this may also involve a number of drawbacks. For example, the greater influence of the UN may cause an excess amount of great power activity within the organization, and great powers can use the UN in the opposite direction of its purpose.[27]

There is also serious tension between human rights practices that need to evolve and progress through services such as education and health and neoliberal policies imposed by organizations such as the World Bank and the IMF, which serve under the umbrella of the UN itself, because the IMF or the World Bank provides loans or assistance to underdeveloped countries on the condition that they privatize these services.[28]

To overcome the issues related to the legitimacy and implementation processes of the UN, related actors should review theoretical approaches about the organization and the UN and must restructure its organs, especially the Security Council and the General Assembly. In order to be functional, a global organization must have the consent and approval of the great states and be compatible with their interests. On the other hand, an organization that does not have the capacity to represent the rest of the world fairly will not be sustainable. The UN has to renew and democratize itself by taking into consideration the new power balances, and

26 Aral, pp. 16-7.

27 Theodore H. MacDonald, *Health, Human Rights and the United Nations*, CRC Press, NY, 2008, p. 1.

28 MacDonald, pp. 8-23.

demographic, economic, sociological and political factors. As De Silva said "[t]*he Security Council needs to be enlarged in order to be more representative*."[29] It is now clear that the UN Security Council's 15-member structure, established in the 1940s, is inadequate today. At that time, five permanent members were only ten percent of the UNGA. Although the number of UNGA members has almost quadrupled today, there has been no change in the initial structure of the UNSC. In addition to the efforts of the P5 countries to maintain the status quo, historical and regional competitive relations between potential members, and the zero-sum game approaches impede the efforts to reform the UNSC. Potential members agree neither on who will enter the UNSC nor on which of the new members will have veto power.

The 2004 Wise Men Report (Panyarachun Report) proposed increasing the number of members to twenty-four.[30] At the 2005 G-4 Summit, the introduction of six new permanent members (India, Brazil, Japan, and Germany plus two representatives from Africa) was proposed, four of which would have veto power and two would not. However, because of the objections of several countries, namely Italy, Spain, Pakistan, Argentina, Canada, Mexico, and South Korea, which have historical or regional problems with G-4 countries, they did not accept these proposals. There were other proposals to extend permanent and temporary membership categories and to create a Council of 25-30 members. Whether the new permanent members would have veto power is also controversial because P5 countries are not ready to give up their veto powers. As Çelikkol put it, it is clear that the UN is insufficient to ensure peace and security at the international level, but the reform of the UN system is also quite difficult.[31] The most important problem is to harmonize the principle of fair representation with the aim of making UNSC decision mechanisms functional. There must be a formula that reconciles these two objectives. To make the veto power respond to today's needs, it may suffice to increase the single veto system to two-vetoes. However, in this situation, a problem could arise, as any two countries, such as the UK and the US, could potentially agree to block the rest of the world. Besides the suggestions for change in the representation system, additional suggestions have been made such as making the UNSC accountable to the International Court of Justice or the UNGA, re-setting the term limits, separating the world into several regions and ensuring that each region chooses its own representative.[32]

29 Mervyn de Silva M. 1991. "The Impotence of the UN," in Jin, Khoo Khay Jin (ed.), *Whose War? What Peace?*, Aliran, Penang, 1991, (pp. 49-51), p. 51.

30 United Nations General Assembly, "Follow-up to the outcome of the Millennium Summit", *The UN Official Website***,** 2 December 2004, http://www.un.org/en/events/pastevents/a_more_secure_world.shtml, (11.2.2019).

31 Oğuz Çelikkol, "Birleşmiş Milletler'de Reform Girişimleri…", *Hurriyet*, April 17, 2018, http://www.hurriyet.com.tr/yazarlar/oguz-celikkol/birlesmis-milletlerde-reform-girisimleri-40807269, (8.2.2019).

32 Vreeland, pp. 229-41.

To ensure integrity and consistency in the UN system, the UN General Assembly needs to be more effective and the legitimacy and democracy deficits must be eliminated. For example, it may be a precondition for imposing sanctions on a country to get approval from the UN General Assembly by a two-thirds majority vote. It may be useful to have the Trusteeship Council (which currently seems to have lost its original functions), officially gain "brand-new" functions, such as controlling the international seabed, the Antarctic continent and outer space, i.e. regions or premises that are not under the sovereignty of any nation. The Economic and Social Council (ECOSOC) also needs to be reorganized to increase the effectiveness of the UN and arrangements should be made regarding matters such as human and financial resources. Financial resource reform is especially important for the institution to maintain its autonomy in judicial affairs. For this purpose, besides the present minimum budgetary contributions, one suggestion might be to provide independent budgetary facilities such as the direct transfer of a certain percentage of the armament expenses of the member countries.[33]

Developing countries want the UN to be more active in development issues, and to increase the role of the UN in economic cooperation. Here, reform studies should be extended to these areas. Reforms for institutions such as UN development assistance, the IMF and the World Bank are, therefore, necessary not only to increase prosperity in poor countries but also to increase the UN's representational capability and to close the legitimacy deficit. Yet, we can't always say that developed countries are sincere regarding development issues. So far, some foreign aid has been provided, intended only to increase consumption in less developed countries. Investments in the production sector are extremely limited. By implication, developed countries do not want to share their income sources and job facilities with underdeveloped countries. Instead of the existing aid programs for African countries, if we could improve available production facilities and fair opportunities suitable for the education and labor force in these countries, we might see that the phenomena of hunger and poverty disappears in this part of the world, and therefore a strong peace infrastructure might emerge. Improving third world countries can bring an end to the post-colonial policies of Western countries, so we must anticipate that they will continue to keep the third world countries at a certain level. Unless the Western economies are strong enough to guarantee employment opportunities for their own people, through new business opportunities and technological superiority, for example, we cannot think that this will change.

33 Aral, pp. 20-6.

CONCLUSION

The United Nations is the first universally active multifunctional organization equipped with a broad range of facilities and charged with diverse duties. Despite all the criticism, it is an indispensable institution, which must existing at all costs.[34] Therefore the aim should be to develop new methods to correct the deficiencies of its organization and sub-organizations, which contribute to the benefit of humanity.[35] In its present form, the UN is far from resolving global governance problems and building a peaceful world. Reform is essential, and the question of how to make this reform will be determined at the intersection point of the ideas built according to the interests of the existing members. We cannot talk about the existence of objective truth and a legal system shaped accordingly. Therefore, to create a peaceful system can be possible by finding a point where the objectives of the actors intersect. Without meaningful balance and interaction between the principles of representation, the interests of the great states, and universal human rights, the legitimacy and legitimizing power of the UN cannot be permanent. Here, the UN cannot remain as an effective agent in conflict resolution. At first glance, such an aim may seem impossible. But humanity has to achieve this aim for its own sake.

The UN and its sub-organizations, the UNSC in the first instance, should be improved in terms of representation according to contemporary imperatives and dynamics. Here, we should create a balance between great power or nation-state interests and the representation of large masses, identities or geographic regions. The UN must be clear from the image of an organization that cannot decide or implement its own decisions, or an organization that is entirely under the control of the great powers.

We should be aware of the value of the principles of human rights adopted in the establishment of the UN system and the value of declarations, conventions, and protection mechanisms adopted later. Respect for human rights is the main safeguard for both national order and international justice and peace. The practice shows how important it is to understand and implement basic human rights and pluralistic democracy. Such a UN can play an important role in transforming the understanding of global security. The primary questions are: How can we establish an effective global governance for an effective UN to ensure global security and peace? How will the UN's organizational structure be transformed? How will actors participate in global governance and a pluralist universal structure?

34 For a similar view see Peters, pp. 141-3.

35 Peter T. Coleman, Eric C. Marcus, "Concluding Overview", in *The Handbook of Conflict Resolution: Theory and Practice*, edited by Morton Deutsch, Peter T. Coleman, Eric C. Marcus, Jossey Bass, NY, 2006, p. 879-80.

The UN is an organization designed and focused on protecting the interests of nation-states. Today, most of the conflicts are now taking place among non-state actors. Here, the UN should establish centers that coordinate the activities of non-state actors, especially those related to second and third track diplomacy channels and facilitate their activities.

In the information age, it is necessary for the UN to be effective in prescribing rules about information flows and in intelligence activities, and global social media. People are now becoming more and more aware of having a single world and a single natural environment, and more sensitive to human rights issues. This requires an increase in the interaction between the international community (the UN as a leading agent) and the world in general. As an organization, the UN should be able to use new technology and, techniques and to develop mechanisms to prevent conflicts. In a world where artificial intelligence increasingly affects human life, the UN must transform into a fiduciary institution of the world. Otherwise, proxy wars, the collapse or disappearance of small states, the ineffectiveness or even abolition of the UN, and the destruction of global peace and stability will be inevitable.

To conclude, the UN will remain as the most important universal international organization for the foreseeable future. The problem is not the continuation of the UN, but whether it will be a functional organization that contributes to global order, stability, and peace. However, in the absence of reforms bringing permanent solutions, a chaotic situation like never before may be waiting at the door. When chaos looms on the horizon, it might be too late.

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CHAPTER 2

THE HISTORICAL ROLE OF THE UNITED NATIONS ON THE KOREAN PENINSULA: THE CASE OF THE KOREAN WAR AND SOUTH KOREA

Caner KUR*

*Department of Political Science and International Relations, Istanbul University, Istanbul, Turkey
e-mail: caner.kur@ogr.iu.edu.tr

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INTRODUCTION

The Korean Peninsula has always been an area of interest for the neighboring countries throughout history and - especially from the 19th century onwards - has witnessed the power struggle among the great powers over establishing their hegemony. As Hans Morgenthau argues, Korea, enclosed by great power rivalry, ensured its survival either due to the balance of power between those powers or by accepting the relative hegemony of a particular power such as China for long centuries. However, after the Russo-Japanese War of 1904-1905, the traditional policies for ensuring survival by linking itself to a great power proved to be ineffective as the Korean peninsula was to become a colony of Japan for over thirty-five years. Following the Japanese surrender in 1945, another great power struggle over the peninsula emerged, this time between the United States and the Soviet Union. The division of Korea between two great powers, therefore, took place during the critical early phases of the Cold War where the United Nations (UN) had come to play a significant role.

In this article, the main study will be focused on the relations between the United Nations and the Case of Korea - referring to the foundation of both actors and the UN's role in conflict resolution. Since its establishment, the Korean Question has been closely associated with the

very role that the United Nations played in the post-war international order. It could even be said that there was no other case where the UN, founded by the reconciliation among great powers to achieve international security and peace, was affected to such an extent as by the developments in Korea.

In this context, the study is focused on the critical post-war years between 1945 and 1950 where the Korean Question openly demonstrated the limitations of the UN and its capacity to settle disputes which particularly concerned the great power interests. The Korean Question became an epitome for the future functioning of the UN's internal structure and was the most critical test for the organization in terms of the reliability of the collective security system – a factor which was one of the most criticized deficiencies of the former League of Nations. Furthermore, whatever the outcome of the Korean Question, the UN, which has succeeded in preserving the collective security principle, has failed to solve the problems that cannot be realized without a large consensus between great powers. In this vein, the interaction between the UN and Korea between 1945 and 1950 critically shaped both the formation phase of the UN and Korea, and influenced their future role within the new international order.

THE CASE OF KOREA DURING THE FORMATION PROCESS OF THE UNITED NATIONS

The Korean Peninsula, having been on the agenda of the United Nations (UN), played important roles during the structural development process and historical turning points of the organization. The expressions that concern land, border changes and self- determination in the second and third articles of the Atlantic Charter, which laid foundations of the UN were also concerned with the political future of the 1940's Korean Peninsula.[1]

With the annexation of Korea by Japan in 1910, the issue of occupation and self-determination of the Korean people was not on the agenda of the major powers for over 30 years. However, the beginning of the Second World War and Japan's participation brought the Korean issue right back to the table. The need to determine the future of Japanese occupied regions, therefore, was linked at first to the "*certain common principles*" of the Atlantic Charter.[2]

Following the agreed principles of the charter between Prime Minister Churchill and President Roosevelt, to determine possible developments in the Asia-Pacific became a necessity considering the vast amount of land and region that had been occupied by Japan

1 http://avalon.law.yale.edu/wwii/atlantic.asp

2 http://www.un.org/en/sections/history-united-nations-charter/1941-atlantic-charter/index.html

since 1914. An important step was taken with the Cairo Conference on 23 November 1943 where Chinese leader Chiang Kai-Shek, Winston Churchill and Franklin Roosevelt issued a joint statement of the future war aims against the Japanese. The fate of the Korean peninsula was one of the main questions during the conference where all parties agreed on an independent Korea but with different point of views.[3]

Eventually, with The Cairo Declaration issued, three powers agreed upon Korea's independence "*in due course*" which had been confirmed in the sense that Korea should be independent and free. But in reality, the Korean Question was postponed to be re-evaluated because of the possibility of a disagreement between the Soviet Union and the US.[4] Another conference held in Tehran only two days after the Cairo Conference, this time with the participation of Joseph Stalin, confirmed the Cairo Charter which stated that in principle Korea should be independent. However, Roosevelt's Philippines Model trusteeship was still on the table as a last resort to resolve potential conflicts in the future. The last form of approval of the Korean Independence was taken in Yalta in February 1945. Roosevelt's trusteeship plan was discussed during the conference in concurrence with the establishment of a general trusteeship body under the authority of the future international organization, the UN[5], agreed between Roosevelt and Stalin.[6]

Besides the Korean Question, another important source of conflict between the US and USSR concerning the voting structure of the Security Council also came to terms in Yalta. Final matters related to the organizational regulations and main structure of the United Nations were to be decided in a general conference to be held in San Francisco.[7]

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3 President Roosevelt's plan was to put Korea under the trusteeship of great powers similar to America's rule in the Philippines. The reason Roosevelt offered this solution had was twofold. Firstly, according to Roosevelt, Korea was not ready to govern herself because of a lack of administrative capacity and culture. Secondly, historically Korea was in the sphere of influence of China and Russia and even though it was not a prior national interest for the US, preventing domination of the peninsula by a sole major power seemed the best outcome for Roosevelt at that time.

4 "The Cairo Declaration," November 26, 1943, History and Public Policy Program Digital Archive, Foreign Relations of the United States, Diplomatic Papers, The Conferences at Cairo and Tehran, 1943 (Washington, DC: United States Government Printing Office, 1961), pp. 448-449. https://digitalarchive.wilsoncenter.org/document/122101

5 The name United Nations was used for the first time in "Declaration by United Nations" in January 1942 when 26 nations made a commitment to fight against the Axis powers, http://www.un.org/en/sections/history/history-united-nations/index.html

6 Bok-Ryong Shin, "The Decision Process of the Trusteeship in Korea 1945–1946: Focusing on the Change of U.S. Ideas", *Pacific Focus*, 2004, V.19, pp. 169-211, p. 175.

7 The initial condition to attend the San Francisco Conference was to declare war upon Germany and Japan and approve the United Nations Declaration, http://www.un.org/en/sections/history-united-nations-charter/1945-san-francisco-conference/index.html

Thus, the conference was held on April 25, 1945, and Korea (at that time represented by the semi-formal Korean Provisional Government (KPG) located in Chongqing China), was not invited as an original participant. Even though it had been under the rule of Japan for 35 years or more, Korean delegates couldn't even attain observer status during the conference.[8] As it is known to have started with President Roosevelt (even though he had just died before the conference), Washington's position of holding itself at a distance from the KPG and other nationalist Korean exiles had not changed, especially because of their anti-trusteeship stand.[9]

Despite the letter that was sent by KPG's Foreign Minister Cho So-Ang to the Allied Powers at the San Francisco Conference which openly demanded that Korea be ready and able to self-govern and be eligible to become a member of these United Nations, the position of the great powers had not changed. Further meetings were held on the question of Korea during the conference but the American position of trusteeship plan seemed the best choice at that time for Washington in order to restrain Soviet expansion on the Korean Peninsula.[10] For this reason, President Roosevelt's proposal of trusteeship for the territories that were seized from the defeated countries during war played an arbitrary role between the two future rival powers.

Delayed once more, Korea's fate was in the hands of the balance of power between the great powers. In Potsdam, similar to Yalta, but this time with Harry Truman as president, the Cairo Declaration was reaffirmed by Stalin. However, the trusteeship issue was again left in uncertainty because of Truman's suspicions about Soviet intentions in Eastern Europe and Asia. As in the case of Korea, extrapolation was not possible for the peninsula's future because of the course of war and estimations about Japan's possible homeland resistance which might have made it difficult to adjust a secondary issue such as a military operation on the Korean Peninsula. The uncertainty of the American position - as seen in the case of the meeting between Army Chief of Staff George Marshall and General Alexei Antonov, meant that the Soviets also had the impression that Korea was playing a secondary role for Washington.[11]

8 Korean Delegation's expenses were covered by the Chongqing Government but visa application for the US was denied by American authorities. Even though Chinese delegation supported some Korean Provisional Government exiles in America to attend the conference, they did not bring the issue to the table in the first place, See, Liu, Xiaoyuan, A Partnership for Disorder: China, the United States, and Their Policies for the Post War Disposition of the Japanese Empire 1941-1945, New York: Cambridge University Press, 1996, p. 197.

9 Mark P. Barry, "The U.S. and the 1945 Division of Korea: Mismanaging the 'Big Decisions", *International Journal on World Peace*, v. 29, n. 4, 2012, pp. 37-59, p. 40

10 Lee, Won Sul, The United States and the Division of Korea, 1945, Seoul: Kyung Hee University Press, 1982, pp. 50-52.

11 Mark P. Barry (2012), ibid. , p. 42.

However, the division of the Korean peninsula or the prevention of its occupation by any sole power had become the main idea for the policymakers in Washington after the Roosevelt administration. Roosevelt's absence explicitly marked a new policy shift in American Foreign Policy in which his policy of incorporating Russians where their primary interests lay came to be abandoned. Korea was one such place, bordering Soviet soil and historically within the sphere of influence of the former Russian Empire.

Therefore, gradually in the minds of Washington policymakers, in spite of a trusteeship plan from the beginning of the negotiations and meetings with the Soviets, the idea of the division of the peninsula started to become the only applicable choice - especially considering the large number of pro-Soviet-Korean guerillas and the fact that the closest American Army unit was hundreds of miles away from the Korean Peninsula.[12] Despite the change in American policy on Korea, the Soviets, specifically Stalin, were still favoring the trusteeship plan simply because they saw this as an opportunity for dismantling the European colonial bodies around the world.[13] Thus, the Korean case, as it started to become a "great power chessboard", showed great importance in future negotiations between the US and USSR and the possible order that the international system would take in near future.

Events that changed the political destiny of Korea were triggered with the dropping of the atomic bomb on Hiroshima on August 6, followed by the Soviet entry into war in the Far East on August 9. The Soviet troops rapidly penetrated deep into Manchuria and Korea, and in a few days combating against the Japanese troops, had nearly reached the thirty-eighth parallel.[14] With the Japanese Army crumbling and the Soviet Red Army continuing its advance, the American decision-makers were totally unprepared for this unexpected turn of events. During the Potsdam Conference, an agreement had been reached between Truman and Stalin as well as their diplomatic delegations stating that the Red Army would be ready to enter into the war by the second or third week of August. However, the dropping of the atomic bomb apparently accelerated the plans for the Soviets, even though from the Potsdam Conference, the surrender of Japan had turned into a race.[15]

12 The initial intelligence reports from early 1943 suggested that the Soviets were able to gather a respectable amount of Korean partisans indoctrinated by the Soviet belief and ideology. Similar to intelligence reports, the Army Chief of Staff was aware that in the case of a rapid Soviet entry into war against Japan, this would leave the Korean Peninsula open to an invasion, See, M. Minnich, James, The North Korean People's Army: Origins and Current Tactics, Annapolis: Naval Institute Press, 2005, p. 2.

13 James Lee, Jongsoo, The Partition of Korea After World War II: A Global History, New York: Palgrave Macmillan, 2006, p. 160.

14 Hasegawa, Tsuyoshi, Racing the Enemy: Stalin, Truman, and the Surrender of Japan, Massachusetts: The Belknap Press of Harvard University, 2005, p.195.

15 Ibid. , p. 2.

Whether or not the surrender of Japan had turned into a competition between the US and the USSR, rivalry already existed between the two sides and rapid Soviet advancement brought the danger of total domination over the entire Korean Peninsula. Overnight, during the assessment of the situation between the US State Department and the War Department subcommittees, a plan was drawn up to divide the peninsula from the 38th parallel as occupation zones in which the southern part including Seoul, the capital, would be under American control. The general plan to divide Korea and to determine the zones for the surrender of Japanese troops was swiftly prepared, accepted and approved by nearly all the high authorities from the US government and thus became the *de facto* foreign policy objective.[16]

Without losing any time, Truman sent the plan known as General Order Number One to Stalin. With Stalin's approval of the plan on August 16th (except for the arrangements concerning the Kuril Islands), the ongoing division of the peninsula that continues until today, thus occurred following the first few weeks of the end of the Second World War.[17]

THE ECHOES OF THE COLD WAR AND THE DIVISION OF THE KOREAN PENINSULA

Following the establishment of the occupation zones, with the 38th parallel being the dividing line, American forces arrived in the southern part on September 8, nearly one month after the official Japanese surrender. Under the command of General John Reed Hodge, the American corps established the "United States Army Military Government in Korea" or in short USAMGIK. When the Americans arrived in Korea, they knew little about the political or social situation of the country. Moreover, they did not have a high opinion of the already existing structure, known as the "People's Committee", because they considered them 'too left'. Soon afterward, USAMGIK began cooperating with the conservative elements of society, for example, those who had mostly cooperated with the Japanese during colonial times or big landowners who were against major socio-economic or socio-political shifts throughout the country. Despite the negative perception held by the majority of the population, an unpopular alliance was formed to establish an order.[18]

16 Hong, Hyun Woong, American Foreign Policy Toward Korea: 1945-1950, Oklahoma: Faculty of the Graduate College of the Oklahoma State University, Doctoral Dissertation, 2007, pp. 85-87.

17 Stalin's acceptance of the 38th parallel plan surprised many American officers and diplomats because of the fact that the Red Army could have occupied the whole of the peninsula. However, Stalin was eager to cooperate with the Americans, and the trusteeship, even if it was approached skeptically by many Russian decision makers, was still on the table. Furthermore, for the Soviets, control of the area north of the 38th parallel was still favorable, Ibid. , pp. 85-90.

18 Cummings, Bruce, Korea's Place In the Sun-A Modern History, New York: W. W. Norton & Company Inc, 2005, pp. 190-195.

Similar to American occupation forces, the Soviets had also organized friendly administrative bodies across the area north of the 38th parallel. The Soviets swiftly formed the Soviet Civil Administration which officially had ruled the northern part of the country before The Democratic People's Republic of Korea (DPRK) or in other words until North Korea was established in 1948.[19] Thus it can be seen that both the Americans and the Soviets had begun to consolidate their power within their occupation zones. The administrative bodies that were formed during the first months of the occupation laid the foundations of the state apparatus both in the north and south which deepened the division of the peninsula.[20]

The consolidation of the new regimes both in the south and north of the 38th parallel jeopardized the already fragile agreement on trusteeship between the US and the Soviet Union. Aside from the problems related to the political future of the Korean Peninsula, the growing concern between two rival powers on the future of Eastern Europe (specifically the Polish Question) made it difficult to adjust mutual interests for both sides. Furthermore, a new crisis concerning the withdrawal of the foreign forces from Iran emerged out of existing problems.[21]

In this respect, the Moscow Foreign Ministers Conference was one of the critical moments considering the disagreements over the Korean Question. Overshadowed by the Iranian Crisis and disagreements over peace treaties with the defeated countries, the situation in Korea was at the top of the list of the participants. Despite the emerging rivalry and earlier phases of the Cold War, the parties still had a consensus on the independence of Korea and the formation of a single government. The trusteeship issue this time more evidently led the course of the meeting. The U.S. Secretary of State, James Byrnes, followed in the footsteps of the deceased President Roosevelt and proposed an international trusteeship model for

19 Myers, Reynolds Brian, The Cleanest Race, New York: Melville House Publishing, 2011, p. 30

20 The ruling elite of the soon to be North Korea and South Korea had been openly supported by the Soviet and American occupation command forces within their respective control zones. Syngman Rhee, first president of South Korea, arrived in Korea on General MacArthur's plane and received a warm welcome by an American organized crowd. Likewise, the Soviets had organized a hero's welcome for Kim Il Sung who had served under the Red Army. Thereby, the time for negotiation for a trusteeship settlement had become a more remote possibility, after the first month of the occupation of the peninsula. See, Cummings (2005), ibid, p. 195.

21 Iran was invaded by the Soviets and British during the first months of the Soviet-German War as a precautionary measure to sustain the transportation of Allied material aids to the Soviet Union. An agreement had been reached between the Soviet Union, the United Kingdom and the newly formed regime in Iran on the promise of the withdrawal of all foreign troops by the end of the war. However, historical Soviet interests in the region, especially acquisition of concessions on the Iranian oil in which Americans and the British shared the same interests, gave rise to another problem among other major issues. Besides the oil question, the Soviets were organizing and supporting pro-Soviet movements in Iran. The establishment of two new separatist states was a clear indication that what might have happened considering the problems on the Korean Peninsula, Wynn, A. Neil, Historical Dictionary of the Roosevelt-Truman Era, Maryland: Scarecrow Press, Inc. , 2008, p. 51.

Korea which would last for a period of five years. Seconded by Molotov only on the condition that there would be no extension over the five-year tutelage, a joint communiqué was finally issued on 27 December 1945.[22]

The third article of the communiqué that was concerned with the situation in Korea stated that a provisional Korean government was to be established within the framework of a joint commission comprised of the US-Soviet occupation commanders. According to recommendations of the joint commission, a four-power trusteeship was to be established immediately to provide the conditions for the transition process and to assist the provisional Korean government to take the required measures for complete independence.[23] Although there was nothing new on the previously agreed issues, the Moscow Conference distinguished itself from other agreements and summits because of the fact that it was conveyed under a much tenser international situation. Moreover, a four-power trusteeship eventually meant that these four powers represented the will of the United Nations.[24]

The form of the trusteeship and its application on the Korean Peninsula, however, remained unclear. Regarding the different interests of the major powers apart from the gradually emerging Cold War rivalry, the independence of the colonial territories was not the main goal but a possible outcome of the tutelage process. The chapters of the United Nations that concern the administrative affairs of the colonies and the territories liberated from the defeated countries such as the "Declaration Regarding Non-Self-Governing Territories" of chapter XI did not imply complete independence.[25]

However, Korea, regarding its special status as having been occupied and ruled by Japan, an aggressor of World War II, differed from other colonies under the mandate or rule of empires such as Britain or France. For example, the case of Korea was also different from the cases of Libya and Somalia where the trusteeship system was applied after the liberation of

22 Chi-Young Pak, Korea and the United Nations, Hague: Kluwer Law International, 2000, p. 4.

23 The Moscow Meeting of Council of Foreign Ministers, 60. Stat. 1899; Treaties and Other International Acts Series 1555, Communiqué on the Moscow Conference of the Three Foreign Ministers, p. 1346; http://www.loc.gov/law//help/us-treaties/bevans/m-ust000003-1341.pdf

24 The four power trusteeship in that sense would represent the will and the legality of the U.N. for the post-War era. Although the communiqué did not mention the supervision of the U.N., Sung Hack Kang argued that the establishment of a four-power trusteeship would open the way for U.N.'s participation in the affairs of the Korean peninsula, Kang, Sung-Hack, Korea's Foreign Policy Dilemmas Defining State Security and the Goal of National Unification, Kent: Global Oriental, 2011, p. 301.

25 Even though there were noteworthy compromises from each major power, the declaration regarding the dependent people was open-ended for interpretation. For example, the application of the trusteeship mechanism for the colonies under the United Kingdom was left to Brish politicians, Jongsoo James Lee (2006), ibid. , p. 11.

these territories from the Italians and where there was no conflict of interests between the great powers. Korea, however, was the only country considered as a colony of Japan that was then liberated by two conflicting wartime partners, and therefore, the issue of building consensus between these two great powers actually mattered for the Korean Question.[26]

In this context, the Americans and the Soviets started preparations for the establishment of a joint commission in line with the decision taken at the Moscow Conference for the establishment of a provisional government that would provide Korea's independence. Both sides, after several meetings between January and February 1946, agreed to convene the Joint Commission. However, the political situation in Korea, especially the objection to trusteeship rule by many Koreans intensified the competing interests of both great powers at that time.[27] The Soviet position was in support of those Koreans who supported the decisions taken in the Moscow Foreign Ministers Conference which actually means the communists who were in favor of the trusteeship plan. Contrary to the Soviet position, the Americans supported the idea of having all parties and fractions join the commission for the determination of the provisional government.[28]

The negotiations eventually reached a deadlock after a disagreement over whom should be invited to the commission and halted for more than one year. Future efforts to convene the joint commission after the March 20 joint commission meeting turned out to be futile since the great power rivalry between the United States and the Soviet Union was intensifying not just in Korea but also in Eastern Europe.[29] Therefore the reconvention of the joint commission was not successful and the political situation entered into a stalemate.[30] Shortly after of the

26 Ibid. , p. 14.

27 Park, Young, Korea and the Imperialists: In Search of a National Identity, Indiana, Author House Publishing, 2009, s. 211

28 Chi-Young Pak (2000), ibid, p.5.

29 The famous "Long Telegram" of George F. Kennan in February 1946, the ongoing tensions in Iran between November 1945 and May 1946 because of Moscow's deliberate delaying strategy and Winston Churchill's "Iron Curtain" speech in Westminster University on March 5, 1946 were some of the milestone events of the early Cold War period which all coincided with the breakdown of negotiations in Korea.

30 The Soviets blocked any group or political party who opposed the communiqué issued from the Moscow Conference. The mostly rightist Koreans opposed the trusteeship model of a provisional government, and therefore also opposed the Moscow Communiqué. However, the Soviet stance was not acceptable for the United States because of the fact that approval of the exclusion of rightist or moderate groups who raised concerns against trusteeship meant that the future provisional government would be taken over mostly by communists or Soviet sympathizers. When the March 20 negotiations failed during the joint commission meeting, the head of the Soviet delegate Ivan Chistyakov told the American Military Governor General Hodge that Korea had borders with the Soviet Union, therefore, a friendly regime in order to sustain the security and prevent future dangers was a Soviet priority. Chistyakov's position also reflected the Soviet way of thinking in Eastern Europe that democratic elections in borderline countries might result in governments that could be hostile to the Soviet regime and therefore pose a risk to national security, Hong, Hyung Woong Hong (2007), ibid., pp. 163-164.

failed negotiations, both powers had taken measures in order to consolidate their power within their occupation zones.[31] As stated previously, the administrations that were founded within the first months of the occupation formed a basis for the separation of two Koreas from each other.[32]

The last efforts to solve the stalemate over convening the joint commission came two months after the declaration of the Truman Doctrine on March 1947 by the Secretary of State George Marshall but proved to be unsuccessful because of the fact that talks had paused for more than one year and in the meantime, the Cold War had really intensified.[33] In other words, plenty of water had ran under the bridge.

Within the first two years of political developments and geopolitical tensions, it was understood that negotiations could not be succeeded by joint commission so the United States changed its tactics to confront the Soviets via the United Nations and brought up the Korean issue to the UN General Assembly. [34]

The procedural process began with the notification of the General Assembly and General Secretary by the United States representative at the UN. The United States delegation's submission titled "The problem of the independence of Korea" was requested by the General Assembly as an issue to discuss in the next session. The Soviet representatives of the UN, as expected, objected to the American resolution to adopt the Korean Question in the agenda of the General Assembly. The Soviet stance toward the American proposal was based on the argument that the involvement of the United Nations on the Korean Question was illegal because the joint communiqué issued in the Moscow Foreign Ministers Conference had

31 The Soviets decided to take more steps for the consolidation of a friendly regime within their occupation zone and in accordance with this policy, the "North Korean Provisional People's Committee" was founded and Kim Il Sung was officially appointed as the head of the committee. After the breakdown of negotiations, the Soviet Civil Authority accelerated the consolidation process of a friendly regime. Their quasi-moderate stance soon turned into oppression. Cho-man Sik, who was a key figure during the resistance movement and an ardent nationalist who rejected the trusteeship plan was deprived of his authority (as the Head of Pyongyang People's Committee) and was later imprisoned and executed. His deprivation of power opened the way for Kim Il Sung who apparently seemed more collaborative and compatible to the Soviet authorities. Sandler, Stanley, The Korean War: An Encyclopedia, New York: Routledge, 2013, p. 163.

32 While the Soviets consolidated a friendly regime in the area north of the 38th parallel, the American military government was also making rapid decisions to support an anti-communist regime within its occupation zone. Describing earlier American actions in the area south of the 38th parallel, Cummings noted that in the first year of the occupation, an office for national defense, a military academy for officers inspired from West Point tradition and a national police force recruited by mostly Japanese colony era officers were established. These institutions, similar to the oppression of the opposition by the Soviets within their respective occupation zones took part in the Autumn 1946 uprising and silenced other elements of the opposition, Cummings (2005), ibid., pp. 200-202.

33 Chi-Young Pak (2000), ibid. , p. 5.

34 Kang, Sung Hack (2011), ibid. , p. 302.

already made decisions.[35]

The General Assembly, before adopting the American proposal, assigned the First Committee to discuss the issue and so, the committee addressed the Korean Question in its 87th meeting on 28 October 1947. After several meetings, the US proposal, a revised form of a previous Soviet proposal was put to the vote and with the support of the majority it was approved as a final resolution whereby the General Assembly adopted the Korean Question in its agenda. The resolution, despite the Soviet objection, included some critical decisions indicating that the Independence of Korea mattered only to the Korean people. Therefore, rather than the representatives being handpicked by the military authorities, the representatives elected by the Korean people were to be invited to the General Assembly. Furthermore, to evaluate the general situation in Korea, the first committee passed the resolution forming a temporary commission called the United Nations Temporary Commission on Korea, shortly UNTCOK.[36]

The UNTCOK's main aim is to observe the general situation in Korea and provide the conditions for the formation of a unified and democratic government via free and fair elections before 31 March 1948. The committee granted the UNTCOK to take the necessary measures throughout the peninsula with the right to travel and ensure the gradual withdrawal of foreign troops.[37]

The strategy to deal with the Soviet Union on the Korean Question through the UN provided significant legitimacy to the United States by getting the support of the international community. However, the implementation of the committee resolution proved to be difficult because of the Soviets' refusal to permit the commission members free passage to the area north of the 38th parallel. The Soviet representatives of the United Nations objected to the mission of the commission as its members were mostly from pro-American countries, therefore, their report would not be impartial. The formation of a commission, according to the Soviets, was nothing more than the legalization of the pro-US government in South

35 The main Soviet argument against the US decision to bring the Korean case to the General Assembly was that by implying the Moscow Agreement there was a violation of an international agreement that already existed. Soviet Foreign Minister Andrei Vyshinsky made a speech in the General Assembly and pointed out that Marshall's proposal for the UN's adaptation of the case of Korea violated, and therefore eventually disregarded the joint actions of the agreed four-power trusteeship, Gordenker, Leon, The United Nations and the Peaceful Unification of Korea: The Politics of Field Operations 1947-1950, Hague: Martinus Nijhoff, 1959, p. 15.

36 UNDOC, "The Problem of the Independence of Korea, Report of the First Committee: Rapporteur: Mr. Henrik Kauffmann (Denmark)", Symbol: A/447, Job Number: NL145439, Publication Date: 06/11/1947, pp. 1-5.

37 The first Committee of the General Assembly commissioned UNTCOK, with representatives from Australia, Canada, China, El Salvador, France, India, Philippines, Syria, Ukraine and the Soviet Socialist Republic refused to join the commission, Ibid. , pp. 5-6.

Korea. While there is some truth in the Soviet objections about the political situation in the area south of the 38th parallel, Red Army officers had already placed Kim Il Sung and eliminated those who did not effectively collaborate.

With no other alternative but to inspect and observe the conditions for an election within the zone controlled by the United States, the temporary commission prepared a report comprising only the region south of the 38th parallel. Despite the prejudices of the Soviets over the temporary commission's mission, the findings of the commission members in the region south of the 38th parallel were not promising. The representatives of the UNTCOK, during their observations of the situation in the southern part of Korea, came to realize that the "National Election Committee", which was at the time responsible for the organization of the prospective elections, was mostly comprised of the members of the Korean Democratic Party, a rightist-conservative anti-communist party favored by the USAMGIK. The temporary commission concluded that there was no fair and valid electoral environment in both the north and the south in its final report, and suggested that the UN should not be involved in any election to be held only in the south and thus should not be held responsible for its consequences which could negatively affect its impartiality.[38]

Even though the temporary commission report was encouraging, it was submitted to the General Assembly. The Interim Committee, a subsidiary organ of the General Assembly evaluated the UNTCOK report and on 26 February resolved with a majority of votes that elections were to be held within the parts of Korea where commissioners were able to observe. Kang stated that the decision of the Interim Committee at the time was heavily influenced by the Czechoslovakia coup on 25 February 1948 and eased the United States to convince other neutral members of the committee.[39]

The decision to hold elections based on the resolution of the First Committee was eventually realized in the region south of the 38th parallel. Supervised by USAMGIK and right-wing groups dominated the National Election Committee, the temporary commission observed the parliamentary elections held on May 10, 1948. Following the election of the legislative branch,

38 Bruce Cummings pointed out that the commissioners from Australia and Syria understood what was going on in South Korea and their apprehension over the possible dangers of the UN's involvement in favor of one side. The Australian commissioner's report implying the General Assembly, "*should not be drawn into a position where it may be held responsible*" described the complicated situation of the UNTCOK, Cummings (2005), ibid. , p. 211.

39 UNTCOK despite its report's approval by the Interim Committee opposed the resolution. According to temporary commission members, the Interim Committee had no right to make decisions instead of the General Assembly which is one of the main decision-making bodies of the UN. However, the Interim Committee's resolution prevailed, Kang, Sung Hack (2011), ibid. p. 303.

the members of parliament, out of two candidates, Kim Koo and Syngman Rhee, the latter was elected, and on August 15th, the anniversary of the liberation from the Japanese occupation, the Republic of Korea, in other words, South Korea was officially established.[40]

The Soviets, as was expected, refused to recognize the establishment of South Korea, and used its permanent seat in the Security Council to block South Korea's possible membership of the United Nations. Furthermore, the Soviets led the creation of a communist regime in September as a means of retaliation. The Democratic People's Republic of Korea was thereby founded and Kim Il Sung became the head of this new country. Now with two Koreas established under two different ideologies, both regimes in the north and south started to claim that they were the only legitimate government of the entire peninsula.

The establishment of South Korea however, was not the end of the UN's involvement in Korean politics where both regimes turned more hostile towards each other. After several meetings considering the situation in Korea, on the 187th plenary meeting, the General Assembly on 12 December 1948 passed resolution 195 (III) and declared the Republic of Korea as the only "lawful government" of the Korean Peninsula. The resolution also stated that a permanent commission should be found to replace the duties of the Temporary Commission, urged the withdrawal of the foreign troops and addressed the member nations to treat South Korea as the only legitimate government, representing the entire Korean Nation.[41]

In this context, starting from the Atlantic Charter to the critical conferences that were held during the Second World War which paved the way of the post-war international order, the case of Korea took part in every important turn. From the foundation of the United Nations, the Korean Question was linked in this manner to the newly established international organization which had been established to contribute to preserving peace and security. Therefore a special link was established between the UN and Korea that eventually led to the foundation of the Republic of Korea, a state whose legitimacy came from the top international organization.

Kang maintained that the United Nations was similar to a "midwife" assisting the birth of a new state. With its legalizing power, the UN baptized the newly born South Korea.[42] Yet

40 The first democratic election held on May 10 was not received without resistance. American occupying troops joined by right-wing paramilitary organizations crushed those who protest or the opposed the elections with harsh authoritarian efficiency. Most of the political fractions boycotted the elections and many were arrested, Jongsoo James Lee (2006), ibid. pp. 115-117.

41 Dietrich Rauschning, Katja Wiesbrock, and Martin Lailach, Key Resolutions of the United Nations General Assembly 1946-1996, United Kingdom: Cambridge University Press, 1997, pp. 190-191.

42 Kang, Sung Hack (2011), ibid. , p. 304.

declaring South Korea as the sole legitimate government representing the whole Korean Peninsula was not the end of all the troubles. As a subject to a contested divorce, the disputable legitimacy of the birth of South Korea continued to be a major problem both within and beyond the Korean Peninsula. Thereby the future role of the UN in the case of the Korean Peninsula was not yet over.

As a consequence in the case of the division of the Korean Peninsula, one can easily observe the hazards of the liberation of the Axis-occupied territories by two challenging wartime partners and post-war rivals. The liberation of Korea in terms of conflict resolution was one such example. During the surrender process of Italy and Japan, where there were no competing partners in terms of occupants and where there was no hard line opposition against occupying forces, administration was gradually transferred to the local units and state institutions were established accordingly under the sole ruler. While the state apparatus was stably constructed to withstand the rule of law, the economic and political system resulted in the establishment of a democracy and free market economy.[43] But in the case of the liberation of the Korean Peninsula from the Japanese, the disagreements between wartime partners paved the way for conflicts among local parties and fractions. In addition to the great powers rivalry, oppressive Japanese rule for over 35 years had prevented the proper conditions and mindset for a consolidated democracy.

Additionally, from the beginning, the trusteeship issue was opposed by many Koreans which also negatively affected the reconciliation process. Fractionalization of different political parties and eventually re-organization of these groups according to the interest of two great powers led to an uncompromising situation in which the supposed peacekeepers encouraged domestic divisions and paved the way for a potential civil war. Ironically, after having planted the seeds of conflict in one sense, the withdrawal of the foreign forces dashed the last hopes for a peaceful solution.

THE KOREAN WAR AND THE ROLE OF THE UNITED NATIONS

The Korean Experience and the establishment of the Republic of Korea showed that the disagreements of the post-war era between great powers would, in one way or another, reflect upon the United Nations and that the United Nations with its constituent members would inevitably be forced to choose a side. Moreover, even though as the only lawful international organization of the post-war international system which provided legitimacy for being a member of the international community, the United Nations had no capacity to solve disputes

43 Oliver Ramsbotham, Tom Woodhouse and Hugh Miall, Contemporary Conflict Resolution: The Prevention, Management, and Transformation of Deadly Conflicts, Cambridge: Polity Press MGP Books Ltd, 2005, p. 186.

that concerned the great powers. The case of Korea, therefore, perfectly demonstrated what would happen in future disagreements among great powers.[44]

Due to the Korean Question, many of the members of the UN General Assembly ended up being forced to choose sides. Mostly favored the United States position which became the leader of the so-called "free world" and that the United States due to its effective diplomatic ability was able to organize and convince non-communist members of the organization.[45]

In this context, the case of Korea was an arduous test for the U.N. General Assembly which compelled the organization to fall aside from its original ideas of being impartial. However, the Korean Question continued to be a source of struggle at that moment not only just between two competing great powers but also between two rival regimes. In recognizing South Korea as the sole legitimate representative of the Korean people, the U.N. had to consolidate its previous stance by supporting the Rhee regime. The United Nations Commission on Korea (UNCOK) that would replace the duties of the UNTCOK was commissioned to assist the current Rhee government of establishing a democratic regime and additionally observe the withdrawal of foreign troops from the peninsula and the forthcoming tensions on the 38th parallel.[46]

By early January 1949, the Red Army forces had withdrawn from the Korean Peninsula and after the foundation of the North Korean People's Army the Soviet assistance to North Korea continued providing war materials and weapons. Following the Soviet withdrawal, the U.S. troops had also been pulled out of the peninsula by April 1949. However, the main difference between both great powers and the withdrawal of their troops was that the decision makers in Washington mostly neglected to equip South Korea because of the fact that the Korean Question for the U.S. even though it wasn't concluded as desired, was now closed.

The first signs of this policy change was first observed with troop withdrawal, despite the objections of the newly established UNCOK which warned the United Nations of a possible conflict between two hostile regimes. Then, during his interview with a British journalist, General MacArthur as the head of the U.S. Army Far East Command stated that Korea was not included within the defense perimeter of the United States in the Far East.[47] Similar to General MacArthur, the U.S. Secretary of State Dean Acheson, a traumatic name for South

44 Goodrich, Leland M. , "The United Nations and Korea", *Journal of International Affairs*, v. 6, n. 2, 1952, pp. 115-128, p. 116.

45 Ibid, pp. 117-118.

46 Dietrich Rauschning, Katja Wiesbrock and Martin Lailach (1997), ibid. , p. 191.

47 Neal, Steve, Harry and Ike: The Partnership That Remade the Postwar World, New York: Touchstone Simon&Schuster Inc. , 2001, p. 178

Koreans which was later to be remembered as "Acheson Syndrome" declared again in 1950 that South Korea was outside of the U.S. defense perimeter and thus prioritized Europe as the red line for Washington against any possible aggression from the communist bloc.[48] As Hook and Spanier put it "*Whereas it held strategic priority in the U.S. defense strategy of the early Cold War years, Asia continued to be of secondary interest*".[49]

Whether to prioritize Asia or Europe to confront communism and to spread containment policy, the Washington policymakers were in a dilemma since the Chinese communists had defeated the Kuomintang and established control over the whole of China. Naturally, the indecisiveness and the unfortunate statements of the key U.S. officials encouraged North Korean aggression.

Nevertheless, of all of Washington's inconsistent policies, the Korean Question was still on the agenda of the United Nations. In April 1949, despite the U.N. General Assembly's resolution 195 (III) stating that South Korea was the only legitimate state to be recognized, the South Korean application for U.N. membership was vetoed by the Soviet Union, the permanent member of the Security Council.[50] South Korea's quest for membership and its rejection once more demonstrated that the U.N.'s unilateral resolutions, without the consent of another great power, were destined to remain inconclusive in order to solve the disagreements permanently.

In this vein, the situation along the 38th parallel and incidents such as border clashes between the two Koreas, were reflected on in the resolution of the 233rd plenary meeting of the General Assembly. On 21 October 1949 resolution 293 (IV) stated that the latest developments raised concerns within the General Assembly and therefore the UNCOK and its constituent members such as France, Turkey, Australia, China, El Salvador, and India should continue to observe developments "*which might lead to or otherwise involve military conflict in Korea*" in 'article 1, section a'. The same resolution also called for the South Korean government as well as the other member states of the assembly to refrain from provoking the already tense situation in Korea. [51]

No matter how surprised American politicians and decision makers were at the unexpected North Korean invasion on 25 June 1950, there were already some serious concerns at the U.N. General Assembly and at the top of the US government. The NSC-68 report of the

48 Sung Hack Kang, Ibid, 146.

49 W. Hook Steven and Spanier, John, American Foreign Policy since WWII, California: SAGE Publications, Inc. 2013, p. 57.

50 Simons, Geoff, The United Nations: A Chronology of Conflict, New York: Palgrave Macmillan, 1994, p. 110.

51 Resolutions Adopted on the Reports of the *Ad Hoc* Committee, 293 (IV) The Problem of the Independence of Korea, Symbol: A/RES/293(IV), Job Number: NR005024, Publication Date: 01/01/1949, pp. 15-16.

National Security Council in April 1950 had already warned the Truman Administration about the possible communist threats outside the European continent where the American decision makers had long been focused.[52] But the wheels were already set in motion after the vague statements of the U.S. high ranking officials and Stalin's *de-facto* approval of Kim Il Sung's unification plan. For example, in January 1950, the U.S. House of Representatives rejected an aid resolution to South Korea.[53] Similar to Kim, Syngman Rhee also had his plan for unifying the peninsula by military means, despite U.S. objections. Rhee's oppressive regime in domestic politics needed legitimacy and therefore anti-communism at all costs had to be followed as the main foreign policy.

Therefore whatever the main arguments about the origins of the Korean War might have been, the United Nations as "Godfather" of the newly born South Korea found itself between a rock and a hard place. The UN's set of ideas of ensuring peace and security through negotiation and consensus soon vanished with the North Korean aggression on 25 June 1950. That is to say, the "Godfather" had to rescue his son because of the fact that the North Korean invasion had targeted the very nature of the existence of the organization which was to ensure the survival of its members from exterior aggression.[54]

Soon after the UNCOK's reports on the border clashes between North Korean and South Korean troops on the 38th parallel reached the UN General Secretary and General Assembly, there was uncertainty about which step should be taken. The UNCOK, rather than deciding on who started the war or putting the blame on one party, suggested that the UN should intermediate immediately but also acknowledged that a North Korean incursion was a full-scale military operation - as can be seen from the fact that UNCOK's initial reports of using force against North Korea were not proposed.[55] Trygve Lie, the Secretary-General of the UN at that time, knowing that the North Korean invasion was beyond the General Assembly's ability to hold because of the fact that it concerned the very nature of the great power rivalry, called for the Security Council to take action.[56]

On the same day, after the Secretary General's call for a meeting, the Security Council on 25 June resolved with one abstention and nine for, that South Korea was the only lawful

52 W. Hook, Steven and Spanier, John (2013) ibid. , pp. 60-61.

53 The Royal Institute of International Affairs," Korea: A Chronology of Principal Events, 1950-1950", *World Today*, v. 6, n. 8, 1950, pp. 319-330, p. 326.Korea: A Chronology of Principal Events, 1945-50

54 South Korea was not officially a member of the United Nations at that time but it was considered as a vital partner by the United Nations because of the role of the organization during the establishment of the country.

55 Simons, Geoff (1994), ibid. , p. 111.

56 The Royal Institute of International Affairs (1950), ibid. , p. 329.

representative of the Korean people and defined the North Korean action as illegal. The Security Council also called for the member states of the General Assembly to assist the United Nations in order to implement the resolution.[57] The June 25th resolution condemned the North Korean attack and called for the cessation of hostilities. However, it did not directly call for use of force against the North Korean troops, rather, it implied its possibility. In contrast, the US decision makers led by Dean Rusk and Dean Acheson had already decided to intervene on behalf of South Korea. As Cummings argued, the US decision to enter the war in Korea was already taken on the evening of June 25.[58]

In his famous statement on June 27, 1950, President Truman referring to the resolution of the Security Council two days earlier which called member states to assist the United Nations on behalf of the resolution, called on American air and naval forces to help South Korean troops. Truman in his statement called the North Korean aggression a result of the widespread expansion of communism across the world. Truman also gave the signal for the UN's future intervention by stating that the North Korea aggression was a breach of the UN Charter.[59]

The very same day that President Truman released his statement, the United Nations Security Council, considering the appeal for assistance from the Republic of Korea and having heard the latest news of the continuation of the North Korean aggression, adopted resolution 83-S/1511 and immediately called for the member states to assist the South Korean government including military measures to confront North Korean troops.[60]

The Soviet response to the resolution, as expected, was unfavorable. In an article published in the *Soviet News*, one of the state-led newspapers at that time accused the United States and its followers of violating the rules of the Security Council since the Soviet representative was not present at the meeting. The newspaper claimed the violation of the unanimity principle among the permanent members of the Security Council was needed, thus declaring the resolution invalid.[61] However, the resolution was adopted, despite the Soviet's boycotting of the Security Council since January 1950 due to the question of

57 Ibid. , 329.

58 Cummings (2005), ibid. , 264.

59 Statement by the President, Truman on Korea," June 27, 1950, History and Public Policy Program Digital Archive, Public Papers of the Presidents, Harry S. Truman, 1945-1953. http://digitalarchive.wilsoncenter.org/document/116192

60 Resolution 83: Complaint of aggression upon the Republic of Korea (27 Jun), The 474th Meeting of the Security Council, Security Council Resolutions-1950 https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/064/96/IMG/NR006496.pdf?OpenElement

61 The Royal Institute of International Affairs, ibid. , p. 329.

representation of China's permanent seat at the Security Council.[62] For this reason, the approval of the critical resolutions at the Security Council was possible. On the 476th meeting of the Security Council on July 7, the council resolved and approved the formation of the United Nations Command under the control of the US.[63] On July 8th, Truman, by resolution of the 476th meeting of the Security Council, appointed General MacArthur as the head of the unified command.[64]

The call for resolution 83-S/1511 of the Security Council was responded to by sixteen member states which agreed to dispatch troops in order to defend South Korea, therefore it was successfully allowed to apply the principle of collective security under the newly formed international organization.[65] When asking whether the UN actions in the Korean War were a success or not, it can be said that the organization of a collective security system as one of the main founding principles of the UN *was* successfully implemented which had long been a dream of its predecessor, the League of Nations and the late Woodrow Wilson.

In subsequent years the United Nations General Assembly (since the Soviet representative returned to his seat and used his veto power) adopted many resolutions such as founding sub-organs like the United Nations Commission for the Unification and Rehabilitation of Korea (UNCURK) which lasted until 1973, the United Nations Korean Reconstruction Agency and it also preserved the United Nations Command until present.[66] The use of the General Assembly by the United States after the return of the Soviet representative to the Security Council also had some strengthening effects on the legislative branch. For example, the United States evaluation of Communist China's entrance to the war and the return of Jacob

62 As Kuomintang retreated to Formosa at that time, mainland China was under control of the Chinese communists. Thus the question of legitimate sovereignty over China emerged between the Soviet Union and the United States. The Soviets claimed that the Chinese communist government was the legitimate sovereign over China and thus objected Kuomintang's permanent seat at the Security Council holding veto power. Had the Soviet representative been present at the council meetings, would there have been a different consequence? Naturally, historical interpretations based on possibilities would vary, but considering the events from June 25 to July 7, 1950, it can be concluded that the mindset of the Washington decision-makers at that time with regard to the containment policy and with fresh memories of Munich, the US would have intervened somehow whether with a resolution of the Security Council or not. Nevertheless, the resolution of the Security Council in the absence of the Soviet delegate indisputably provided legitimacy for joint action, https://www.history.com/this-day-in-history/soviets-boycott-united-nations-security-council

63 It should be pointed out that the resolution on 7th of July recommended that the member countries should assist the Republic of Korea under the supervision of a unified command under the control of the United States, Resolution 84, S/1588, Complaint of aggression upon the Republic of Korea (7 Jul), the 476th Meeting of the Security Council, Security Council Relations-1950

64 Kee, Myung Kee, "Some Legal Problems Concerning Withdrawal of the United Nations Forces", *The Journal of East Asian Affairs,* v. 4, n. 2, 1990, pp. 287-310, p. 295.

65 Choi, Chong-Ki, "The Korean Question in the United Nations, *Law and Politics in Africa, Asia and Latin America*, vol. 8, n. 3, 1975, pp. 395-406, p. 396.

66 Chi-Young Pak (2000), ibid. , pp. 7-8.

Malic, the Soviet delegate to the UN Security Council, prioritized the functionality of the General Assembly. On November 3rd, 1950, the US delegation at the General Assembly was able to pass a resolution and established the United Nations Uniting for Peace Resolution, 377 in order to preserve and guarantee its peace-keeping status.[67]

However, the Korean Question clearly showed the limitations of the General Assembly's legislative power as being merely a recommendation organ that did not have enough jurisdiction to impose a decision on the permanent members of the Security Council. Aside from the legislative capacity of the United Nations General Assembly, the Korean Question demonstrated the fact that when an issue was linked in some form or another to the Great Power interests and without a lasting agreement between them, a peaceful and satisfactory objective could not be realized.[68] Knowing that the Soviet return to its permanent seat would block the Security Council, the United States, attempting to outmaneuver possible deadlocks such as those that happened in October when USSR vetoed a draft resolution condemning Chinese Communist involvement on behalf of North Korea, passed a resolution on November 30 which authorized the General Assembly to take necessary measures. The General Assembly, after its authorization, adopted certain resolutions such as the resolution on 18 May 1951 which placed an embargo on the People's Republic of China but still remained ineffective[69]

In this context, the first year of the Korean War was one of the tensest periods in terms of armed and diplomatic conflict between two opposing sides. The war reached a stalemate in 1951 and until 1953 the frontlines were maintained without major changes at the 38th parallel. Yet, again, the UN's role had not come to an end. Several attempts between the opposing sides had been made in order to reach a negotiation since 1951 but it was not until July 27th, 1953 that the hostilities came to an end when an armistice agreement was reached between the opposing sides at Panmunjom Village. While The Commander in Chief of the United Nations Command had signed the armistice agreement on behalf of the United Nations, the North Korean representative signed on behalf of North Korea and China thus bringing three years of fighting to an end.[70]

Nevertheless, the Korean Armistice Agreement – also known as the Panmunjom Truce - was not a final peace settlement that would bring an official peace treaty between the two

67 M. Edwards, Paul, Historical Dictionary of the Korean War, Maryland: The Scarecrow Press, 2010, p. 307.

68 M. Goodrich, Leland (1952), ibid. , p. 128.

69 Chong-Ki Choi (1975), ibid. , p. 397.

70 Tucker, C. Spencer C. , "Special Section In Commemoration of the 60th Anniversary of the Korean War", *The Korean Journal of Defense Analysis*, v. 22, n. 4, 2010, pp. 421-433, pp. 421-433.

sides. In this respect, the Korean War had not technically ended. The problems at that time, considering tensions between North Korea and US-ROK Alliance, in one way or another related to the uncompleted peace settlement. Following the discovery of the North Korean nuclear program at the end of the 1980s, the regime in Pyongyang interrelated denuclearization talks with permanent peace talks. The regime considered an official, permanent peace settlement on the Korean Peninsula as the basis for future unification.

ASSESSMENT OF THE UNITED NATIONS INTERVENTION IN KOREA IN TERMS OF CONFLICT RESOLUTION

The involvement of the United Nations in the Korean War which concerned such great power interests had some negative effects on the neutral position of the organization and negatively affected its mediator role.[71] Due to the UN's complicated role in dealing with Cold War rivalry and its effects on international affairs, a different group of thoughts emerged. While one group of scholars argued the UN was a great power means to achieve national interests and considered the UN's role in the Korean War as a reflection of the interests of the US rather than the members of the organization, in contrast, many other scholars argued that the Korean War was a great example of the concept of collective security used in order to sustain international peace and security. A third group considered that it represented the middle way between two opposing views, claiming the Korean War as *sui generis* in terms of collective security where such circumstances had never before occurred in history such as the absence of the Soviet delegate at the Security Council meeting.[72]

However, the UN, despite the pressure placed on it by the great powers showed its distinctive character as being influenced by other actors as well as influencing other actions. For example, according to Truman, the breach of the peace by armed aggression and the possibility of annexation of a sovereign state would mean the end of the UN system which had just been founded after the Second World War as an alternative to the deficiencies of the former system. Nonetheless, the Truman administration, knowing the possible challenges in order to convince other member states, was fully aware of the UN's legitimizing role. Similar to Truman, knowing the effects of the possible limitations by using the UN to stop North Korean aggression, George F. Kennan opposed the UN's intervention in the Korean War which he considered as a fatal mistake for the interests of the US. According to Stairs, Kennan's predictions came true when the members of the United Nations interfered with the

71 M. Goodrich, Leland (1952), ibid. , p. 120.

72 Stairs, Denis, "The United Nations and the Politics of the Korean War", *International Journal,* v. 25, n. 2, 1970, pp. 302-320, pp. 302-308.

course of operations which might provoke Chinese intervention. The US officials had to consult and coordinate with the members of the UNC in particular during the crossing of the 38th parallel, and many similar examples occurred between the US and the member states.[73]

The question of the classification of the UN's intervention in the Korean War in terms of conflict resolution is discussed in different aspects in the literature on peacekeeping. The classification is generally based on different generations of peacekeeping. The first generation of peacekeeping is mostly referred to as the mission of the peacekeepers, based on the consent of the different parties. Peacekeepers were equipped with light armored cars and mostly played an impartial role where monitoring the opposing troops and patrolling without being involved in a potential conflict were the main characteristics. The first generation of peacekeeping was first seen in the Arab-Israeli conflict in 1948 and the Kashmir Case of 1949 where a military observation group was established to monitor the truce. The most effective peacekeeping mission of the UN in terms of being neutral and reducing tensions occurred in 1956 in the Suez Crisis.[74] While second-generation peacekeeping resembles the first generation in terms of monitoring a truce, observing activities between the conflicting sides differed by the disarmament of different factions and taking part in the consolidation of state apparatus and stability. Second generation peacekeeping took part in domestic conflicts including civil wars and dealt with non-state-actors which was the major difference from the first generation.[75]

Third-generation peacekeeping came to exist just after the end of the Cold War when the humanitarian crisis and ethnic conflicts were at the top of the UN's agenda. The Bosnia and Somalia cases were the most common examples of third generation peacekeeping missions which differed radically from the principles set by Dag Hammarskjold on being neutral, involving clashes and having the consent of different parties. In the cases of Somalia and Bosnia, the UN, via the Security Council, implemented the related resolutions without having the consent of different parties, and as a matter of fact, followed the strategy of using force against the designated aggressors. This specific peacekeeping model is referred to as "enforcing peace" in literature, in which the UN became belligerent and used force to impose the will of the Security Council.[76] The field of activity of third generation peacekeeping concentrated on civil wars and non-state actors, mostly in failed states where the state authority had collapsed and different fractions clashed with each other.

73 Ibid, pp. 302-308.

74 Doyle W. Michael and Sambanis Nicholas, Making War and Building Peace: United Nations Peace Operations, New Jersey: Princeton University Press, 2006, p. 12.

75 Ibid, p. 15.

76 Ibid, p. 15.

In this context, the peace-enforcing concept of the third generation peacekeeping resembled the cases of Korea and Kuwait in which the UN, by using force against the aggressors, tried to implement the necessary resolutions and measures. Similar to the Korea and Kuwait examples, the third generation peace enforcing concept did not seek consent from different parties nor tried to remain neutral. Furthermore, when applying the controversial peace-enforcing strategy, the Security Council members referred to the 7th Chapter of the UN which authorizes the Security Council members to protect "international peace and security".[77]

Then what is the difference between the collective security action and the peace-enforcement concept of the third generation peacekeeping? First of all, within the literature on peacekeeping, the cases of Korea and Kuwait were not considered to be examples of peacekeeping operations because of the fact that the peacekeeping mindset still comprised of obtaining the consent of the conflicting parties, mostly the potential aggressors. Despite its use of force to enforce the necessary resolutions against one party and to cease aggression, the UN in its peacekeeping missions tried to act neutral whether the conflict was inter-state or intra-state.[78] According to Doyle and Sambanis, the enforcing principle is about the "matter of achieving victory".[79] The UN, after the experiences of Bosnia and Somalia, began to understand the potential costs and consequences of peace enforcement options which, according to Doyle and Sambanis, were close to a full-scale war. Thereby, the distinction of peacekeeping (enforcement) and collective security concepts becomes clearer. Whatever the motive and means to achieve objectives, enforcer peacekeeping is still a limited operation and is not designed for a prolonged warfare. In spite of imposing its will on defiant parties, enforcer peacekeeping acts on the premise of small scale and short term operations.[80]

Despite the different notions of conflict resolution, the collective security response focused and prepared for the consequences of a full-scale war. As in the cases of Korea and Kuwait, the United States, which acted in the name of the UN to impose the Security Council decisions, prepared for a full-scale war. Furthermore, the US and UN had limited objectives in Somalia and Bosnia, therefore, with peace enforcement using limited military forces and international support, the desired resolution of the conflicts as set at the beginning was not accomplished as it proved to be out of the UN's capability.[81] But in the cases of the UN and

77 Ibid, pp. 15-16.

78 Aksu Esref, The United Nations, intra-state peacekeeping and normative change, Manchester: Manchester University 2003, pp. 78-80.

79 Michael W. Doyle- Nicholas Sambanis, ibid, p. 16.

80 Ibid, pp. 144-156.

81 Ibid, pp. 156.

Kuwait, the international community without major objection and the UN Security Council supported the collective security action as a response to a "breach of peace" and to protect international peace and security.[82]

CONCLUSION

The Korean War as the first "hot" war of the Cold War marked a turning point in history. From a micro perspective, the Korean War was a war between Koreans against Koreans, making it nothing more than a civil war. From a macro perspective, it was the first confrontation between the great powers after the Second World War and where one great power at the time, the US, had actively joined the confrontation. It was also considered as a proxy war where great powers avoided engaging directly with each other, thus preferring to indirectly confront each other through the War between the Koreans. Yet above all, with regard to international peace and security, the Korean War was a serious challenge against the credibility and legitimacy of the United Nations.

From the very beginning, the case of Korea was somehow linked to the organization in search of an international organization to establish international security and peace, which would eventually become the United Nations. The case of Korea, starting from the articles of the Atlantic Declaration to the critical conferences of the Second World War, played a premonitory role in international post-war order. While the first signs of the potential disagreements could be seen from the constant delays in determining the final decision for the future of Korea, a permanent division was not envisioned in the initial stages of the US-USSR wartime discussions. However, the division became permanent in the early months of the joint occupation of the Korean peninsula as both parties consolidated their power through regime building within their occupation zones. With rising tensions between the two great powers and the emergence of the Cold War, negotiations afterward proved to be inconclusive. As mentioned above, the case of Korea from 1945 to 1950, represented a microcosm of future Cold War politics between two rival blocs.

While agreeing on some basic points, the negotiations between the two great powers reached a stalemate at the beginning of 1946 and lasted until the official establishment of two different Koreas. However, the US decision of bringing the Korean case before the UN General Assembly inevitably forced the organization to take sides. Therefore, the United Nations

82 The difference between the cases of Korea and Kuwait rested on the UN's involvement as a belligerent. While in the case of Kuwait, the US and the coalition forces acted upon the call of the related Security Council resolution in which they just merely enforced the will of the UN. Despite the Security Council's similar call to member states, the UN with the establishment of United Nations Command actively involved in the conflict and choose a side.

became involved in Korean politics via adopting measures and took part in the establishment of South Korea, and thenceforward was deeply involved in a great power competition.

As the sole legitimate intergovernmental organization to provide international peace and security and having played a direct role during the foundation of the Republic of Korea, the United Nations did not have the chance to remain idle against North Korean aggression in June 1950. In this context, the North Korean aggression and the US orchestrated response against this aggression naturally represented the Western bloc's interests. Yet on the other hand, considering the direct involvement of the United Nations, which had affirmed the government of the Republic of Korea as the sole legitimate representative of the Korean people, meant that the events of June 25 were an open challenge to the legitimacy of the United Nations itself.

Henceforward, thanks to Soviet boycotts, the Security Council was able to organize a joint command in accordance with the 7 July resolution and showed that whether it was legitimate or not, armed aggression would not come without paying a heavy price. The UN's call for the member states to take part in the North Korean aggression was indeed a result of the diplomatic capacity of the United States to influence other members. Nevertheless, the formation of the United Nations Command was the first instance in the history of the United Nations where it proved the effectiveness of the collective security system and successfully resolved the posed threat. Although the actions that the Security Council took during this process made the United Nations belligerent in the face of great power rivalry, it was an open warning to the remnants of the old system where the legitimacy of the League of Nations was shattered by the individual actions of the expansionist states, such as the invasion of Ethiopia in 1936 and the annexation of Manchuria in 1931.

Indeed, the intervention in Korea by the United Nations was a demonstration of the principle that rejects the *de-facto* border changes through force, and thus represented the idea that the international order established in 1945 would no longer accept annexation. The intervention of the United States naturally concerned the great power rivalry and the interests of an individual nation-state but that was not the sole cause. The UN's involvement in the Korean War was the reflection of the idea that the international structure that was founded in 1945, had in fact, originated and been under construction since the 1815 Vienna Congress moving back and forth after a long century of conflicts and had therefore reached the point of no return.

Fresh memories of Munich and the unfortunate appeasement policies against the expansionist states naturally contributed substantially to the decision to intervene in the

Korean War but the same was true after forty years later in Kuwait. Nonetheless, the application of the collective security system and the consolidation of the Westphalian principles in Korea and Kuwait proved to be successful even though there were serious breaches during the Cold War.

Yet the Korean case differentiated from the Kuwait experience on several counts, particularly with the establishment of the United Nations Command, which was not established during the Gulf War. As Kang argues that during operation Desert Storm from 1990 to 1991, the United States was merely enforcing the resolution of the Security Council, but in the Korean case, the UN with its own armed forces and flags became belligerent.[83] The Korean Case and the establishment of the United Nations Command also proved to be special compared to the first peacekeeping mission in 1948 in the Middle East where the observers and peacekeepers deployed after the status quo had already been established.[84]

Another important factor of the Korean Case concerning the United Nations as mentioned in the previous chapters is that whatever the original ideas of creating common values and sustaining international peace and security by cooperation among member states might be, a peaceful and a desired settlement cannot be achieved unless the great powers come to a mutual understanding. Moreover, as Goodrich argues, the United Nations, especially the General Assembly, cannot solve international disputes concerning the great powers interests. Whatever the diplomatic maneuvers that were displayed during the Korean War by the United States and its allies, especially in the absence of the Soviet representative to the Security Council which made it possible to pass critical resolutions, a desired political solution can only occur if the great powers are reconciled with each other.[85] The reconciliation between the great powers and its possible effects afterward proved to be so critical insomuch that in 1991, at the end of the Cold War when the hostilities had come to an end, both North Korea and South Korea were admitted to the United Nations as member states.

The long-lasting unique relations between South Korea and the United Nations still exists today where the Korean Armistice Agreement and the role of the United Nations Command are still a matter of debate. While there were some legal concerns over the possible dissolution of the United Nations Command because of the command's legal status as a signer of the armistice agreement where the dissolution could invalidate the already fragile ceasefire on the Korean Peninsula, there are other views that argue that the United Nations

83 Kang, Sung Hang (2011), ibid. , p. 305.

84 Goodrich, Leland M. (1952), ibid, p. 121.

85 Ibid, p. 122.

Command as a subsidiary organ of the United Nations represented the UN itself as a legal party to the armistice agreement. Therefore unless the United Nations was somehow dissolved, the legal status of the United Nations as an official signatory and a legal party to the armistice agreement will last.[86] The legal status of the armistice is still as much a debated subject as the latest North Korean declaration of the armistice agreement as nullified which came into being in the spring of 2013 when the tensions escalated between opposing parties. However, a UN Spokesman stated that as the armistice treaty was signed under the supervision of the United Nations General Assembly, it therefore cannot be invalidated unilaterally by either party.[87]

Apart from the debates concerning the legality and the validation of the armistice agreement, the United Nations Command's very existence up to the current date is a matter of debate. Today, the United Nations Command still operates alongside the US-ROK Combined Forces Command (CFC) and the command of the United States Forces Korea.[88] Established by the July 7th resolution in 1950 in order to repel the North Korean aggression, the UNC is still deliberately preserved by the ROK and US administrations as a way to legitimize their joint forces. South Korean and American officials aim to maintain the legality of their forces in the case of North Korean aggression which would be defined as aggression towards the United Nations itself.

However, during the First North Korean Nuclear Crisis, the North Korean Foreign Minister addressed Boutros Boutros-Ghali, the General Secretary at that time about the status of the UNC in Korea. Ghali's response in this sense was controversial as he defined the UNC as not being established by the Security Council itself. According to Ghali, the Security Council in 1950 merely recommended the formation of such a command under the authority of the United States to perform the task with regard to the July 7th resolution. Therefore, the UNC cannot be considered as a sub-organ of the United Nations and for this reason, the dissolution of the command falls to the American authorities.[89] As a consequence, the legal claims over the United Nations Command vary according to the relevant parties. While South Korean and American officials identify their forces as operating under the UNC as a legal entity of the United Nations, North Koreans accuse the command as a way to justify the illegal presence of the American forces in the Korean Peninsula.

86 Kee, Myung Kee (1990), ibid, pp. 307-310.

87 https://www.usatoday.com/story/news/world/2013/03/11/un-korea-armistice/1978909/

88 http://www.globalsecurity.org/military/agency/dod/usfk-opcon.htm

89 https://www.syracuse.com/news/index.ssf/2013/06/north_korea_envoy_to_united_na.html

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CHAPTER 3

SOUTHEAST ASIAN CONFLICT AREAS AND THE UNITED NATIONS' INVOLVEMENT*

Yasmin SATTAR**

**Faculty of Political Science, Prince of Songkla University, Songkhla, Thailand
e-mail: bintihamid@gmail.com

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INTRODUCTION

Third parties within conflict areas may have different positions, roles, and interests. They may have a role which involves more than just helping the conflicting parties to achieve a solution through negotiation. Apart from involvement in the mediation process, a third party can play a significant role in creating an environment that supports peaceful negotiation, i.e. institution building or capacity building programs. Some argue that the third-party role should include activities such as communication and relationship building, which aim to change the perceptions and attitudes of conflicting parties.[1] In this regard, the third party may be influential in the framework of conflict resolution, conflict management or even peacebuilding. The United Nations' (UN) involvement in conflict areas is precisely as one of the key actors to play the third-party roles.

One of the UN's explicit duties in the process of conflict settlement and conflict management in conflict zones has been managing a peacekeeping force, especially during and after the Cold War. Over the last several decades, however, the forms of conflict have

* This article is extracted from parts of the research on Turkish Roles and Impacts in Southeast Asian Conflict Areas under the supervision of Assistant Professor Dr. Muherrem Hilmi Ozev

1 Esra Çuhadar Gürkaynak, "Turkey as a Third Party in Israeli-Palestinian Conflict", *Perceptions*, 2007, 89-108.

changed. Nowadays, conflicts between or among states are generally seen less compared to conflicts within states. Most conflicts have transformed into intra-state conflicts.[2] Based on this change, the United Nations, as a function at the international level, is likely to underline its roles in peacebuilding rather than to use force to stop the conflicts which appear to be taking place mostly in domestic situations. In order to follow the basic principles of the UN in terms of 'non-intervention' in domestic affairs, the UN may have a limited role in its ability to settle conflicts in certain areas. The report on the Prevention of Armed Conflict to the General Assembly mentioned, in a statement by Kofi Annan that, if the government refuses to ask for or accept an offer of assistance in preventing and settling the conflict, a third party such as the UN may have very little opportunity to help.[3] Furthermore, the UN's tasks on peacekeeping missions have changed in the last few decades. It remains apparent that some peacekeeping missions aim to prevent future conflict while at the same time rebuilding society.[4] Since the Cold War, peacekeeping missions have included peace-building missions as a sub-function and have not only focused on using peacekeeping forces to prevent and end conflicts between sovereign states.[5] In 2018, peacekeeping operations remained ongoing in 15 separate global regions, which is a relatively new situation compared to during the Cold War.[6] Additionally, the UN has taken part in the negotiation process as a mediator in some cases. The Secretary General's Special Representative (SRSG) has been responsible for mediating and using shuttle diplomacy to settle particular conflicts.[7]

In the case of Southeast Asia, the region has experienced ongoing conflicts between certain states, often involving border issues. However, the three primary conflicts in the region are recognized as ongoing. The first is between the Moro and the Philippines, which is currently in the process of implementing an agreement between the state and an armed group called the Moro Islamic Liberation Front. Meanwhile, some more active armed groups in the area still carry out violence. The second conflict is between the Rohingya people and Myanmar, which is a severe situation that has caused millions of casualties and refugees. The

2 Kendra Dupuy and Siri Aas Rustad, *Trends in Armed Conflict, 1946–2017*, Policy Brief, Oslo: PRIO, 2018.

3 United Nations, *Prevention of Armed Conflict: Report of the Secretary-General*, New York: United Nations, 2001.

4 Max Roser and Mohamed Nagdy, "Peacekeeping," *Our World in Data.* 2018. https://ourworldindata.org/peacekeeping (January 6, 2019).

5 Sukehiro Hasegawa, "The role of the United Nations in conflict resolution and peace-building in Timor-Leste," In *The Challenge of Conflict: International Law Responds*, by Ustinia Dolgopol and Judith Gardam, 163-192. Brill, 2006.

6 United Nations Peacekeeping, *United Nations Peacekeeping*, n.d. https://peacekeeping.un.org/en/current-peacekeeping-operations (January 5, 2019).

7 International Alert, Conflict Prevention, Resolution and Reconstruction, *INCLUSIVE SECURITY, SUSTAINABLE PEACE: A Toolkit for Advocacy and Actions*, London: Hunt Alternatives Fund, 2004.

third conflict is between an armed group in Patani and the Thai government, which still sees violence from both sides. Though some peace initiatives have been pushed, there has yet to be any significant progression in the peace process. In these cases, we see quite a limited role played by the UN. The important aspect of the UN's involvement in these cases seems to be on humanitarian assistance. However, the UN's involvement in peacekeeping missions in this region was seen quite clearly in the case of Timor-Leste. The United Nations created a working group called the United Nations Mission of Support in East Timor (UNMISET), the aim of which was to support conflict resolution and peace-building in Timor-Leste.[8]

This article aims to identify the roles of third parties in conflict resolution, focusing on the United Nations, in Southeast Asian conflict areas including Mindanao, Patani and Arakan. This article focuses on the impact and challenges of the UN as the third party in the region.

1. Southeast Asian Conflict Areas: Mindanao, Patani and Arakan

Southeast Asia consists of two main areas—maritime (Indonesia, East Malaysia, Singapore, the Philippines, East Timor, Brunei, and Christmas Island) and mainland (Cambodia, Laos, Myanmar, Thailand, Vietnam and West Malaysia). The region is exposed to various differences - either across cultures, languages, or religions - depending on each country. Though the majority of the population in the region is Muslim, some countries have a Buddhist or Christian majority. Therefore, the differences in ethnicities and cultures between certain areas unavoidably lead to conflict. In this sense, the region consists of some actual protracted conflicts. These areas include the Mindanao or Bangsamoro region[9] in the Philippines, the Deep South region or Patani[10] in Thailand and Rakhine State or Arakan[11] in

8 Sukehiro Hasegawa, 2006, ibid

9 The terms used for referring to the conflict are different according to the different sides who are trying to define the conflict areas based on their own terms. In this sense, 'Mindanao' is the second largest and southernmost major island in the Philippines. Some parts in the south-west of Mindanao which are mainly the areas of insurgency were known as the Autonomous Region of Muslim Mindanao (ARMM). However, recently under the Framework Agreement on the Bangsamoro purposed by the Moro people, the terms of the Bangsamoro Autonomous Region have been used instead. However, in this thesis, the term Moro will mainly be used for referring to people, and Mindanao to the area, since in Turkey and other related articles this term has generally been used to define the conflict.

10 In the case of the conflicts in the three southern border provinces of Thailand, the terms used for describing the conflict varies from the Southern Thailand Insurgency, the Conflict in Deep South of Thailand, the conflict in the Three Southern Border Provinces of Thailand, and the Patani Conflict. Normally, the term *the Southern Thailand Insurgency* has been widely used; however, in Turkey, the term which defines this area is 'Patani' which is seen sometimes as the term used widely by the people who need autonomy for the region. Notwithstanding, this term has been recently debated and widely used among people in the region in order to convey their identities, not political aims.

11 This case is another case where there are different words used to define the area - either Rakhine state or Arakan; while some words are used to identify people in this area i.e. Muslim Bengali in Myanmar, Kala, or Rohingya people. These different terms have different meanings for defining the intention of those who use the term as well. In this sense, I prefer to use the word which is widely used in Turkey to define the conflict,

Myanmar. According to the database of the International Institute for Strategic Studies in their armed conflict survey in 2015, the cases of Southeast Asia included in the survey comprise internal conflicts in Myanmar, the Philippines, and MILF/Abu Sayyaf/ the New People's Army, and Southern Thailand. Although there are various other ongoing conflicts such as the Cambodia-Thai border dispute, internal conflicts in Laos or even political crisis within Thailand, Malaysia and Indonesia, these would not be categorized as armed conflict, which refers to "a contested incompatibility concerning a government and/or territory where the use of armed force between two parties, of which at least one is the government of a state, results in at least 25 battle-related deaths."[12]

1.1. Mindanao

With regard to these armed conflicts in the region, the conflict which seems to have improved most regarding the peace process will be discussed first. The conflict between the Moro people and the Philippines government has been confined mainly to the Mindanao region. Mindanao is the second largest and southernmost major island in the Philippines. Within some parts of the south-western Mindanao island group, especially in the provinces of Maguindanao, Basilan, Lanao del Sur, Sulu, and Tawi-Tawi, there is a Muslim-majority population. In the late 1960s, an independence movement occurred in Mindanao to separate the Muslim majority-Moro areas from the rest of the Philippines. This area is mainly known as a part of the Autonomous Region of Muslim Mindanao (ARMM), though it was recently proposed to use the term Bangsamoro Autonomous Region. Moro armed groups such as the Moro National Liberation Front (MNLF) or the Moro Islamic Liberation Front (MILF) have been found to be in opposition with the Philippines government. The deadly conflicts between these two parties have caused numerous deaths. According to the Uppsala Conflict Database, the conflict between the Moro people and the state during the period from 1989 to 2015 caused 7,206 deaths.[13] However, the peace process has continued to develop, which is interesting especially given the recent peace attempt between the government and the MILF. On 27 March 2014, a comprehensive peace deal was signed between the two sides after two decades of negotiations started in 1997, during the administration of former President Fidel V. Ramos.[14]

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which is Arakan for the area and Rohingya as the people in order to make it understandable for the Turkish community. At the same time, the word Rohingya has been increasingly accepted for use in academic works to respect the real existence of Rohingya people though it has been denied by Myanmar's government.

12 The Department of Peace and Conflict Research Uppsala University, *Definitions*, n.d. https://www.pcr.uu.se/research/ucdp/definitions/ (January 6, 2019).

13 The Uppsala Conflict Data Program, *Philippines*, n.d. http://ucdp.uu.se/#country/840 (December 23, 2018).

14 Murad Ebrahim, "WILL PEACE HOLD IN MINDANAO?", *27th Asia-Pacific Roundtable*. Kuala Lumpur: Institute of Strategic and International Studies (ISIS) Malaysia, 2013: 1-11.

Recently, Bangsamoro Basic Law has been in the process of gaining approval, even though it was denied by the government in 2016, which led to violent events. In May 2016, the new president, Rodrigo Duterte, was elected, which was positively accepted by the Moro people.[15] The process of implementation of the agreements, especially regarding Bangsamoro Basic Laws, seems to have been improved significantly. On January 21 and February 6, 2019, plebiscites to ratify the Bangsamoro Organic Law were held. The results were quite positive; the establishment of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) will be legally implemented.[16] This marks quite a positive scenario for the peace process in the future. However, the violent operations of other armed groups like Abu Sayyaf and the Bangsamoro Islamic Freedom Fighters (BIFF) are still ongoing.

1.2. The Southern Border Provinces of Thailand/Patani

The second armed conflict in this study is the case of Patani, which is a historical region in the northern part of the Malay Peninsula and includes the southern Thai provinces of Pattani, Yala (Jala), and Narathiwat (Menara), as well as parts of Songkhla (Singgora), together with Kelantan in the northern part of contemporary Malaysia. The differences in language and culture of this region from central Thailand have increased the feelings of 'not belonging' or 'otherness' within the area. Under the military government during the period of nation-building, the process of 'Thaification' intensified this perception. Under the assimilation policy, Malay culture has been forced to be replaced by Thai culture as constructed under the nationalist ideals. With some negative outcomes from the policy, various Malay nationalist groups were created, and the violent loops within this region have continued as a result. There are various groups of local armed movements with different ideologies and demands. Some groups have attempted to establish a Malay state under the name Patani Darussalam, which covers the three southern provinces and the four districts in the Songkhla provinces of Thailand. Other groups are demanding self-determination rights or autonomy power, though some only desire proper justice and basic needs for their people. Their struggles to achieve these demands have been reflected by both armed and political means. On the other side of the conflict, the violent reactions from the government have turned the conflict into a violent and never-ending cycle.

15 Carolyn O Arguillas, *MILF's Murad to Duterte: "We will partner with you and your administration"*, May 15, 2016. http://www.mindanews.com/peace-process/2016/05/milfs-murad-to-duterte-we-will-partner-with-you-and-your-administration/ (December 22, 2018).

16 Carolyn O Arguillas, *Bangsamoro plebiscite set for January 21*, September 5, 2018. http://www.mindanews.com/peace-process/2018/09/bangsamoro-plebiscite-set-for-january-21/ (December 15, 2018)

Though the conflict has been intermittent for a long time, a new wave of the conflict began in 2004.[17]

According to the Deep South Incident Database, there were 19,851 violent incidents from 2004 to 2017 causing 6,653 fatalities and 13,198 injuries, many of which involved soft targets or unarmed civilians as opposed to hard targets or armed combatants. However, the number of affected people has been decreasing in the last few years.[18] In the meantime, peace attempts from various sectors in the region have been ongoing in parallel, either from state actors or the civil society.[19] Still, there have been few positive signs of peace at a formal level since the latest talks between the MARA groups and the Thai government were frozen.

1.3. Rakhine State/Arakan

The last case in Myanmar is another interesting and critical conflict. There have been numerous conflicts between the government and ethnic movements within the nation such as the Karen National Union (KNU), Kachin Independence Organization (KIO), Shan State Army (SSA), Arakan Army (AA), Myanmar National Democratic Alliance Army (MNDAA), Ta'ang National Liberation Army (TNLA), or Zomi Revolutionary Army (ZRA). In 2015, there was a positive outcome from peace talks, which resulted in ceasefire agreements with eight insurgent groups, including the KNU. However, the most severe example of Myanmar's internal conflicts is the situation in Rakhine Province with the Rohingya people, which started before the independence of Burma. Rakhine State, formerly known as Arakan, is currently a state in the west of Myanmar. Arakan became part of the newly independent Union of Burma or Myanmar in 1948. From the 1950s, there was a growing movement for secession and the restoration of Arakan independence. In 1974, the socialist government under General Ne Win constituted Rakhine State from Arakan Division and gave at least nominal acknowledgment of the local majority of the Rakhine people. In 1982, General Ne Win's government enacted the Burmese nationality law, which denied the Rohingya people citizenship. Moreover, the Rohingya people faced cases of infringement of their human rights from security forces, police and even some local Buddhist authorities in Rakhine State. Some even referred to this conflict as another case of the holocaust in the contemporary world.[20]

17 Duncan McCargo, "Autonomy for southern Thailand: Thinking the unthinkable?", *Pacific Affairs 83, no. 2*, 2010: 261-281.

18 Srisompob Jitpiromsri, *DSID Database: Analysis of Insurgency Situations within the Deep South of Thailand within the year of 2015,* January 4, 2016. https://deepsouthwatch.org/th/node/7942 (November 22, 2018).

19 Jurarat Dumrongwithitham, *Needs and Challenges of Peace Infrastructure,* January 10, 2016. https://deepsouthwatch.org/th/node/7969 (November 23, 2018).

20 Allard K Lowenstein, *Persecution of The Rohingya Muslims: Is Genocide Occurring in Myanmar's Rakhine State,* A Legal Analysis, International Human Rights Clinic, Yale Law School For Fortify Rights, 2015.

Rohingyas have received international attention in the wake of the 2012 Rakhine State riots, and more recently because of their attempts at migration throughout Southeast Asia,[21] which were linked to the human trafficking network in the 2015 Rohingya refugee crisis. Currently, the situation in Arakan seems to show no signs of peace from any party. The increasing violence and number of refugees tend to make this case an intractable conflict.

2. The United Nations' Involvements in the Southeast Asian Conflict Areas

As we understand the overall picture of the root causes and characteristics of the three conflict cases mentioned above, these cases have involved international actors to help settle the conflicts and assist people within the conflict zones. In this section of the study, all the third-party actors involved in these three cases will be mentioned, focusing in particular on the United Nations' involvement, which is only a small part within the larger picture of third-party involvement on the global stage.

2.1. Mindanao and Third-Party Involvement

When we talk about the case of Mindanao mentioned above, we are referring to the case of the conflict and peace attempts between the Moro, especially the MILF, and the Philippines government. The negotiations between the government of the Philippines (GPH) and the MILF resulted in the Tripoli Agreement in 2001 and adopted the Framework Agreement of Bangsamoro (FAB) in 2012 to create a roadmap for the transition. During this process, Malaysia was invited to facilitate the negotiation and two components were established to support it, including the International Monitoring Team (IMT) and the International Contact Group (ICG). The IMT was formed in 2004 to monitor the ceasefire agreement and the implementation of the signed agreement. The IMT is led by a representative from Malaysia with the cooperation of 4 other countries—Libya, Brunei, Japan and Norway-- which support the security component along with the European Union, which supports knowledge on human rights, international humanitarian law and humanitarian response. The IMT also comprises the Civilian Protection Component, which includes one international and three local NGOs.[22] The IMT is working based on 'the authority under the United Nations Charter in the provision of Chapter 8, which opens the space of peace settlement to be managed through regional

21 Nehginpao Kipgen, "Conflict in Rakhine State in Myanmar: Rohingya Muslims' Conundrum", *Journal of Muslim Minority Affairs 33, no. 2*, 2013: 298-310.

22 Kristian Herbolzheimer, "The peace process in Mindanao, the Philippines: evolution and lessons learned", *The International Relations and Security Network 17*, 2015.

arrangement and by the invitation of the host government.'[23] After the confrontation in 2008, which occurred after the drafting of the Memorandum of Agreement on Ancestral Domain (MOA-AD) was completed, the negotiation panel agreed to form the International Contact Group (ICG) in 2009 as another mechanism to observe the negotiations and offer advice to all stakeholders for pushing the process forward. The ICG is comprised of four countries – the United Kingdom, Japan, Turkey and Saudi Arabia—together with four INGOs – Conciliation Resources, the Centre for Humanitarian Dialogue (HD), the Community of San'Egidi and Muhammadiyah.[24]

In 2014, the Comprehensive Agreement (CAB) was signed. The CAB is mainly related to the issue of a new self-governing entity called Bangsamoro, which will replace the ARMM after a transition led by the MILF.[25] Under these agreements, there is some key international involvement in the process of implementation apart from the support of Malaysia as a facilitator and the International Contact Group, which have played vital roles since the peace negotiations began to support the process. First is the Bangsamoro Transition Commission, whose main mission is to draft the Bangsamoro Basic Law (BBL). Second is the Transitional Authority, which will be led by the MILF and includes representatives from various sectors in the area. However, the BBL needs to be enacted before the Transitional Authority is set up to pilot the institutions for transforming the area until the election is held. A third key institution is the Third Party Monitoring Team (TPMT), which is mandated to "review, assess, evaluate and monitor the implementation of the Framework Agreement on the Bangsamoro (FAB) and its Annexes."[26] The TPMT will issue reports for both parties and communicate the reports to the public. The committee is comprised of five members including former EU Ambassador Alistair MacDonald, Huseyin Oruc from IHH, Steven Rood from Asia Foundation, Karen Tanyada from Gaston Z Ortigas and Priest Kuthdo from UNYPAD, who will meet every two months or anytime it is necessary.[27]

The normalization process is also planned to have four elements, the first of which includes developing programs that will be run by the Bangsamoro Development Agency in

23 Ayesah Abubakar, *Keeping The Peace: The International Monitoring Team (IMT) In Mindanao,* 2005. http://www.rep.usm.my/index.php/en/19-bulletin/content-january-june-2005/147-keeping-the-peace-the-internationalmonitoring-team-imt-in-mindanao (January 13, 2019).

24 UN Peacemaker, *Framework Agreement on the Formation of the International Contact Group for the GRP-MILF Peace Process,* September 15, 2009. https://peacemaker.un.org/philippines-agreement-ICG2009 (January 15, 2019).

25 Kristian Herbolzheimer, 2015, ibid

26 UN Peacemaker, *Third Party Monitoring Team (TPMT) and its Terms of Reference,* January 25, 2013. https://peacemaker.un.org/philippines-third-party-monitoring2013 (December 23, 2018).

27 Kristian Herbolzheimer, 2015, ibid

cooperation with the Sajahatra presidential program of immediate relief on the cases of socioeconomic, health, education and development. The second element includes confidence-building measures which will include development programs and the use of a possible mechanism to resolve cases related to the conflict. The third element is the mechanisms for transitional justice and reconciliation, which will mandate a three-person team to address cases of injustice or human rights violations while also supporting the reconciliation. Finally, various joint programs on identifying and dismantling paramilitaries will also be carried out. Another point is on arms decommissioning, which will be operated by the Independent Decommissioning Body (IDB).[28]

In the process of building peace, the UN has been supported and recognized for pushing this process onwards.[29] For the United Nations' function in this area, there is the joint World Bank-UN working group, called the Facility for Advisory Support for Transition Capacities (or FASTRAC), which was established in 2013 and aimed to enhance the MILF's knowledge of the peace process as well as to support technical knowledge for both parties. After the negotiations, FASTRAC will emphasize the capacity development programs and technical support to all bodies under the CAB. Both the MILF and the government have worked together to lead the FASTRAC. However, it mainly assisted the MILF and Bangsamoro Transition Commission (BTC) in the initial phase. Mostly, the FASTRAC will support with training, policy advice, research and international exchanges. If the issues of work are related to getting knowledge on fiscal autonomy, power-sharing, transitional security mechanism or territorial water management, the government representatives can engage in the program. The United Nations Development Program (UNDP) supports the operational base and FASTRAC gets funds from external development partners, not by the government.[30]

Additionally, there have been development programs supported by the UNDP. One of the example projects is called 'Friends of Peace', which supports a group of stakeholders in Bangsamoro from various sectors led by the Cardinal to advocate for peace. With the leadership of Christian people, this group could communicate to the Philippines society and key people in the Philippines concerning the necessity of enhancing the rights of the Moro

28 Ibid.

29 Relief Web, *United Nations Country Team statement: Signing of the Comprehensive Agreement on Bangsamoro.* April 1, 2014. https://reliefweb.int/report/philippines/united-nations-country-team-statement-signing-comprehensive-agreement-bangsamoro (December 10, 2018).

30 The World Bank, *Moro Islamic Liberation Front, United Nations and World Bank Launch Advisory Facility to Support Peace Process in Southern Philippines,* April 23, 2013. http://www.worldbank.org/en/news/press-release/2013/04/29/moro-islamic-liberation-front-united-nations-and-world-bank-launch-advisory-facility-to-support-peace-process-in-southern-philippines (January 13, 2019).

people. This group conducted public advocacy on the BBL and peace in Mindanao. It also tried to keep the issues concerning the rights of Bangsamoro alive in the public eye and the Congress through media and conversations with the congressmen. Furthermore, this group worked on promoting inter-faith dialogue within the area. In addition, the UNDP also supported the project called 'Insider mediator Group', which was a capacity building program aimed at enhancing capacities on the mediation and negotiation of the MILF. This group also formed task forces to work on various issues, i.e. the strategy to engage in the Congress, the countering of violent extremism, and working with the Moro National Liberation Front (MNLF). Some members of this group applied their skills in the case of Marawi City in 2017 to take out civilians from the city.[31]

Moreover, the Project Advisory Board Meeting of the United Nations Peacebuilding Fund (UN PBF) was formed recently to make the involvement of the UN's assistance in the region more effective. This project was manned by representatives from various institutions under the UN, including the UNDP, UNICEF and UN Women, along with representatives from the Office of the Presidential Adviser on the Peace Process (OPAPP).[32]

Overall, UN-related programs in the Moro region have covered all three tracks. FASTRAC has worked as a function of the 1.5 track to build the capacity of the main conflict parties, while the UNDP-supported program on the Insider mediator group was done under track two who can reach out and connect to the people. Meanwhile, the program on Friends of Peace was done at track three to create a space for inter-faith dialogue between people on the ground.

2.2. Patani

For the Patani case, attempts for a peace process at track one have occurred many times with facilitation from various actors—Malaysia, Yusuf Kala or the HD Center. The OIC has also been involved in this case several times. However, the process for settling situations by the Thai-military government has still been influenced militarily rather than by political means. Hence, the situation has been protracted, meaning it seems hard to find a way out if the context remains frozen as it is. Yet, the people are quite active in terms of capacities building and creating a better as well as a safer context for expressing the situation. There are

31 Chetan Kumar, *Track-Two Initiatives of Nationally-Led Peace Processes: The Case of the Philippines*, Practices from Peace and Development Advisors: PDA Fellowship Series co-hosted by UNDP Oslo Governance Centre and NUPI in partnership with the Joint UNDP-DPA Programme, Oslo: UNDP, 2017.

32 The Office of the Presidential Adviser on the Peace Process, *The Office of the Presidential Adviser on the Peace Process,* October 6, 2018. http://peace.gov.ph/2018/10/un-peacebuilding-fund-sustaining-the-gains-of-peace-and-development/ (December 13, 2018).

plenty of civil society organizations within the region which aim to mobilize peace through different channels. In this sense, the freedom of expression is getting better in terms of identity and religion.[33]

In a situation like this, international actors also have to play supportive roles such as donors, trainers, advocators and humanitarian aiders. However, there are some difficulties in international organizations to work within the area because of various legal and contextual limitations. In terms of the peace process, Malaysia still plays a main role as a facilitator in the current talks between the government and MARA. However, there have been attempts from other international actors to facilitate this process as well. Some signs from the OIC also indicate an interest in helping out, but no practical action has been observed yet. On one side, it was believed that because of the divisions among the movements, this could make the OIC reconsider about becoming involved. On the other side, the attempt to not internationalize the issue of the Thai government has limited any international pressure or intervention. Romadon Panjor's analysis on the Deep South conflict observed that the Thai government has tried to prevent turning this issue into an international matter since it is has been the most concerning point for Thai people for many years. Geographically, Patani is in a border area which has been related to many international issues over the years. Siam or Thailand has had to deal with protection from external intervention towards the areas simultaneously. Also, the Thai government is concerned about the involvement of international actors in the peace process, which is one of the demands of the main armed groups in the Deep South called BRN.[34] With a context like this, the involvement of a third party in this region is very limited.

The United Nations rarely mentions the case in the Deep South, except during the Universal Periodic Review (UPR) concerning cases of human rights violations and those in which issues of human violations have been raised. However, there are development and capacity building programs supported by the institutions under the UN, including the Southern Thailand Empowerment and Participation Project supported by the UNDP and projects for women supported by UNWomen.

2.3. Arakan

In the case of the Rohingya, the case that captured the attention of the world after the existence of this conflict was seen explicitly in 2012, even though the situation started a long

33 Yasmin Sattar, *Güney Doğu Asya'nin Çatişma Bölgelerinde Türkiye'nin Varliği ve Etkisi,* Doctoral Dissertation, Istanbul: Istanbul University, 2018.

34 Romdon Panjor, *Politics of Word in Pat(t)ani: Constructing "PEACE" in Ethnopolitical Conflict,* Master Thesis, Bangkok: Thammasat University, 2016.

time ago, as mentioned in the previous section of this study. After the violent incidents in 2012, there has been aid from 'the outside' towards the situation, such as from the UNHCR, Myanmar Relief Foundation, Human Rights Watch and other INGOs and local NGOs, including the NGOs and government officers of the countries where Rohingya immigrants go. These parties are concerned with humanitarian aid and are not related to the resolution of the conflict. Rakhine Nationalists, political parties, as well as the Burmese government, still show no signs of ending the problems and continue to deny citizenship for these people. They have pushed the problem towards the UNHCR, Bangladesh and other countries who accept them.[35]

Amnesty International mentioned that the Rohingya people have suffered from human rights violations under the Burmese government since 1978. Many have fled to neighboring Bangladesh and other countries nearby. Due to international pressure, the Myanmar government eventually allowed most of the Rohingya to return. Meanwhile, the United Nations High Commissioner for Refugees (UNHCR) had started to act in refugee camps in Bangladesh, but not in the Rakhine State, by providing emergency life-saving aid to refugees in Bangladesh, helping the government to develop accommodation for the refugees and improve their quality of life.[36] According to the UNHCR, almost 145,000 people were displaced in Rakhine State after 2012, though this number decreased to 120,000 in 2016 before the recent crisis because of a project by the government.[37] The continuation of violence in Rakhine also caused other alarming problems such as allegations of human rights abuses in the refugee camps and human trafficking networks across the region.

The situation of the Rohingya seems to have no hope of getting better according to local Rohingya. The only hope for them is the international community. Therefore, there have been several attempts for advocating and pressuring the Myanmar government. Kofi Anan's Commission efforts were taken for granted by the government. The OIC also has the Rohingya Contact Group in order to deal with the matter of Rohingya. The UN and UNHCR also attempted to pressure the Myanmar government into stopping its genocide actions. Before October 2016, some organizations could help in terms of humanitarian aid. In 2018, the UN and its partners initiated the Joint Response Plan (JRP) on the humanitarian crisis of the Rohingya, which aimed to raise funds for humanitarian aid to Rohingya.[38] The JRP aimed to

35 Yasmin Sattar, 2018, ibid

36 The Amnesty International, *Who are the Rohingya and What is Happening in Myanmar?*, September 26, 2017. https://www.amnesty.org.au/who-are-the-rohingya-refugees/ (November 11, 2018).

37 Kasita Rochanakorn, *Displaced villagers return home in Myanmar's Rakhine state,* May 2, 2016. https://www.unhcr.org/news/latest/2016/5/572725ba6/displaced-villagers-return-home-myanmars-rakhine-state.html (November 21, 2018).

38 The UNHCR, *Rohingya emergency,* August 15, 2018. https://www.unhcr.org/rohingya-emergency.html

provide "food, water and sanitation, shelter, and medical care" to the Rohingya refugees.[39] However, only some organizations could send assistance, and the aid needed to be provided for both Muslims and Buddhists. After the crisis in 2016, no international organizations were allowed to enter the areas. Aid could only be sent through local people to contribute to those parts that could be accessed.

In terms of peace attempts, in this case, there is no signal from the government to end the conflict. However, initiatives such as the Rakhine State Advisory Commission headed by Kofi Annan in 2016, which consisted of nine members, aimed to conduct research and give recommendations to the Myanmar government.[40] Unfortunately, the reports from this commission were not accepted by the government and operations from the government side in Rohingya areas seemed to worsen. In November 2016, the UN officially accused the government of carrying out "ethnic cleansing" against the Rohingya, which it denied.[41] Also, the flash report by the Office of the UN High Commissioner for Human Rights (OHCHR) published in 2017 mentioned the violations of human rights faced by the Rohingya people. Furthermore, the Rohingya people are usually perceived as the world's most persecuted minority.[42] The UN formed the Independent International Fact-Finding Mission on Myanmar to find the facts, which found that "the horrors inflicted on Rohingya men, women and children" were considered as war crimes and crimes against humanity with the "possible intention of genocide". At the same time, the UN High Commissioner for Human Rights was also concerned with the cycle of human rights violations against the Rohingya people.[43]

The violent incidents claimed by the Arakan Rohingya Salvation Army (ARSA) have been used by the government to intensify military operations in the region. With the higher degree of violence, more waves of refugees have been fluxed. Data from the International Organization for Migration stated that more than 87,000 Rohingya fled to Bangladesh from October 2016 to July 2017.[44]

(January 9, 2019).

39 The UNOCHA, *Rohingya Refugee Cris*is, November 19, 2018. https://www.unocha.org/rohingya-refugee-crisis (January 9, 2019).

40 Reuters, *Myanmar must work to close Rohingya camps, says Kofi Annan panel,* March 16, 2017. https://www.reuters.com/article/us-myanmar-rohingya-annan/myanmar-must-work-to-close-rohingya-camps-says-kofi-annan-panel-idUSKBN16N1J6 (accessed November 21, 2018).

41 Aljazeera, *Who are the Rohingya?*, April 18, 2018. http://www.aljazeera.com/indepth/features/2017/08/rohingya-muslims- (November 11, 2018).

42 OHCHR, *Report of OHCHR mission to Bangladesh,* Report, OHCHR , 2017.

43 The United Nations, *'Terror and panic' among Rohingya who may be forced to return to Myanmar – UN rights chief,* November 13, 2018. https://news.un.org/en/story/2018/11/1025651 (January 9, 2019).

44 Aljazeera, 2018, ibid

There were some attempts from the U.N. Security Council to act on the crisis of the Rohingya people, which was affecting many neighboring countries. One of those attempts was a draft resolution on Rohingya aimed at outlining a timeline for Myanmar to settle its problems, especially the returning of refugees and possible methods to put pressure on Myanmar, including sanctions. However, some of the members in the Council, including Russia and China, had no intention of pushing this resolution. Therefore, the draft resolution could not be implemented.[45] The General Assembly's human rights committee also attempted to enable a resolution and gain majority support to approve the resolution, which mentioned concern for the violence and called for the Myanmar government to end the violence and provide basic rights and citizenship to minorities. Certainly, this resolution elicited an unpleasant response from Myanmar's U.N. ambassador.[46]

The overall image of this crisis seems to be linked to ethno-religious issues. The perception among the Rohingya and Rakhine peoples of being 'the enemy' has been constructed through various means, which has only intensified the sensitivity of the conflict. At the same time, the conflicts could be expanded in terms of the amount of violence when government policies and power are involved. In fact, international roles are very limited in such a context. Though the mechanism via the core values of human rights is necessary, a practical solution from a third party, even from the United Nations, remains restrained, especially under the non-interference principle.

CONCLUSION:
Challenges for the UN's Third-Party Role in Southeast Asia

In conclusion, the United Nations' system was designed to promote and sustain peace at the international level. When it comes to the Southeast Asian conflict areas, which have consisted of intra-state conflicts often related to state sovereignty, the assumption here could be that the United Nations' role will be limited, which appears to be true. In the Southeast Asian conflict zones, the UN has mostly played the role of supporter of advocacy and humanitarian aid issues. Regarding the capacities of the United Nations in the process of conflict resolution, I would argue that the UN could not have an effective role in terms of solving the conflict, rather its role was one of providing underlining support for peace-building.

45 The Japantimes, *U.N. Security Council considers move to push Myanmar on Rohingya crisis, but Russia and China boycott talks,* December 18, 2018. https://www.japantimes.co.jp/news/2018/12/18/asia-pacific/u-n-security-council-considers-move-push-myanmar-rohingya-crisis-russia-china-boycott-talks/#.XDV6wVUzbIV (January 9, 2019).

46 The Asahi Shimbun, *U.N. committee condemns rights violations against Rohingya,* November 17, 2018. http://www.asahi.com/ajw/articles/AJ201811170027.html (January 5, 2019).

However, we found that the UN is likely to take serious action in the case of the Rohingya, which has been seen as one of the most severe cases of humanitarian crises in the world. Still, the limitation of the UN's rules on 'non-intervention', make it difficult to find a case in which the UN could take action effectively. Some have argued that by using this discourse, the UN has legitimized its role as merely a supporter or mediator with no real actions in any conflict areas. However, some also mention that the UN has another principle related to waging unjustified war on other countries or violating the human rights of citizens; the UN could step into such a case in order to stop the war and rebuild peace. This process requires approval by the Security Council, which may have shared interests with some conflicted parties.

Another observation from the UN's involvement in Southeast Asia is that the UN's peacekeeping missions mostly involve interventions in conflict areas where more powerful states have little interest. Further, if the scale of the conflict is not large enough to capture the attention of the UN, similar to the argument in the International Alert report (2004), international level policy makers often engage with a large-scale crisis and do not have the capacity to prevent conflict in the long-term.

In closing, the settlement of the conflicts in Southeast Asia's conflict zones seem to have involved regional actors in the process more than international actors. Two out of three conflict areas mentioned herein have had peace talks facilitated by Malaysia, which is a regional actor, while the third could not involve international actors since there is little chance for negotiation or peace. International actors like the UN, in this sense, tend to play the role of the supporter for peace. Thus, the involvement of the UN in Southeast Asian conflict areas may show another aspect towards peace operations/missions in that the UN is not always able to use armed forces to intervene and settle conflicts in the world, especially in situations where states are using 'sovereignty' to claim legitimacy in their actions or policies.

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CHAPTER 4

THE ISRAELI-LEBANESE CONFLICT IN 2006 AND THE UNITED NATIONS' SEARCH FOR RESOLUTION

Ali Sami MERDAN*

*Department of International Relations, Cankiri Karatekin University, Cankiri, Turkey
e-mail: smerdanov@yahoo.com

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INTRODUCTION

Apart from an age-old Arab-Israeli dispute, which has fostered antipathy and agony in Muslim societies against Israel and the United States (US), and the West as a whole, the problems and conflicts which emerged in the Middle East after September 11, 2001 have become the current issues of international politics. The US intervention in Iraq led to civil wars and political instability. Iran's nuclear program posed a threat to the US and Israel in particular, and to the international system in general. Since 2010, the "Arab Spring" has caused disturbances in countries such as Egypt and Tunisia, and it has evolved into civil war in Syria, Libya and Yemen. When the problems in Lebanon were added to such a complicated equation, the search for stability in the Middle East became a much more unattainable goal.

The political environment in Lebanon has activated some non-state organizations such as Hezbollah and Hamas.[1] The Israeli-Lebanese conflict can be cited as an example of this. Israel launched a military operation after Hezbollah members crossed the Lebanon border, killed three Israeli soldiers and took two soldiers hostage in July 2006. This campaign came

1 http://www.kudusgunu.com/hamas-hizbullah-in-destegi-ile-lubnan-da-hangi-faaliyetleri-yur utuyor-_h19859.html, (January 25, 2019).

to an end with resolution 1701[2] approved by the United Nations (UN) Security Council on August 11, 2006. Following this act, fifteen thousand troops from the UN Peacekeeping Force were deployed in Southern Lebanon. Although a ceasefire between the parties came into force on August 14, 2006[3], it is not possible to say that the problem was solved. In this sense the mission of the United Nations Interim Force in Lebanon (UNIFIL) has created many risks on several counts.

It is possible to say that the passing events in Lebanon, whose population has diminished due to its complicated political structure and geopolitical location along with its direct relations with certain other states, may affect the Middle East closely. Related with all the problems in the Middle East, Lebanon is like a laboratory in terms of shaping this region.[4] For this reason the peace and stability in Lebanon is crucial for the Middle East and conversely, it is also clear that the tensions in the Middle East also closely affect Lebanon. In addition, solving the problems in Lebanon is closely related not only to the UN but also with the countries that have deep rooted ties with Lebanon like Iran, Syria and Palestine.

In this study, the events leading up to the 2006 Israeli-Lebanese conflict, how the problem developed into conflict, who the international law winners and losers are in this conflict and the consequences of the conflict will be examined. Furthermore, the impact of the UN (which imposed an armistice by means of the UN Security Council Resolution 1701) on the parties in the conflict will be addressed. In this context, the discussion includes the withdrawal of the Israeli army in parallel with the deployment of the UNIFIL and the Lebanese army in the region, the total absence of any illegal organization, including Hezbollah, and of the central government of Lebanon. This decision of the UN may be considered effective in ending the conflict and providing a ceasefire.

THE ISRAEL-LEBANON CONFLICT AND THE CEASEFIRE PROCESS

The armed clashes between Israel forces and members of Hezbollah began on July 12th, 2006 when Hezbollah violated the Israeli border, killed three soldiers and took two of them hostage. However, it is possible to base this conflict on the withdrawal of Israel from South Lebanon in May 2000. The Israeli government had planned to keep the region under the control of the South Lebanese Army - primarily consisting of Christians who it had trained and armed in Southern Lebanon. However, Hezbollah quickly dominated the region, despite

2 http://undocs.org/S/RES/1701(2006), (November 22, 2018).

3 http://www.un.org/depts/dpko/missions/unifil/facts.html, (November 22, 2018).

4 Paul Salem, "The Future of Lebanon", *Foreign Affairs*, 85:6 (November-December 2006), p. 22.

Israel transferring the south of the Lebanese territory to the South Lebanon Army.[5] This situation was interpreted as a victory for Hezbollah by Israel, the US and the states in the West and the Middle East. The security gap that had emerged in Israel (whose regional plans had gone significantly wrong), began to be a major topic of discussion. The increasing effect of Iran and Syria on Hezbollah which was now settled in Southern Lebanon was of particular concern for the Israeli administration. In this context even though a hot conflict with Hezbollah members was to be expected in the region, a clash had started with Israel which blindsided everyone, in military terms, when members of the organization killed three soldiers and took two of them hostages in violation of the border on July 12, 2006.[6]

The Israeli government reacted strongly when Hezbollah announced after the attack known as "Operation Truthful Promise", that it would return the hostages on condition that Israel release arrested Palestinians in return. The Israeli army carried out a limited operation in the region where the Israeli soldiers had been taken hostage shortly after the Prime Minister at that time, Ehud Olmert, declared the statement of Hezbollah as a cause of war.[7] On July 13, 2006 The Israeli government launched an operation against Lebanon called "Operation Change of Direction" after Hezbollah destroyed an Israeli tank and killed five of its soldiers during this operation.

Hezbollah rockets fired by Lebanon fell down on the cities of Tiberius and Haifa in Israel, causing Israeli attacks to become much more violent. US, supporting Israel for using its right to self-defense, sent Condoleezza Rice, the US Secretary of State, to the region. Rice's statement describing the conflict in Lebanon as the "New Middle East's Labor"[8] caused opposing reactions and fueled speculation that the conflict in the region was in fact part of US efforts to redesign the Middle East.

On August 11, 2006, the UN Security Council unanimously approved resolution 1701 in order to put an end to the conflicts and started attempts at ceasefire. This judgment including a ceasefire between the parties was implemented on August 14, 2006 with the approval of the Israeli and Lebanese cabinets. After the ceasefire came into force, Lebanese refugees began to return to their homes. The Lebanese army was settled in South Lebanon and the Israeli

5 Laura Zittrain Eisenberg, "Do Good Fences Make Good Neighbors?: Israel and Lebanon After the Withdrawal," *Middle East Review of International Affairs*, 4:3 (Fall 2000), pp. 23-27.

6 Dov Waxman, "Between Victory and Defeat; Israel after the War with Hizbullah", *The Washington Quarterly*, 30:1 (Winter 2006-2007), pp. 41-42.

7 Eight IDF soldiers killed, 2 kidnapped on northern frontier", *The Jerusalem Post*, July 12, 2006, https://www.jpost.com/, (November 23, 2018).

8 "Special Briefing on Travel to the Middle East and Europe", *U.S. Department of State*, July 21, 2006, www.state.gov, (September 17, 2018).

army began to clear off the region gradually. In this context, the Israeli administration announced that it would not lift the blockade until a mechanism to disarm Hezbollah members was formed. After the international maritime force began to reach the region as of September 8, 2006 and UNIFIL, the UN Peacekeeping Force, settled in the region, the Israeli government lifted the air and sea blockade.[9] The hot conflict ended with the ceasefire declared between the parties shortly after UN Security Council resolution 1701. However, it can be said that this ceasefire was not able to completely solve the problems between the parties peacefully and the region is far from reaching a normal state even though the conflicts have ended.

BASIC DIMENSIONS OF THE PROBLEMS BETWEEN THE PARTIES

1. The Border Issue

Israel carried out an operation in Lebanon in 1982 in order to expel the Palestine Liberation Organization (PLO) by forcing it to disarm. Israel reached its goal but continued to occupy South Lebanon till 2000.[10] In May 2000, Israel withdrew from the area it was occupying in South Lebanon after UN Security Council resolution 425. The UN General Secretary also announced that Israel had completed its withdrawal from South Lebanon. However, this withdrawal could not solve the border conflict between these two states and so the Shebaa Farms dispute occurred. The Lebanese administration stated that Shebaa Farms were within the borders of Lebanon meaning that Israel was still occupying the state. On the other hand, Israel's administration claimed that as UN Security Council resolution 425 did not extend to Shebaa Farms they not be included within Lebanon borders. Given that Israel's administration stated that this region was Syrian before the third Israel-Arab War in 1967 and the region was taken from Syria with this war, the Syrian administration alleged that this region belonged to Lebanese territory.[11] Although Shebaa Farms is a small region in terms of land area, it is of strategic importance in that the water resources in the region can be controlled and used by Israel.

Hezbollah announced that Israel's occupation of Lebanese territory was continuing because of the Shebaa Farms and they would carry on protesting until this situation ended. Hezbollah, claiming that Israel was an occupying force in Lebanese borders, stated that it had the right to self-defense based on the 51st article of the UN Charter. The other groups in

9 Lebanon Blockade to Be Lifted at 6 P.M. Despite IDF Objection", *Haaretz*, September 7, 2006, https://www.haaretz.com/, (September 21, 2018).

10 Alptekin Dursunoğlu, "Lübnan Savaşı, Stratejik Hedefleri ve Sonuçları", *Yakın Doğu Haber*, August 16, 2006, http://www.ydh.com.tr/YD109_lubnan-savasi-stratejik-hedefleri-ve-sonuclari.html, (September 24, 2018).

11 Engin Deniz Akarlı, "Lübnan'ın Açmazları", *Birikim*, 1:209 (September 2006), p. 9.

Lebanon gave this same right to Hezbollah, some of them directly, the others indirectly.[12] The strategic importance of Shebaa Farms is not as great as the Golan Heights for Israel as nowadays military technology is very advanced. However Israel is considering using Shebaa Farms as a bargaining chip for any future agreement it might make with Syria which would be effective in Lebanon. In this context, it can be said that in case of an agreement with Syria, Israel will withdraw from the area leaving it to Lebanon.

2. The Security Problem

From the past to the present, Israel has gained psychological superiority by winning four wars against Arab led forces in Egypt, Syria, Jordan and Palestine. The perception of invincibility created by this psychology has caused a security concern for Israel which is surrounded by Arabs.[13] However, Israel's withdrawal from Southern Lebanon in 2000 was perceived as a failure by its own public. The Israeli administration wanted to get rid of this perception by inflicting a heavy blow to Hezbollah.

The worry of being wiped off the map has turned into anxiety for Israel. The Israeli administration took extreme precautions in order to eliminate any factors that could waken this concern. It can be concluded that Israel's reaction against a nuclear program being developed in Iran is because of its concerns about survival. For this reason, Israel has made various attacks against Iran backed Hezbollah which has created safety concerns for itself. While Hezbollah was unable to win a victory against Israel, it acquired the support of certain Arab states as it did not lose either. As a matter of fact, if a collective security structure is not formed in the region, Israel's perception of invincibility and safety concerns will provoke the situation and prevent the issues from being solved peacefully.

3. Terrorist Organizations and Future Problems

Terrorist organizations in the Middle East worked on establishing legitimacy for themselves by turning crises into opportunities. In this sense, although Hezbollah has limited resources, it did not lose against Israel and this encouraged other organizations such as Hamas in the Middle East. A Shiite organization, Hezbollah's success in its attacks led other organizations to choose the same path. Israel's withdrawal from South Lebanon in 2000 was

12 Craig Smith, "Lebanon's Three-Sided Postwar Game: Who Gets Shabaa Farms?", *New York Times*, September 24, 2006, https://www.nytimes.com/, (September 22, 2018).

13 Ferhat Pirinççi, "Soğuk Savaş Döneminde Orta Doğu", *Orta Doğuda Siyaset*, edited by Tayyar Arı and Davut Dursun, Anadolu University, 2013, pp. 69-91.

perceived as the result of Hezbollah acts.[14] This situation increased the efficiency of Hezbollah in Lebanon causing centralized administration to weaken. From this point of view, it is possible to make a generalization: Increasing the efficiency of terrorist organizations as in this region, may cause a weakening in centralized administration and political instability.

Hezbollah penetrated into a field that the Lebanese administration could not enter and it became a political movement in the community. Unlike the central administration, Hezbollah has television, newspaper, social assistance foundations, a flag, a march, a leader, an ideology, and armed members, and it is much more active in South Lebanon, the poorest and most vulnerable area.[15] In this context, Hezbollah meets basic needs such as security, health, work and shelter that the central administration fails to provide. Hezbollah will continue its effectiveness and existence in the Lebanese administration as long as it continues to supply these needs.

In this region, terrorist organizations have participated in the political process, taking strength from central administration which seems ineffective against Israeli attacks. This situation has been accepted even in the country and some states in the Middle East. This situation encouraged the relevant organizations to transform themselves into organisations with seemingly more societal responsibility towards. The conflict in 2006 confirmed that disarmed actors had no place in the political arena too. This is an indication that terrorist organizations will increase their effectiveness in the future. Hezbollah should have been completely disarmed after the UN Security Council resolution 1701 was enacted following the conflict in 2006.[16] Yet in reality it can be said that Hezbollah members bear more arms than the Lebanese army.

4. The Problem of a Weak Political Structure

Because of the weak political structure in Lebanon, which also has a complex social structure, a valid and powerful central administration which can provide an atmosphere for the opposing ethnic and religious groups to live together in harmony has not been established. Communitarian construct in society has been an obstacle to the formation of a strong sense of Lebanese identity.[17] Although the national institution is the only army in Lebanon, it is not

14 Graham Fuller, "The Hizballah-Iran Connection: Model for Sunni Resistance", *The Washington Quarterly*, 30:1 (Winter 2006-2007), pp. 139-150.

15 Augustus Richard Norton, "Hizbullah: From Radicalism to Pragmatism?", *Middle East Policy Council Journal*, 5:4 (January 1998), http://www.mepc.org, (September 29, 2018).

16 http://undocs.org/S/RES/1701(2006), (November 22, 2018).

17 Kamal Salibi, *A House of Many Mansions: The History of Lebanon Reconsidered*, University of California Press, 1990, pp. 163-165.

as powerful and effective as the terrorist organizations. Recently the idea of providing stability in Lebanon by establishing state structure and integrity has been accepted as a solution. In this context, with resolution 1701, the aim was to dominate the entire country by means of the central administration and the Lebanese army.

Lebanon is vulnerable to external interventions because of its weakness in political structure, complex social structure and problems within its borders. It was invaded by Israel in 1979 and 1982 and attacked in 2006. Israel aimed to control the country due to the increasing influence of Hezbollah in Lebanon as well as the influence of Iran on Hezbollah.[18] However, despite all the interventions the turmoil in Lebanon could not be prevented and it can be said that the other states in the region suffered too.

The democratic and multicultural structure in Lebanon has contributed to the integration of Lebanon with global culture and its capital paving the way in terms of economic and cultural developments. The features of Lebanon have been a kind of power source and have contributed to strengthening its economy but it could not form a political structure with a consistent reaction despite all these developments. The fragmented administration that was arranged in such a way that the Maronite Christians would prevail after the civil war couldn't keep up with social changes and fell behind with economic and cultural developments.

5. The Problem of Ethnic, Religious and Sectarian Distinctions

The attitude of other Sunni Arabs in the Middle East towards Hezbollah (whose presence in Lebanon is highly palpable) has increased Shiite-Sunni friction. Although Hezbollah tried to carry out its activities against Israel in a way that it might include other Middle East states, it is perceived as sectarian by Sunni administrations because of its relations with Iran and so Sunni Arab administrations in the Middle East keep their distance from Shiite Iran even today. In this context, it can be concluded that the increasing effectiveness of Hezbollah by increasingly expanding in the region disturbs the Sunni administrations in the Middle East due to the Shiite axis.

One of the important factors in the policy planned for the Middle East is to reshape the region by taking into consideration the differences between ethnic, religious and sectarian groups. Including all the ethnic, religious and sectarian factors of the entire Middle East, Lebanon is an important kind of laboratory for such an operation. It is vital for the Middle East to establish peace and stability in Lebanon. It is possible that conflicts that may happen

18 Akarlı, *op. cit.*, p. 9.

because of ethnic, religious and sectarian factors may spread throughout the Middle East. Therefore, it is essential to form alternative policies considering the differences in the region to contribute to the peace and stability in the Middle East.

GAINS AND LOSSES IN THE ISRAEL-LEBANON CONFLICT

It is possible to say that the Israeli-Lebanese conflict is an indication of what could happen in the Middle East. In reality, there was no 'winner' in the Israeli-Lebanese conflict. After thirty-three-day conflicts both sides suffered heavy losses and neither of them achieved their goals. In this context it is possible to list the prominent results of the Israeli-Lebanese conflict as follows:

- The UN ensured the ceasefire by stopping the conflicts with Security Council resolution 1701. Then the UNIFIL, the UN Peacekeeping Force, consisting of fifteen thousand soldiers was deployed in South Lebanon. However, although the UN put an end to the conflict, it failed to make progress in the peaceful settlement of the problems between the parties.
- UN Security Council resolution 1701 allowed Israel to make some gains.
- Hezbollah took some benefit, increasing its popularity in the eyes of the Lebanese public and certain states in the Middle East.
- The conflicts have caused economic destruction for both sides.
- Safety concerns have increased for both sides.
- The parties have realized that they cannot reach their goals by military means. In this context the parties approach to any future armed conflict will be more cautious.
- Global forces and world public opinion have been indifferent to the destruction of Lebanon having overlooked the conflict.

Israel may feel under more threat after the armistice. Some suggest that Iran, Syria and Hezbollah are the main beneficiaries of the results of this conflict. However, this approach does not reflect the truth. In spite of the support given, Hezbollah tried even the Shiites' patience in Lebanon. Thanks to the deaths, the wounded civilians and damage to the substructure during the conflicts, this was a blow to Lebanon in general.[19]

Israel's primary objective was to get rid of the threat completely by eliminating organization members with a powerful strike from which they could never recover. Israel did not expect to face such a degree of resistance from Hezbollah and it can be said that it will

19 Lucy Fielder, "700,000 Displaced", *Al-Ahram Weekly*, August 5, 2006, http://weekly. ahram.org.eg/, (October 8, 2018).

likely be more cautious in a possible operation to Iran. Another of Israel's aims was to break up relations between Hezbollah and the Lebanese people. Yet it can be said that, contrary to expectations, Hezbollah increased its popularity with the Lebanese people after the conflicts.

1. Israel's Point of View

The Israeli-Lebanese conflict means more for Israel than the rescue of its kidnapped soldiers. In this conflict Israel's military power was tested but they got an unexpected result when they realized that Hezbollah had missiles and could use them against Israel. In addition, Israel was shocked to find out that Hezbollah was flying drones in its air space.[20]

Israel stressed that it withdrew from Lebanon not for being too weak to oppose Hezbollah but because it had agreed terms for ending the conflict and it could intervene in the region again in case of any threat to its security. Israel stated that the terms for terminating the conflict were explained by UN Security Council resolution 1701.[21] These are; the release of the kidnapped soldiers, the establishment of a complete ceasefire, the dominance of the Lebanese army throughout the country, the removal and disarming of Hezbollah from Southern Lebanon, and the implementation of UN Security Council resolution 1559.[22]

Rescuing the kidnapped soldiers had a symbolic importance for Israel considering the terms of termination of the conflict. Israel's aim was to seize control by weakening the existence of Hezbollah and its supporters Iran and Syria in the Middle East. Israeli administration planned to get the support of moderates in Lebanon captured during the operation. However the conflict both increased the support for Hezbollah and radicalized the moderates.[23]

The operation Israel carried out against Lebanon was based on some domestic policy reasons too. Ehud Olmert, unpopular in the country, performed this operation to prove that he could defend Israel's security and national interests in the best way in order to get public support.[24] However, Israel had to put an end to the conflict without achieving all its aims and this caused public criticism.

In spite of its mistakes, it cannot be said that Israel is the loser. It can be said that UN Security Council resolution 1701 includes statements on in support of Israel. Israel had tried

20 Kevin Peraino, "Winning Hearts and Minds; The new war in Lebanon is a propaganda battle and Hizbullah is coming out on top. Some tips from a master", *Newsweek*, October 2, 2006, https://www.newsweek.com/, (August 27, 2018).

21 *Haaretz*, August 14, 2006, https://www.haaretz.com/, (September 21, 2018).

22 http://undocs.org/S/RES/1701(2006), (November 22, 2018).

23 Fielder, *loc. cit.*.

24 *Haaretz*, August 19, 2006, https://www.haaretz.com/, (September 20, 2018).

to strengthen its reasons for entering into conflict saying that UN Security Council resolution 1559[25] had been approved in 2004 yet had not been implemented. UN Security Council resolution 1559 in 2004 included the dissolution of all terrorist organizations in Lebanon, the deployment of the Lebanese army in the south and control of the entire by central government. The Israeli administration stated that it was a failure not to implement this resolution and therefore military operation was necessary in Lebanon.[26] The fact that the content of the UN Security Council resolution 1559 in 2004, is included in the text of resolution 1701 in 2006, can be counted as a gain for Israel.

As well as its active role in disarming Hezbollah by preventing the flow of weapons from Iran and Syria, Israel also wanted the UN Peacekeeping Force which was going to be deployed in the region, to have a wide range of powers, including firing shots.[27] Although Israel's requests were not fully accepted, it could be said that the existence of UN Peacekeeping Force in the region meant establishing security in Israel.

2. Hezbollah's Point of View

During their long lasting hostility, Hezbollah and Israel have adopted the normalisation of the prisoner exchange mechanism. In this context, Hezbollah used kidnapped soldiers as trumps for prisoner exchanges and didn't hesitate to use prisoner exchanges under proper conditions. Taking into consideration that Hezbollah called 2006 the "Year of Prisoners"[28] it can be said that kidnapping two Israeli soldiers was not a surprise.

Ignoring the disarmament issue put forward by UN Security Council resolution 1701, Hezbollah relied on its long standing collaboration with the Lebanese army. The fact that nearly forty per cent of the Lebanese army consisted of Shiites also increased the faith of the organization. Moreover, Hezbollah's decision to "recognize the right to free the occupied Lebanese territory" by the central government in Lebanon in July 2005, was counted as a guarantee by the organization.

3. The Lebanese Administration's Point of View

The segmented central administration of Lebanon was in a bad situation during the conflict with Israel. The president at that time, Emil Lahud who had been accused of being

25 http://undocs.org/S/RES/1559(2004), (November 22, 2018).

26 Waxman, *op. cit.*, p. 29.

27 *Haaretz*, August 27, 2006, https://www.haaretz.com/, (September 20, 2018).

28 Mahmut Komati, "Hezbollah Says Israeli Response A Surprise", *USA Today*, July 25, 2006, http://www.usatoday.com, (September 29, 2018).

pro-Syrian and had lost his popularity after the Hariri assassination, faced intensive criticism even from the Christian Maronites.

In contrast, Fouad Siniora, the former prime minister of Lebanon, was working actively to put an end to the conflict and had prepared a seven-point plan. This offer found support in the UN and was effective while forming resolution 1701. Even though he could not show its presence during the conflict, it can be said that Prime Minister Fouad Siniora was effective with his diplomatic attempts during and after the armistice. The content of this plan can be said to be based on international law. The key success for Prime Minister Fouad Siniora was preparing a proposal text to provide reconciliation of all the groups in Lebanon including Hezbollah. It is possible that if the UN Security Council resolution 1701, together with the effect of this seven-point plan, might be successful in practice. It might strengthen Lebanese central administration in general and Prime Minister Fouad Siniora in particular.

4. Iran and Syria's Point of Views

There was some speculation that the Israeli-Lebanese conflict was a kind of cleansing operation before a possible intervention of US in Iran. The fact that Hezbollah was not able to recover after the conflict could have been a step intended to make it easy for the US to interfere in Iran. However, faced with such fierce resistance from Hezbollah, Israel wanted to be protected by a buffer zone by placing the UN Peacekeeping Force in South Lebanon. Some experts have also claimed that the conflict happened because of Iran provoking and supporting Hezbollah behind the scenes and trying to put the blame on Iran.[29] It is wrong to claim that this conflict is a "proxy war" between Iran and the US. It is a well-known truth that Hezbollah is a terrorist organization in spite of the fact that it is receiving help from Iran.

It is vital for the US to control Iran in terms of its targets in the Middle East. Iran is one of the Muslim states that can openly oppose the US. Iran's oppositional discourses against the US caused effects on a wide scope. Iran aimed to be the leader in the Islamic world by means of these anti-American discourses.[30] It can be said that Iran's ideology, and its anti-American attitude pose a threat to US Middle East policy.

Syria's activity in Lebanon increased after the Lebanese civil war. Syria was perceived as a country giving support to the stability in Lebanon before the civil war. However this situation has changed accordingly with the developments in Lebanon's internal policy

29 Bill Samii, "Iran: Tehran Playing Key Role In Israel-Lebanon Crisis", July 17, 2006, https:// www.rferl.org/a/1069890.html, (October 13, 2018).

30 Fuller, *op. cit.,* pp. 139-150.

because of the civil war. In the following period, Syria was perceived as a state that prevented the democratization of Lebanon.

The Israel-Lebanese conflict caused Syria to feel much more threatened. Claiming that Iran pledged arms and financial support to Hezbollah over Syria, Israel stressed the need to provide control with the deployment of UN Peacekeeping Force on the Syria-Lebanon border. However, the Syrian administration stated that it was opposed to placing the UN Peacekeeping Force on the Syria-Lebanon border. In this context Israel claimed that the authority gap in Lebanon must be filled, otherwise Iran will fill this gap through Syria.[31]

The US-led Western states regarded Iran and Syria as obstacles in the struggle to ensure stability in Lebanon. These two states found a way to sustain their activities via various channels in Lebanon – a country which was open to interventions and invasions because of its weak and segmented political structure. In this context, the US intervention in Iraq in 2003 and the intervention of Israel in Lebanon in 2006 caused Iran and Syria to feel insecure. Just as these two states will continue their activities to ruin the regional stability so long as they feel under threat from US and Israel, they will remove their distrust by giving support to terrorist organizations such as Hezbollah. It is obvious that this chain of insecurity fueling itself cannot be surpassed by threats and new terrorist organizations will emerge even if Hezbollah were to be destroyed completely. In this sense it is essential for the two parties to build diplomatic relations in order to ensure mutual trust and at least start a process of meaningful dialogue. Peace between Israel and Lebanon can only be established if Syria and Iran are involved in the equation too.

It can be said that having Iran and Syria participate in regional dialogue forums will help moderate politicians to become more active in the long run. On the contrary, the atmosphere of conflict and tension may cause violence-prone extremists to be active in politics. In this sense the UN, which is considered as legitimate by both sides, could take an active role regarding the establishment of mutual trust and initiation of dialogue.

5. Other Arab States' Point of View

Those Arab states that were not strong enough react to Israel's intervention in Lebanon, have lost confidence in the eyes of their own public. The Arab states have remained distanced from events in Lebanon realizing that Shiite ideology, which has become a resistance symbol in the Islamic world because of its increasing popularity along with the

31 "Syria's Assad: No One Can Stop Hezbollah Weapons Smugling", *Haaretz*, October 02, 2006, https://www.haaretz.com/, (September 21, 2018).

activities of Hezbollah, may unsettle their own regimes too. They stated that the ongoing conflict in Lebanon, Iraq and Palestine would turn into a civil war and this may affect the entire Middle East.[32]

On July 15, 2006, the Arab Union arranged a special meeting in Cairo. In this meeting a decision was given accusing Hezbollah and the states supporting it of irresponsibility due to the conflict between Lebanon and Israel. However Syria did not approve this decision.[33] The Shiite block, including Iran-led Syria, Iraq and Hezbollah, began to unsettle other Arab states in the region. Moreover, the fact that Hezbollah had gained popularity among young people increased the concerns of other Arab states in the Middle East.[34] The Arab states, which condemned the Kana massacre and expressed their concerns about Lebanese civilians, also criticized Hezbollah for the conflict.[35] In this sense, Saudi Arabia and Kuwait made a commitment that they will provide financial aid for the reconstruction of Lebanon.

6. The United States' Point of View

The role of the US in the Israeli-Lebanese conflict was discussed at length. The US which has always been pro-Israel regarding the events between Israel and Lebanon, "was perceived as an actor directing Israel and making profit" in the conflict in 2006.[36] It is claimed that Israel's disproportionate reaction to its abducted soldiers was allegedly related to US accounts in the region. The fact that US Foreign Minister Condoleezza Rice's statement in the course of war that the "current war must continue in order to build a new Middle East"[37] strengthened the idea that US was not a third party in the Israeli-Lebanese conflict in 2006, rather it was an active one. In fact, US opposition to the ceasefire by providing ammunition to Israel at the height of the conflict reinforced this claim and perception.[38]

Within the frame of the fight against international terrorism, the US has regarded it as its duty and responsibility to fight against Hamas and Hezbollah which it considers terrorist

32 "Jordan's King Warns of Civil Wars", *BBC News*, November 27, 2006, http://news.bbc.co. uk/2/hi/middle_east/6186624.stm, (November 13, 2018).

33 Hassan M. Fattah, "Militia Rebuked by Some Arab Countries", *The New York Times*, July 17, 2006, https://www.nytimes.com/2006/07/17/world/middleeast/17arab.html, (November 19, 2018).

34 Fuller, *op. cit.,* pp. 144-145.

35 Waxman, *op. cit.*, pp. 35-37.

36 Seymour M. Hersh, "Watching Lebanon: Washington's Interests in Israel's War", *The New Yorker Fact*, August 14, 2006, http://bellaciao.org/en/article.php3?id_article=13057, (November 29, 2018).

37 "Rice regrets Mid-East Suffering", *BBC News*, July 25, 2006, http://news.bbc.co.uk/2/hi/ middle_east/5212158.stm, (November 12, 2018).

38 Edith M. Lederer, "Lebanon: U.S. Blocking Call for Cease Fire", *CBS News*, July 16, 2006, http://www.cbsnews. com, (November 23, 2018).

organizations. Taking great pains to prevent these outsourced organizations, the US has always given full support to Israel which is carrying out an armed struggle against terrorism. Moreover, the US has been deeply worried about the possibility that weapons of mass destruction may fall into the hands of these organizations with the help of states such as Iran and Syria.

The US had never forgotten the Hezbollah attack on American Marine Corps Headquarters in the Multi- National Force (MNF) in October 1983. The US quickly left Lebanon after two hundred and forty one of its marines were killed in this attack.[39] Hence, a great anger was felt in the American community towards Hezbollah.

Aware of the fact that instability in Lebanon did indeed serve Iran and Syria, the US wanted to strengthen the central administration to purge Hezbollah which was being supported by these states. In this sense, the attitude of the US, which gives absolute support to Israel, disturbed other Arab states in the region. It is necessary for the US to look over its policy of absolute support to Israel and it should open the door to some extent to all the Middle East states in diplomatic relations in order to be more positive in the Middle East region. If the US can follow a moderate policy in the region and the UN can become effective, then they may contribute to softening the tension existing in the Middle East.

7. The European Union's Point of View

The European Union (EU) acts like a global spectator, speechless in the face of conflicts happening around the world. The EU, which has disagreements on foreign policy, also carries out security-related issues within the framework of the North Atlantic Treaty Organization (NATO). The EU, which is an economically effective force, has not developed an active policy on political and security issues.[40] EU member states show that they are bound to the US in the intervention in conflicts in certain parts of the world. Nevertheless, they criticize its pro-Israel attitude and the antiterrorism methods of the US. Then it is clear that EU member states differ with the US especially in their attitude towards antiterrorism. EU member states which separate Al Qaeda from organizations such as Hezbollah and Hamas support the idea of maintaining a dialogue with these organizations.[41]

The Israeli-Lebanese conflict in 2006, had a stimulating affect for both the EU and EU states. EU member states such as France, Italy, Germany, Spain, Sweden and the United

39 "Mideast talks fail to reach cease fire agreement" *CNN*, July 26, 2006, http://www.cnn.com, (September 3, 2018).

40 Samir Merdanov, *Avrupa Birliği'nin Kafkasya Politikası*, Ankara: Naturel Publishers, 2007, pp. 112-113.

41 Muharrem Gurkaynak, *Avrupa'da Savunma ve Güvenlik*, Ankara: Asil Publishers, 2004, pp. 214-224.

Kingdom which supported UN Security Council resolution 1701 in 2006, also joined UNIFIL as an army force in addition to providing economic aid.[42] If the soldiers tasked by UNIFIL were killed in a possible conflict in the Middle East, this may prevent EU states from taking active part in different missions. In other respects, in the case of their success in a UNIFIL mission, they might well take more of an active role in the process of bringing about peace in the Middle East.

8. Turkey's Point of View

It is part of Turkey's responsibility to make diplomatic attempts and conciliation in order to ensure peace and stability in the Middle East and also to ensure its own safety. Due to its firm historical and cultural bounds with the Middle East, Turkey, eager to take an active role in the process of establishing peace and stability, sent troops complying with UNIFIL terms.

Sending troops to Lebanon in the scope of UNIFIL, the UN Peacekeeping Force, was a result of Turkey's aim to actively participate in international policy. Thus Turkey could be more effective in the peaceful settlement of the Israeli-Arab conflict (which was the most fundamental problem in the Middle East) by sending troops under UNIFIL. In addition, having deep historical and cultural ties, Turkey's following an active policy in international terms while sending troops to the region in scope of UNIFIL, could reduce Iran's efficiency in the Middle East.[43]

Turkey was not obliged to participate in UNIFIL, the UN Peacekeeping Force, rather it freely volunteered while making the decision to send troops to the region as were all the groups in Lebanon. Turkey's aim to supply humanitarian aid and contribute to the reconstruction of Lebanon was effective in making this decision.

It could be said that Turkey's active role in international policy - sending troops to Lebanon in the scope of UNIFIL - in order to contribute to regional peace and stability, was also for its own good. In this sense, in 2009, Turkey was selected as a temporary member due to its contributions to certain missions in terms of the UN and the UNIFIL Peacekeeping Force and thus strengthened its own position within international policy. In this context it can be said that Turkey acquired an important position in the prudential policy of the Middle East by sending a peacekeeping force to the region in the scope of UNIFIL.

42 http://www.un.org/Depts/dpko/missions/unifil., (August 27, 2018).

43 Talha Köse, "Barış Gücü ve Yeni Ortadoğu Tasarımları", *Anlayış*, September 2006, pp. 58-59.

UN SECURITY COUNCIL RESOLUTION 1701 AND THE SEARCH FOR A WAY OUT

Resolution 1701was approved by the UN Security Council in 2006 for the conflict between Israel and Lebanon. With this resolution it was predicted that the central administration and the army would dominate the entire Lebanon with the help of international actors. Thereby it was aimed to purge Hezbollah, a terrorist organization, and decrease the efficiency of states such as Iran and Syria which were supporting this terrorist organization. Sent to the region with this resolution, the mission definition of the UN Peacekeeping Force (UNIFIL) included these terms: ensuring border safety by eliminating violations, checking the ceasefire by purging all the terrorist organizations (especially Hezbollah) and providing humanitarian aid. However it no one predicted what kind of concrete precaution should be taken in case of any violation by Hezbollah and Israel.[44] It could be said that it was a substantial deficiency to leave such a point in darkness when taking the previous experiences of the UN Peacekeeping Force into account. As well as the Taif Ceasefire in 1989 and UN Security Council's resolutions 1559 in 2004 and 1680 in 2006, resolution 1701 involved the seven point plan of the Lebanon's Prime Minister (Fouad Siniora) too.[45] Resolution 1701 is a comprehensive text but includes some deficiencies that cause ambiguity in some disputable points alongside its positive points.

With resolution 1701 adopted in 2006, the UN Security Council called for Hezbollah to stop every kind of armed activity and for Israel to put an end to its military operations. This resolution did not pose an obstacle for any military operations that Israel might perform in self-defense. As no solution of any kind was offered in the resolution relating to the situation of Shebaa Farms (which was under Israel's control), Israel would be able to carry out military operations in this region on the grounds of the right to self-defense, whereas Hezbollah's actions were based on legitimacy. Resolution 1701 also directed the central administration and the army to establish a strong authority by dominating the entire Lebanon with the support of UNIFIL. However it is a well-known truth that it was quite difficult for the central administration to establish an authority in Lebanon – a country which was open to all kind of interventions. As a matter of fact, Israel completed its withdrawal process on October 7, 2006 after UNIFIL deployed in Lebanon and gave its support to establishing authority.[46] In this sense it can be said that this UN adopted resolution was not able to solve the problem and bring about peace although it did provide a ceasefire between the parties.

44 http://undocs.org/S/RES/1701(2006), (November 22, 2018).

45 http://undocs.org/S/RES/1559(2004), http://undocs.org/S/RES/1680(2006), (November 22, 2018).

46 "IDF Withdraws From Most Of The Surrounding Area Of Ghajar Village This Afternoon", November 7, 2006, http://www.un.org/Depts/dpko/missions/unifil., (August 27, 2018).

The UN Security Council's resolution 1701 did not touch on any plan regarding the controversial situation of Shebaa Farms which are under the control of Israel. This issue was postponed for a possible agreement between Israel and Syria in the future. In the case of reconciliation between Syria and Lebanon, it would be possible to take a concrete step towards Israel's hand over of Shebaa Farms to Lebanon. Since the border violations which are encountered because of the Shebaa Farms situation provide a legitimate basis for both sides, the control of Shebaa Farms was given to the UN until the parties could reconcile. This could be an important step for the establishment of peace by reducing the problems related to border violations.

The ceasefire provided by UN Security Council resolution 1701 regarding the Israel-Lebanon conflict is on a knife edge. Although the conditions Israel targetted before the conflict complied with resolution 1701, Israel announced that unless the UN Peacekeeping Force and the Lebanese army did their duty, it reserved the right to interfere in Lebanon. The definitions of *attack* and *threat* by Israel have preserved its right to intervene at any time.[47] It can be said that it is inconsistent for the UN Security Council's resolution 1701 to give the right to Israel to carry out military intervention if it feels under threat or attack because such a kind of open-ended intervention right should not be given to any state.

The events related to the kidnapped soldiers - and therefore hostage exchanges - are another uncertain situation in the region. This could be a trigger for new conflicts as in the Israeli-Lebanese conflict in 2006. Reconciliation can be reached in the region regarding the exchange of hostages, but with the help of other global actors, particularly the UN. Thus, one of the important uncertainties in the region could be eliminated.

The UN Security Council resolution 1701 in 2006 did not specify the route to be followed regarding border and airspace violations. The fact that the Israeli Defense Minister announced that they would carry out their inspection flights in the Lebanese airspace if threats persisted even after the ceasefire, in fact means a violation of Lebanon's sovereign rights. Israel's approach decreases the trust in the Lebanese central administration and its military while justifying Hezbollah. In this sense, the fact that the UN is more effective in controlling airspace and border violations, may contribute to the climate of non-conflict.

After the ceasefire, it remains unclear who is going to disarm Hezbollah. The Lebanese administration has announced that they will not disarm Hezbollah. Israel, on the other hand,

47 Abraham D. Sofaer, "Solution and Resolution", *The Wall Street Journal*, August 16, 2006, https://www.wsj.com/europe, (September 17, 2018).

stressed that it is the duty of the UN Peacekeeping Force, UNIFIL, to disarm this organization in South Lebanon. In this context, although General Alain Pellegrini stated that they will use force in the case of any armed activities UNIFIL may face, he did not make any concrete explanation about the position they would adopt regarding the disarmament of Hezbollah. Moreover, he stated that should the Lebanese army be deficient in preventing arms entering the country, they would use arms when needed and seize them from organizations trying to bring guns in to the country.[48] The uncertainty about the issue of who will disarm Hezbollah may lead to much more serious consequences in the future.

In general the UN can make the biggest contribution to the peace process in the Middle East region and especially in Lebanon. This will only be possible with the close relationships with the other organs and member states - particularly the UN Security Council - concerning the conflicts and effective solutions. Only with the intimate nature and efforts of UN and member states will it be possible to put an end to the conflicts in the Middle East region - particularly in Lebanon - and solve the problems peacefully.

CONCLUSION

The Israeli-Lebanese conflict began with a military operation carried out by Israel in South Lebanon territory after two Israeli soldiers were kidnapped by Hezbollah on July 12, 2006. The Israeli administration, holding the Lebanese administration responsible for its two kidnapped soldiers, began the conflict. It organized air and land operations in South Lebanon in order to cut off Hezbollah's escape and the conflict lasted more than a month. The UN Security Council worked to declare a ceasefire by arranging extraordinary sessions at the request of the Lebanese administration to call a ceasefire at the time of the conflict. After these efforts, the ceasefire was established with UN Security Council resolution 1701. This resolution included: the deployment of the Lebanese army and UNIFIL soldiers in South Lebanon, the withdrawal of Israeli troops from South Lebanon, full control of the Lebanese central administration over their region, the complete disarmament of Hezbollah, and the absence of any illegal forces in South Lebanon including Hezbollah. The conflicts were stopped by the ceasefire.

During the conflict, some of those people living in South Lebanon were left homeless, some were wounded and some of them lost their lives. Israel joined the fight after two of its soldiers were abducted and it perceived Iran and Syria as threats because of their support for Hezbollah and tried to decrease their activities in the region.

48 "Israel/Hizbullah/Lebanon: Avoiding Renewed Conflict", *International Crisis Group, Middle East & North Africa*, 1:57 (July 25, 2006), https://www.crisisgroup.org/middle-east-north-africa/eastern-mediterranean/israelpalestine/israel-palestine-lebanon-climbing-out-abyss, (November 16, 2018).

The US gave support to Israel in the Israeli-Lebanese conflict in 2006. The US regarded Israel as the justified party and the victim in the war, fighting against the terrorist organization Hezbollah. The US perceived Hezbollah as a terrorist organization assisted by Iran and Syria, and gave support to the democratically elected Lebanese central administration. All in all, the US supported the democratization efforts of the states in the Middle East region in accordance with its interests.

The Arab states in the Middle East criticized Hezbollah during the Israeli-Lebanese conflict in 2006 and voiced pro-Israeli statements. This was the first case where such an attitude was taken by the Arab countries in Arab–Israeli conflicts. Iran, holding Israel responsible for the conflicts at that time, condemned both Israel and the US-led Western states which gave support to Israel. Syria, on the other hand, giving support to Lebanon, blamed both Israel and the countries supporting it. In addition, Iran and Syria harshly criticized the administrations of the Arab states which had a pro-Israel attitude during the conflict in 2006.

There have been considerable hesitations about the sustainability of the ceasefire declared between the parties following UN Security Council resolution 1701 because this resolution gives Israel the right to perform a cross-border operation if it detects activities threatening its safety. Although the conflicts were stopped by this ceasefire, it is obvious that it was not able to solve the problems between parties peacefully and the region could not enter the normalization process. Likewise, it is still uncertain whether the region can be stabilized by this ceasefire or not. In fact, the history of the Middle East is full of unexercised and violated ceasefires. In this sense, it can be concluded that the UN Peacekeeping Force UNIFIL is at risk in many respects and if the ceasefire should be violated and the parties enter in a conflict then UNIFIL may be caught in the crossfire.

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CHAPTER 5

THE ROLE OF THE UNITED NATIONS IN THE FIGHT AGAINST TERRORISM

Saadat Rustemova DEMIRCİ*

*Department of International Relations, Cankiri Karatekin University, Cankiri, Turkey
e-mail: sadatdemirci@gmail.com

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INTRODUCTION

The purpose of establishing the United Nations was to conserve the fundamental values of the international system and to create a normative order for international society. Even though the operations for such purpose are subject to criticism, these operations are of great importance for the activities of adjusting the order mechanism of international society and for the international system. The operations for developing strategies to prevent dangerous elements such as terrorism, extremism and radicalism (which are known adverse effects of globalization) and to solve such issues are significant.

The dangers, which have emerged due to the effect of globalization, have increased the functions of the United Nations. The 9/11 attacks in particular made the United Nations enter an active phase to prevent terrorist threats. Terrorism during the Cold War was regarded as a secondary issue for the United Nations. However, terrorism established the most prominent item of the agenda following the aforementioned attacks. An urgent progress concept was developed to this end, and the United Nations brought the international society together to collaborate in order to ensure an efficient struggle strategy led by the Security Council. The agreed resolutions and conventions led by the organization in order to prevent terrorism and provide security for states did not remain limited to the organization but started to contribute to the normative development of the world based on the concept of "international convention".

This study analyzes the activities of the United Nations in terms of fighting against terrorism in order to ensure a better examination of foregoing developments. In this sense, primarily, the policy of the United Nations to fill the current gaps in terms of anti-terrorism policy will be examined. In addition, the duties against terrorism undertaken by the Security Council and General Assembly (the most significant bodies of the United Nations), and, to this end, effective developments will also be analyzed.

1. The Development of the United Nations Program to Fight against Terrorism during the Period of Globalization

The United Nations has a central place in the order of modern international relations and has a significant position in the solution of the crises of the global system. Despite the recent state-centered approach of the international system, it continues to be among the significant players of international relations. Globalization has made significant impacts on the work of the UN and other similar international organizations. The United Nations affects states in particular, along with the other key players in international relations due to socio-political, economic and legal parameters. The meaning and function of states have been altered by the play of different agents such as non-state actors, and they have been obliged to undertake new features and duties according to the globalization period in which the international system has been transformed.[1] Therefore, it became a must for both the United Nations and any related institutional organizations to refer international problems to initiate certain changes and adjust their systems according to the new world order. In this context, the United Nations desires to create a universal legal order in order to maintain international peace and security by enacting various regulations through the organizations under the UN and by drawing international conventions and protocols.[2] Non-state actors and terrorism, which accelerated the change, were the most important factors for these developments.

After the 9/11 attacks, the struggle against international terrorism became the most important item on the agenda for the United Nations. Following these attacks, the necessity to develop new norms and regulations in order for international society to fight against terrorism was clearly specified. During these attacks, Kofi Annan, the Secretary General of the UN, stated that “the terrorists who attacked the United States

1 Erdem, Denk, *Uluslararası Örgütler Hukuku Birleşmiş Milletler Sistemi,* Siyasal Bookstore**,** pp.25-26

2 Doğan Şafak Polat, “Uluslararası Terörizmle Mücadelede Birleşmiş Milletlerin İşlevi, Yeteneği ve Sınırları”, *Güvenliğin Gündeminden, Çatışma, Ayrılıkçı Ayaklanma ve Terörizm*, edited by S.Demirci, Ankara: Nobel Press, 2015, pp.157

on September 11 aimed at one nation but wounded an entire world".[3]

As part of the regulations developed by the UN in the struggle against terrorism, the most important principles were determined, and various studies were initiated to develop a strategy. The strategies to be considered in the study were determined as follows:

- Terrorism and attacks must be condemned whatever their purpose might be. Terrorism is a crime that must always be punished.
- All kinds of support for terrorists are also support for the development of terrorism. For this reason, all types of such support must be prohibited.
- Double standard practices should be eliminated. Accepting terrorists of a country as freedom fighters is the biggest obstacle in the fight against terrorism.
- States must collaborate in the international arena to fight against terrorism. For such purpose, information must be shared in order to prevent terrorism; efficient protocols and conventions must be executed for legal and other supportive issues which should ensure the extradition and arrest of terrorists:
- Infrastructures must be examined to share experiences and information while developing efficient struggle methods for the fight against terrorism; analyses must be carried out to such an end; solutions must be adapted for the fight against terrorism through political and ideological methods; the infrastructure of the states who took part in the fight against terrorism must be examined.
- The UN norms must be complied with in order to fight against terrorism. Acts that do not comply with the UN purposes and principles must not be committed, and peaceful solutions must be created for discrepancies.
- The actions that violate Human Rights must be abstained from, and the norms and principles for such purposes must be complied with.
- The security of civil society must be protected in general, and the violation against human rights and freedom must be abstained from.
- Worldwide religions and beliefs and, in particular, Islam must be protected against radical movements, and cultures and nations must be protected against any type of prejudice and attack.[4]

The Fight against terrorism after the 9/11 attacks helped states to come to a long-term

3 Kofi, Annan, "Obyedinimsya Protiv Terrorizma*", Komersant Newspaper*, No 173, 22.09.2001, https://www.kommersant.ru, (December18, 2018).

4 E, Vasetsova, "OON i Borba s Mejdunarodnım Terrorizmom", https://www.intraffairs.ru/jauthor/material/565, (December 18, 2018)

mutual agreement and to view terrorism from another point of view. Therefore, it is possible to analyze this fight against terrorism in three periods.

The first period started immediately after the attacks and covered the years between 2001and 2014. This was a period in which the international community did not take great heed of radical terrorism despite the attacks in which terrorism was approached as part of the struggle.

Towards 2014, it was understood that terrorism needed to be scrutinized further because terrorism had become a threat which many states had encountered. This led to discussions that new regulations must be brought for the security of the international society and that the role of the UN in such matters must be expanded. The prevention of radical terrorism became one of the most significant issues at the center of the UN. In 2014-2016, a new process was initiated to develop normative regulations at the Security Council and General Assembly of the UN for the prevention of and struggle against terrorism.[5]

2. Factors Reducing the Effectiveness of The United Nations in the Fight against Terrorism

Most of the measures taken against terrorism are the result of events after the attacks. Almost all of the international conventions are instruments that appeared subsequent to an attack. Before the 9/11 attacks, the ratification of conventions took a very slow course. There were 12 conventions against terrorism before the attacks against the Twin Towers, and they were only executed between Great Britain and Botswana. However, in 2003, the number of conventions increased to 35. In 2014, the number of conventions executed to fight against terrorism increased to 176. The analyses of such conventions reveal that the period between the execution and the ratification of these instruments was 4 years. Nevertheless, the period of participation extends to decades. The longevity of the acceptance period of the conventions is one of the elements that decreases their efficiency.

The aim of the agreements made against the fight against terrorism is to develop the laws of criminality before domestic law by the supporters and then to turn it into an important strategy with international cooperation. However, these developments prescribe that states make great amendments to their domestic laws and leads to a great change in the formulaic order of states. The states that incurred difficulties in realizing such changes frequently abstain from signing these conventions. For example, Japan underwent a serious domestic

5 D. Borisov, "Ekstremizm i Kontrterroristicheskaya Povestka OON ve XXI Veke", *Mirovaya Poitika,* No 1, 2018, pp.52

law amendment process for the approval of the law against Financing Terrorism in 1999, and claimed that domestic law was under the risk of annihilation before the change.[6]

International conventions have a function to clarify the determination of an issue. Most of conventions are drawn up to define the attacks as a crime and to ensure that the perpetrators of attacks are punished. Yet, current conventions do not have a mechanism to identify and combat the cause of terrorism and to ensure measures for prevention. Moreover, the long acceptance and ratification processes of international conventions both decelerates the technical and legal efficiencies and becomes a late step to pronounce the reaction of the international society against terrorism.

States face the challenges of realizing the fight against terrorism on both a national and international scale. The inexperience and insufficiency of a part of some states are the most important obstacles before the fight against terrorism. The other biggest handicap is the states which do not take their power from the fight against terrorism, but from supporting pro-terrorism and which avail of terrorism as a political key and a weapon for their interests.[7] The limited conduction of international law based only on conventions and conventional mechanisms makes international law a mechanism that is based on statistics which is far from flexible. Decisions that are not taken and implemented on time clearly feature the weakness of international security and decrease the confidence of the international society in the legal system based on joint protection. Today, the necessity of taking new measures which would accelerate the decision-making, ratification and implementation mechanism and develop the decision-making/-implementing system of international organizations in order to ensure international security is clearer than ever.[8]

3. Activities of the United Nations in the Fight against Terrorism

The first steps of the implementations in the fight against terrorism were taken before the United Nations ever existed by the League of Nations in the 1930s. There was a clearly determined need to develop new norms for the fight against terrorism when Alexander I, the King of Yugoslavia, and Lui Bartu, the Prime Minister of France, were murdered in 1934. Immediately after, on December 10, 1934, the League of Nations made a decision that "all states must avoid supporting terrorism for their political purposes and allowing terrorist

6 A.Masahiko, "Security Council Resolution 1540 to Combat WMD Terrorism: Effectiveness and Legitimacy in İnternational Legislation", *Journal of Conflict & Security Law*, 2009, Vol 13. No3, pp.303-332.

7 Ward C.A. Building Capacity To Combat International Terrorism: The Role of The United Nations Security Council// *Journal of Conflict and Security Law*, 2003.Vol.8. No2, pp.289-305

8 Chernyadyeva, "Rol Rezolyutsiy Soveta Bezopasnosti OON v Sovershenstvovaniyi Antiterroristicheskogo Prava", *Vestnik Permskogo Universiteta*, 2(28), 2015, pp. 176-177

activities within their borders".[9] Until that period, terrorism was not a matter on the agenda of the League of Nations. Therefore, there was a lack of clear and versatile norms and decisions to fight against terrorism. On November 16, 1937," The Prevention and Punishment of Terrorism" contract was signed by the League of Nations. The League of Nations also tried to provide an explanation for terrorism. The "Terrorist attack," which was specified in the convention, was described as a crime committed against states in order to cause terror among masses of people or in certain individuals.[10] The failure of the convention to be realized was not the only issue that made the League of Nations insufficient in the fight against terrorism, and deviated the organization from the role, which could help it to change the world order to a great extent.

In 1972, the issue of terrorism shook international society once more with the tragedy of Munich. When the Israeli athletes were taken hostage and murdered, the General Assembly of the United Nations decided upon "Measures to Prevent International Terrorism" no. 3034 (XXVII).[11] During the Cold War, the issue of the fight against terrorism in the UN was limited to this decision and all powers on this issue were transferred to the General Assembly. In that period, the Security Council considered that terrorism was a domestic issue of states. Therefore, it was sufficient for the Council to "condemn" terrorist attacks as a reaction.[12] There had been 16 international conventions[13] under the UN executed for the prevention of

9 Morozov.G.I, "Terrorizm –Prestupleniye Protiv Chelovechestva", *Mejdunarodnıye Otnosheniya*, Moskva 1997, pp.20

10 1937 Draft Convention for the International Prevention and Punishment of Terrorism (Report Adopted by the Committee on April 26th, 1937, League of Nations, Committee for the International Expression of Terrorism). Geneva; 1937, 13.p

11 For the Decree no. 3034 (XXVII) dated 18.12.1972, see: http:// daccess-dds-ny.un.org/doc/RESOLUTİON/ NR0/270/64/IMG/NR027064.pdf, (December 16, .2018).

12 William B. Messmer and Carlos L.Yordan, " A Partnership to Counter International Terrorism: The UN Security Council and the UN Member States", *Studies in Conflict&Terrorism*, 34 December 2009, pp. 845

13 1.Convention on Offences and Certain Other Acts Committed on Board Aircraft, Tokioo 1963, effective on 1969, http://www.un.org/en/sc/ctc/docs/conventions/Conv1pdf, (December 16, 2018).
2. Convention for the Suppression of Unlawful Seizure of Aircraft, La Hey 1970, effective on 1971, http:// www.un.org/en/sc/ctc/docs/conventions/Conv2.pdf, (December 16, 2018).
3. Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, Montreal 1971, effective on 1973, http://www.un.org/en/sc/ctc/docs/conventions/Conv3pdf, (December 16, 2018).
4. Convention on the Prevention and Punishment of Crimes against Internationally Pretotected Persons, Including Diplomatic Agents, http:// www.un.org/en/sc/ctc/doc/conventions/Conv4pdf , (December 16, 2018).
5. International Convention Against the Taking of Hostages, New York, 1979, effective on 1981, www.un.org/ en/sc/ctc/doc/conventions/Conv5pdf , (December 16, 2018).
6. Convention on the Physical Protection of Nuclear Material, Vienna 1979, effective on 1983, www.un.org/en/ sc/ctc/doc/conventions/Conv6pdf , (December 16, 2018).
7. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Montreal 1988, effective on 1989, www.un.org/en/sc/ctc/doc/conventions/Conv7pdf, (December 16, 2018).
8. SUA – Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, Rome 1988, effective on 1992, www.un.org/en/sc/ctc/doc/conventions/Conv8pdf, (December 16, 2018).

terrorism since 1963. However, none of these documents defined what terrorism was. The greatest obstacle blocking the fight against terrorism has been the inability to make a general definition of terrorism among states in both the past and today. The reason why states fail to agree on a single definition has many causes which extend from the inequality of the power of states to their political systems, ideologies, political interests and priorities. Terror and terrorism is a reflection of the political and ideological interests of states. However, it is not possible for states to fail to distinguish their policies clearly. Therefore, the term 'terrorism' became a pejorative concept which is used to attack and blame. No state or organization would like to define itself as terrorist.[14]

Towards the end of the Cold War, the Security Council started to take a stronger stance against terrorism. The approach of the Security Council was towards defining methods more clearly rather than filling normative gaps. In this sense, it tried, first of all, to assess the conditions and then to take measures for a solution.[15] After serious events such as the Lockerbie disaster and the 1995 assassination attempt against Hosni Mubarak, the former President of Egypt, the Security Council took measures to reveal the perpetrators of terrorist attacks while imposing sanctions on the states that supported terrorism.[16]

The General Assembly of the UN adopted a systematical and long-term approach for the prevention of international terrorism. In this sense, it accepted "The Declaration concerning the Measures to Eliminate Terrorism" no. 49/60[17] on December 9, 1994. For such purpose, upon the execution of resolution no. 51/210 dated December 17, 1996, the General Assembly of the UN established an Ad Hoc committee *inter alia* which was responsible for drawing up an extensive convention about the prevention of terrorism, and the committee carried out its activities to perform this goal.[18] The Declaration proposed

9. Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf, Rome 1988, effective on 1992, www.un.org/en/sc/ctc/doc/conventions/Conv9pdf , 16.12.2018

10. Convention on the Marking of Plastic Explosives for the Purpose of Detection, Montreal 1991, effective on 1998, www.un.org/en/sc/ctc/doc/conventions/Conv4pdf , (December 16, 2018).

11.Convention for the Suppression of Terrorist Bombings, were accepted with the General Assembly's resolution no, A/RES/52/164 dated 15.12.1997. 23.05.2001, www.un.org/en/sc/ctc/doc/conventions/Conv4pdf , Reference: Ayhan, Halis, " Terör Kavramı, Güvenlik Konseyi ve Genel Kurul Özelinde Birleşmiş Milletlerin 2001 Sonrası Terör Yaklaşımı", *Güvenlik Stratejileri*, 11th year, issue 21, pp.128-129

14 Fatma, Taşdemir, *Uluslararası Terörizme Karşı Devletlerin Kuvvete Başvurma Yetkisi*, Usak Press, 2006, pp. 11-12

15 İbrahim, Kaya, *Terörle Mücadele ve Uluslararası Hukuk*, Ankara, Usak Press, 2005, pp.93

16 Tamer, Kaşıkçı, " Küresel Terörizm ve Birleşmiş Milletler Sistemi", *The Turkish Yearbook of İnternational Relations*, Volume 47 (2016), pp. 4

17 Measures to Eliminate International Terrorism", A/RES/49/60, 9 December 1994, http://www.un.org/documents/ga/res/49/a49r060.htm (December 16, 2018).

18 Fatma, Taşdemir**,** *ibid*., pp. 24

that the UN member states should come together and collaborate against terrorism. The purpose of the states that collaborated in this way was to ensure sanctions on states that supported, financed and hosted terrorism and to regulate domestic laws for the extradition of criminals upon their arrest.[19]

The Changed Approach of the United Nations against Terrorism after the Cold War

The approach of the UN against terrorism underwent various change phases following the Cold War. The point of view of the UN altered from "determining a group's own destiny" to "condemning terrorism as a crime whatever its purpose might be". When the Secretary General of the UN attempted to add "Measures to Prevent Terrorism" to the items of the agenda of the General Assembly meeting for the first time, the member states rejected such an intention. The item was added to the agenda consequently, but the title was amended and accepted as such upon resolution no. 3034. *"Measures to prevent international terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedoms and study of the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes"*.[20] Upon this, the General Assembly started a study on terrorism, having established an international terrorism committee consisting of 35 members. Between the 1970s and 1980s, the United Nations attributed the decisions taken by states for such purposes to self-determination due to the freedom struggles faced by states in order to get rid of the colonization of bigger states,[21] and the armed groups in such countries were not considered as terrorists.[22]Therefore, the resolutions prohibiting terrorism were not to cover the states which were struggling for their self-determination. The resolutions which allowed certain states to act freely with regards terrorism were accepted a couple of times more in 1977, 1979, 1981 and 1983. However, 13 years after the establishment of the committee in 1985, the General Assembly made a resolution that condemned all types of terrorism. Even though there were also resolutions made in 1987, 1989 and 1991

19 Andrey ,Lebedev, " Rol OON v Borbe s Terrorismom", *Nauchno-Analiticheskiy Jurnal Obozrevatel-Observer*, No 5(220)-2008

20 A/RES/27/30/34 (1972), M. Halberstam, " The Evolution of United Nations Position on Terrorism: From Exempting National Libertation Movements to Criminalizing Terrorism Wherever and By Who Ever Committed", *Columbia Journal of Transnational Law*, N.Y, 2003-Vol.41

21 Kaya, İbrahim**,** *ibid*. pp. 91

22 Aşın İnci, Sökmen, "Terörizmle Mücadele ve Birleşmiş Milletler", https://www.academia.edu/20035555/Ter%C3%B6rizmle_M%C3%BCcadele_ve_Birle%C5%9Fmi%C5%9F_Milletler, (December 7, 2018).

which condemned terrorism, these resolutions made references to self-determination like the former resolutions.[23]

The efficient attempts against terrorism by the General Assembly of the United Nations commenced with a Declaration attached to Resolution no. 49/60 of the General Assembly. Upon this declaration, the United Nations called all member states to immediately review the international provisions which prescribed the prevention of terrorism and its emergence in order to create an extensive legal frame that covers the entire aspect of the issue.[24]

The declaration did not define terrorism. However, it was stated that no act could be accepted which encouraged terrorism for political purposes between different societies and groups. The declaration also includes the assigned units' and the Secretary General's recommendations about the measures to be taken for the prevention of terrorism. The declaration was ratified with the resolutions taken in 1995, 1996, 1997 and 2001 and called for immediate action to eliminate terrorism, abstain from financial and other kinds of support for terrorist organizations and take measures. After 1991, terrorism was accepted as an item on the agenda of the UN.[25] Furthermore, the 1994 declaration consisted of documents that clearly and explicitly condemned terrorism. In 1999, the Security Council of the UN took resolutions that condemned Taliban and el-Qaeda[26]: 1267 (1999), 1822 (2008), 1989 (2011), 2133 (2014). These resolutions stressed that all types of terrorism were the most important threats against world security. After 1999, the UN Security Council started to see the increasing terrorist attacks as worldwide threats that could not be ignored. The Fight against terrorism thus became the primary item on the agenda of the Security Council. The purpose was to avail on the decision-making and resolution mechanisms as a reaction of the public opinion of the world against terrorist attacks, civil war and other types of offenses.[27] Nevertheless, it cannot be claimed that all of the resolutions emerged out of innocent purposes. Further examination of these resolutions reveals that the clauses have political motivations rather than the prevention of terrorism. During the discussions on the disarmament of Iraq,

23 M. Halberstam, , "Evolutsiya Positsiyi OON po Terrorismu: Ot İskluchenia iz Etogo Ponatia Natsianalno-Osvoboditelnıh Dviceniy do Formulirovania Ponatia Kriminalizatsii Terrorisma Nezavisimi ot togo, Gde i Km Osushestvlaetsa Terroristicheskiy Akt", *Gosudarstvo i Pravo*, , Vol. 4, No 3, 2001, pp.120

24 İbrahim Kaya, *ibid*, pp. 91

25 M. Halberstam,*ibid,* pp.120

26 Cheerniadeva N.A "Rol Rezoljucıj Soveta Bezopasnost,i OON v Sovershenstvovanii antiterroristicheskogo Prava (The Role of the UN Security Council Resolutions in the İmprovement of Anti Terrorism Legislation) *Vestnik Permskogo Universiteta. Juridicheskie Nauki* – Perm University Herald, Yuridical Sciences, 2015 No 2(28), pp.178

27 D. Ward, "Building Capacity To Combat International Terrorism : The Role of The United Nations Security Council**",** *Journal of Conflict and Security Law*, 2003, Vol. 8, No2, pp. 289-305

the government of Iraq was blamed by the Security Council for supporting terrorist groups, harboring them and taking part in terrorist attacks, and these accusations underlie the aforementioned political interests.[28]

The declaration accepted in 1994 had reflections that international terrorism was a phenomenon that had developed in parallel with state-supported terrorism. That is, the concerns were increasingly voiced that states contributed directly or indirectly to the spread of international terrorism. Even though state-supported terrorism was accepted as the most concerning issue to the Security Council after the fall of the Iraqi government, the agenda was rather occupied by the deflection and spread of terrorism through international networks. In Resolution no. 1511 dated 2003, the Security Council condemned the attacks against Turkish Ambassadors,[29] the UN Headquarters in Baghdad[30] and political leaders and diplomats. The Resolution, which was issued after these events, pointed out the necessity to punish the terrorists who attacked the Iraqi people and the United Nations.[31] This explanation implied that even though terrorism did not have a generally accepted definition, the terrorist acts, that is, the attacks against ambassadors and assassinations against diplomats and political and religious leaders would be accepted as terrorist attacks. The resolutions taken and the definition of terrorism in this period showed changes in the light of two varying political orders. Though the terrorist attacks in the Middle East were condemned as state terrorism before the USA intervention in Iraq, the attacks that occurred after the USA intervention in Afghanistan and, subsequently, in Iraq following the 9/11 attacks were presented as international terrorism. Conflicting assessments for terrorism in such political order confirm the political counter-terrorist approaches of the Security Council of the UN.[32]

28 Saul B, "Definition of "Terrorism" in the UN Security Council: 1985-2004", *Chinese Journal of International Law,* 2005, Vol. 4, No 1, pp. 141-166

29 On October 14, 2013, an assassination attempt was made against the Baghdad Ambassador of Turkey. Iraqi security personnel were also injured during the event. Reference: http://www.mfa.gov.tr, (December 10, 2018).

30 The UN Representative in Iraq, Sergio De Mello, was also a victim of the bomb attack against the UN Headquarters in Baghdad on August 19, 2003. Reference: http://www.arsiv.ntv.com.tr , (December 10, 2018).

31 For further information concerning the decree, see: European Court of Human Rights, file:///C:/Users/sadat/Downloads/CASE%20OF%20AL-SKEINI%20AND%20OTHERS%20v.%20THE%20UNITED%20KINGDOM%20-%20[Turkish%20Translation]%20by%20the%20COE%20Human%20Rights%20Trust%20Fund.pdf, 11.12.2018, Cheerniadeva N.A ,*ibid*, pp. 178

32 For the views specifying this thesis, see: Kaplan, F, " The Insurgents: David Petraeus and the Plot to Change the American Way of War". Hardcover, First Edition (U.S). 2013. S 432; Hatch C.R.O, " Restoring The Rule of Law in Post-War Iraq: Steps, Missteps and a Call to Maximize International Support for Iraqi-Led Process. United States Army. U.S Army War College. Carlisle Barracks, Pennsylvania 17013. URL: Dtic.MilGet-TR-DOC/Pdf?AD=Ada424378, 11.12.2018, Cheerniadeva N.A**,** *ibid*., pp.178

The Fight against International Terrorism Concept of the United Nations

The "Fight against International Terrorism" application, which was started by enabling the NATO by USA in 1990s, coincided with the uncertain passing environment of this period. Indeed, some "general" UN Security Council Resolutions were taken within the framework of Section VII in this period. However, the steps in this direction came to the forefront completely under the leadership of USA after the September 11 Attacks. In this context, resolution number 1373, which was unanimously accepted on 28 September 2011, is rather remarkable. Yet the resolution, which brought the all-out fight against "terrorism" in a sense, is not only for all members but also for "all states" as distinct from the application adopted traditionally. However, the targeted application is to prevent and to prohibit the finance and supporting of Al-Qaeda along with similar organizations in any way. Furthermore, more comprehensive obligations have been imposed on the states including prevention of foreign terrorist fighters passing through their countries with resolution 2178 made on September 24, 2014 for increasing the effectiveness of organizations such as ISIS at the time of the Syrian civil war.[33]

However, the September 11 attacks were the main cause of the unilateral intervention of the United States in the internal affairs of all states with the aim of "protecting international peace and security" or "humanitarian reasons". The September 11 attacks caused the further deepening of the UN system's approach to global terrorism at that time. After the attacks, the Security Council declared global terrorism as the most important item on the agenda. It began to address independently from the General Assembly, and from that day onwards, it has adopted a system that produces norms rather than applying norms. These attacks further aggravated the growing stance of the UN against international terrorism.[34] The September 11, 2001 attacks were a clear indication of the changing dimensions of international terrorism. It was understood due to the attack that it should be handled as the biggest threat to international security by all the security units. The changing global dimension of terrorism and the exacerbation of extremist attacks were highlighted in resolution 1373 accepted in 2001 by the UN Security Council[35] which shows a more serious approach to the fight against international terrorism. The resolutions taken in this regard were intended to indicate concrete and anti-terrorist activities. The resolution indicates the actions, which is required to be taken as a precaution and to be complied within the framework of fight against terrorism by states.

33 Erdem, Denk**,** *ibid,* p. 260

34 Tamer, Kaşıkçı *ibid.*, p. 8

35 D.Borisov, "Ekstremizm i Kontrterroristicheskaya Povestka OON v XXI veke", *Mirovaya Politika*, No1, 2018 p. 2

Some of the precautions are to make effective applications in order to prevent the support of terrorism and all ways for providing finance and to predict serious penal sanctions against the supporters such as finding new members of terrorist organizations, providing weapon utility, and acting as an accessory. In addition to these measures, decisions were taken regarding the activation of cooperation in the process of sharing all kinds of information about the points of departure and activities of the members of the inter-state terrorist organization and the extradition and prosecution of the captured terrorists. The resolution called on all states to be parties to all documents made by the UN Security Council on the issue of anti-terrorism in the fight against terrorism. It was also decided to send an annual report to the Anti-Terror Committee established by the states in the circle of terrorism. In this way, it was envisaged that states would be provided with a fight against terrorism and a mechanism expanding with inter-state cooperation of the domestic law circle. The objective was to concentrate on the prevention of terrorist organizations that might occur outside the established organizations.[36]

In the post-cold war era, another important factor that developed the normative structure in the fight against global terrorism was the resolution of the Security Council dated 2004, numbered 1540.[37] In parallel with the increase in the number of international terrorist groups and their actions, the rapid spread of weapons of mass destruction has increased the possibility that weapons might fall into the hands of terrorist groups. With resolution 1540 enacted to address this subject, it was decided that all states should adapt not only their international instruments but their domestic legal systems in order to prevent the development, acquisition, transfer and use of nuclear, chemical or biological weapons by non-state organizations.[38]

The Anti-Terrorism Committee (TMK) was established in accordance with Article 6 of S/RES/1373 (2001) on September 28, 2001 in order to monitor the implementation of this resolution. The main objective of the Committee was to ensure the implementation of Resolution 1373 (2001) by the States and to establish a mechanism to implement the monitoring, observation and control point in this regard. For this reason, a report was issued by the President of the TMC on the problems encountered in the implementation of UNSC Resolution 1373 (2001) on January 26, 2004.[39] Article 8 of Section IV of this report proposes establishing the Executive Director of Anti-Terrorism Committee (TMKİD).[40]

36 Cherniadeva N.A, *ibid*, p. 180

37 1540 numbered Resolution of UN Security Council: S/Res/1540, Article 1-2, 28 April 2004, http:// www.un.org/en/ga/search/view_doc.asp?symbol=S/Res/1540(2004), (December 11, 2018).

38 Tamer, Kaşıkçı, *ibid*, p. 11

39 See, S/2004/70 (Report by CTC Chair on Problems Encountered in İmplementation of Resolution 1373(2001), http://www.un.org/en/sc/ctc/resources/index.html (December 11, 2018).

40 Doğan, Şafak, Polat, ibid, s.161

A report was published specifying the frameworks for the fight against terrorism by the High Level Wise Men Group composed of scientists and statesmen from various countries in order to make the Alliance of Civilizations established in December 2004 with the support of the UN working more effectively. Recommendations on security, terrorism, human rights and evaluation of the fight against corruption were included in the report entitled, "In Larger Freedom: towards Development, Security and Human Rights for all".[41]

The UN clarified the framework of the actions to be applied in terms of the States in the fight against terrorism with this document. The principles that stand out here are: a) the connection of security and development, b) Looking at terrorism in the same way as civil war, poverty and underdevelopment problems, c) Creating a common idea that non-state actors threaten the collective security of all states. With this report[42] the aim of the UN was to observe the threat risks caused by international terrorism on a wider scale at first.[43]

The Problem of Defining Terrorism in the Fight against Terrorism

It is a common idea in many states that international terrorism cannot be defined without first defining terrorism. One of the important factors that make this definition difficult is that the common criteria of terrorism are not clearly defined. As it was mentioned before, 13 conventions and 3 protocols in the name of the fight against terrorism have been signed as a result of UN initiatives since 1963. However, the defining criteria of terrorism were not specified in any of the documents. The reason for this is that none of the conventions are intended to punish terrorist attacks rather, they aim to investigate the cause of terrorism. It was enough for many of these documents to identify the types of terrorist attacks in order to keep the UN's policy against terrorism alive. The hijacking of planes, taking hostages, supporting and financing terrorism, terrorist attacks by using nuclear weapons are all examples of such attacks. The second step taken by the UN in the fight against terrorism was to identify the scope of terrorism and try to define it by addressing the criteria that do not exceed the definition in the UN conventions. For instance, is it possible to characterize the killing of or causing grievous bodily harm to civilians, who are not related with the organization, by forcing them to protest or not to protest in line with the demands of the state, within the framework of terrorist attack term?

41 "Human Rights Committee Proposal in United Nations*", Hürriyet* www.hürriyet.com.tr/dunya/bmde-insan-hakları-konsey-onerisi-305464, (December 14, 2018).

42 The report of the High-Level Panel on Threats, Challenges and Change, A/59/565+Corr.1december,2004, https://www.securitycouncilreport.org, (December 14, 2018).

43 D.Borisov, *ibid*, p. 2

The aim of this section is to distinguish terrorism from other types of attack and to specify the criteria to be seperate terrorist attacks. Two important criteria have been identified at this point: the use of violence against civilians who are not involved in random conflicts and the use of violence to gain a certain benefit, not to gain a military victory.[44]

Every attempt to define terrorism utilizes the term "attack". However, it cannot be said that the elements of the definition, for example the attack criteria, are very clearly defined in these explanations. It is not difficult to predict that this will lead to new debates on the criteria of terrorist attacks.

The problems caused by globalization have made the concept of international terrorism more common than terrorism at a national level, but this kind of terrorism does not have a definition that has been generally accepted by all states. The idea of "International Terrorism" was first used by the United Nations as a concept in the late 1970s.[45] The attack types determined in the conventions signed by the UN in order to fight against terrorism were explained with the "Declaration on Measures to Eliminate International Terrorism"[46] (no 49/60 dated December 9,1994). In order to increase the effectiveness of the General Assembly on the fight against global terrorism and the awareness of the States on this issue, the report "Uniting Against Terrorism: Recommendations for a Global Counter Terrorism Strategy"[47] was published in 2006 by Secretary General Ban-ki Moon and, in accordance with this report, the declaration of United Nations Global Anti-Terror Strategy came with decision 60/288.[48] The criteria of the terrorist attacks in the UN conventions characterize terrorism as not only a legal action but also a sociological and political one. It is an indication that the common criteria of terrorism cannot be clarified in many respects since the interests of states are different in terms of sociological and political structures despite the fact that these documents determine terrorism as the most threatening element of security. Therefore, the UN is obliged to apply a way to determine the issue of combating terrorism through its narrow conventional conventions, which do not require the joint approval of all states.[49]

44 D.Borisov, *ibid*, p. 2

45 International Convention Against the Taking of Hostages, New York 1979, enforcement date 1981, www.un.org/en/sc/ctc/doc/conventions/Conv5pdf , (December 16, 2018).

46 Measures to Eliminate İnternational Terrorism", A/RES/49/60, 9 December 1994, Please see for the resolution text: http://www.un.org/documents/ga/res/49/a49r060.htm, (December 12, 2018).

47 "UN Global Fight against terrorism Strategy", https://www.un.org/counterrorism/ctitf/en/un-global-fight against terrorism-strategy, (December 12, 2018).

48 T. Kaşıkçı, *ibid*, 13

49 Cherniadeva N.A, " Ponyatiye " Mejdunarodnıy Terrorism" v Mejdunarodnıh Soglasheniah" OON", *Lex Russia*, No 6, Cilt 70, 2011, s. 1185

The fact that the UN tries to draw attention to the links between terrorism and extremism in an attempt to define terrorism and the reasons of terrorism in this context are the important developments on the issue that it can come to fight against terrorism. The report states that terrorism develops in conditions of deep helplessness, poverty, political repression, extremism and human rights violations. As an important issue regarding the definition of terrorism, it can be shown that government pressure is not considered as a terrorist element. The document refers to the Geneva Convention for violations of human rights, and as such, violations are covered by the state's internal affairs mechanisms.

Extremism alone has never been considered as an element of terrorism in any UN convention made in the fight against terrorism. Rather, extremism is viewed more as a side element of terrorism. In global terrorism, there is an excess of everything. It is natural to perceive the terrorist as an extremist when fighting an element of terror that is not afraid to die while attacking. Extremism is included in this struggle while acting within the context of the fight against terrorism. The aim of the UN is to establish a concept of effectively tackling both by creating the legal and normative acts of both anti-terrorism and anti-extremism movements in terrorist organizations. However, it is clear that combating terrorism and extremism will not be particularly effective without defining the criteria for the two and separating extremism from terrorism while the cause of the emergence of terrorism is not clear just as in the common definition of terrorism.

CONCLUSION

Towards the end of the Cold War, the UN was tasked with combating a phenomenon that was both different from and more dangerous than the establishment's original goal. The attacks of September 11, 2001 were a clear sign and a turning point that terrorism was and is a major threat to all states. Until these attacks, neither states nor international organizations in the UN included the issue of the fight against international terrorism in their planned agenda. Up until these attacks, all documents signed in relation to the issue of terrorism came to be following an attack or conflict. The fight against terrorism, along with the attacks of September 11, is at the top of the agenda of the international community and the UN. The most important strategy developed by the UN in light of recent events in the fight against terrorism has been to separate terrorism and extremism and to separately examine the reasons for both. It is understood that the fight against these disasters should be tackled with separate strategies within the scope of the fight against radical terrorist organizations such as al-Qaeda and ISIS. The methods developed in the fight against terrorism are inadequate to combat extremism, which is becoming increasingly more aggressive. The dimensions of extremism

with its extremely aggressive nature have broader criteria than the concepts shown in the UN documents. For this reason, with the categories of terrorism determined in the Fight against terrorism strategy signed in 2006, the subject of extremism should be considered separately and the methods used against extremism should be determined in a similar way to the strategy of 2006 within an international context.

In order to combat terrorism, not only should fighting concepts be determined but also general security measures should too. The dimensions of these threats should be specified when determining the output criteria of extremism as being inevitable during the fight. If the reasons for the emergence of extremist radical groups become clear, the options available to deal with them would be wider.

The issue of the fight against terrorism and extremism has brought the international community and the United Nations together in the same mind. A report on severe extremism detailed by the Secretary General of the UN in 2015 received great reactions. However, without making a clear definition of criteria and addressing the common interest of all states using the same strategy to fight this extremism would only be the repetition of previous mistakes (as in the case of terrorism), moreover the fight would probably have no effect. Extremism is a situation that is frequently encountered in conflict zones, as is the case with terrorism, and these features should be taken into consideration especially during the formation of a response strategy.

The United Nations has established an Anti-Terrorism Committee to address the issue of fighting terrorism on an organizational basis. It is an important development that the UN cooperates with its member states in the fight against terrorism and acts in coordination with them. However, operating such commissions and committees in a similar task circle is a factor that slows down the UN's effectiveness in fighting against terrorism. The acts of committees that undertake similar duties with similar criteria do not reduce these problems.

Based on this, the contribution of crisis management and other social and peace projects in the regions of conflict and crisis should be considered. In addition to this, states should be encouraged to work in a more systematic way with the UN and other international organizations in the fight against terrorism since such cooperation is important at a level not to be underestimated in terms of crisis management in conflict zones.

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CHAPTER 6

THE RELATIONSHIP BETWEEN ISIS, BOKO HARAM AND THE UNITED NATIONS IN THE CONTEXT OF THE RESPONSABILITY TO PROTECT PRINCIPLE

Aybüke EVRANOS*, Aydın ERDOĞAN**

*Department of Political Science And International Relations, Istanbul University, Istanbul, Turkey
e-mail: aybukeevranos@gmail.com

**Department of Political Science And International Relations, Istanbul University, Istanbul, Turkey
e-mail: aydinerdogan1992@hotmail.com.tr

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INTRODUCTION

In the post-Cold War period, there have been significant changes in expectations regarding the responsibilities of the international community for individual and social welfare. Following unhindered massacres in Rwanda and the Balkans in the 1990s and the Kosovo intervention during which North Atlantic Treaty Organization (NATO) broke many rules concerning the use of force, the international community has seriously debated how to respond to systematic violations of human rights. In September 1999, when Kofi Annan presented his annual report to the United Nations General Assembly, he reflected upon expectations for human security and intervention in the next century and called on member states to meet on common ground to adopt the principles of the Charter of the United Nations and to protect humanity.[1] Kofi Annan repeated this call in his 2000 Millennium report by

1 United Nations Secretary General, "Secretary-General Presents His Annual Report to General Assembly", 20 September 1999, https://www.un.org/press/en/1999/19990920.sgsm7136.html (May 26, 2018).

asking "if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica—to gross and systematic violations of human rights that offend every precept of our common humanity?"[2] Thus, in cases where universally accepted human rights have been violated, the international community's responsibility to act against such violations arose.

Annan's call was embraced by the International Commission on Intervention and State Sovereignty founded by the Canadian Government at the end of 2001 and prepared way for the Responsibility to Protect Report.[3] The concept of responsibility to protect was inspired by Francis Deng's idea of "state sovereignty as responsibility"[4], and Deng concluded that sovereignty is not only protection against foreign interference, on the contrary, states have positive responsibilities to ensure the welfare of societies and to assist other states in this regard. As a result, the primary responsibility for the protection of society sits principally with the sovereign state itself. However, the remaining responsibility belongs to a wider set of states.[5] In other words, when the state that has the responsibility to protect its citizens cannot fulfil this duty, the international community has the authority to intervene. If military intervention is to be followed, the principals to be considered are as follows: just cause, right intention, last resort, proportional means and reasonable prospects.[6]

After this report, the concept of responsibility to protect gradually took its place as an international norm. In September 2005, at the United Nations World Summit, all member states formally adopted the responsibility to protect their communities from genocide, war crimes, ethnic cleansing and crimes against humanity. At the summit, world leaders also acknowledged that if any state fails to fulfil this responsibility, all states (the international community) are responsible for helping to protect those who are threatened with such crimes. If peaceful methods are insufficient and the national authorities explicitly fail to protect the society, the international community must act in a timely and decisive manner through the United Nations Security Council and in accordance with the Charter of the United Nations.[7]

2 United Nations Secretary General, "Secretary-General Presents His Annual Report to General Assembly", http://www.un.org/en/events/pastevents/pdfs/We_The_Peoples.pdf, (May 26, 2018).

3 International Commission on Intervention and State Sovereignty, The Responsibility to Protect, December 2001, http://responsibilitytoprotect.org/ICISS%20Report.pdf (May 26, 2018).

4 For more information: Francis M. Deng *et al*, Sovereignty as Responsibility Conflict Management in Africa, Washington: The Brookings Institution, 1996.

5 International Commission on Intervention and State Sovereignty, *op. cit*.

6 Oliver Ramsbotham *et al.*, Contemporary Conflict Resolution, Cambridge: Polity Press, 2006, p. 284.

7 United Nations General Assembly, "Resolution adopted by the General Assembly on 16 September 2005", 24 October 2005, http://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_601.pdf (May 26, 2018).

The Security Council made the first official referral to the responsibility to protect in 2006 through Resolution 1674 on the Protection of Civilians in Armed Conflict.[8] Also, the Security Council referred to this principle in Resolution 1706, which sent United Nations peacekeeping troops to Darfur (Sudan).[9] Thereafter, the United Nations Security Council made decisions within the frame of this principle for Libya (2011), the Ivory Cost (2011), Yemen (2011) and South Sudan (2011).[10]

However, the Security Council has not always been able to reach consensus within the framework of the responsibility to protect. This situation is much better understood considering the Syrian crisis as an example. Since the beginning of the civil war in 2011, thousands of people being killed by the Syrian government itself and by the armed groups against it, as well as people who died as a result of terrorist attacks carried out in Syria and around the world by the Islamic State of Iraq and Damascus (ISIS) were not enough for the United Nations Security Council to activate the responsibility to protect principle and intervene. Similarly, millions of people in Nigeria, especially women and children, were affected by the terrorist acts of Boko Haram. Nevertheless, the Security Council did not take adequate action against this terrorist group and did not even keep this issue on the agenda of the Security Council.

The attitude of the United Nations against some governments and terrorist organizations has also been criticized by various researchers and some elements of the international community. This study will examine the stance of the United Nations Security Council against ISIS and Boko Haram. In its 2014 report, the United Nations Commission on Human Rights stated that members of ISIS committed war crimes and crimes against humanity in Aleppo and Raqqa, including acts such as torture, murder and forced displacement. At the same time, the chairman of the commission, Paulo Sérgio Pinheiro said that ISIS was a clear threat to civilians and, in particular, to minorities in Syria and in the areas controlled by this terrorist group.[11] Despite the fact the United Nations also had other reports which proved that

8 United Nations Security Council "Resolution 1674", 28 April 2006, https://www.un.org/ruleoflaw/files/S-Res-1674%20on%20protection%20civilians%20in%20armed%20conflict%20(28Apr06).pdf (May 26, 2018).

9 Nick Grono, "Briefing: Darfur: The International Community's Failure to Protect", African Affairs, 105(421), 2006, p. 626.

10 United Nations Office on Genocide Intervention and the Responsibility to Protect, "Compendium of Practice Implementation of the Responsibility to Protect 2005-2016", 20 Mart 2017, http://www.un.org/en/genocideprevention/documents/RtoP%20Compendium%20of%20Practice%20(Provisional%20Pre-Publication%20Version)%20FINAL%2020%20March%202017.pdf (May 26, 2018).

11 United Nations Human Rights Council, "Syria's brutal war threatens international peace and security: UN commission of inquiry", 27 August 2014, http://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=14966&LangID=E (May 31, 2018).

war crimes and crimes against humanity had been committed by ISIS and international media coverage of the situation, the United Nations Security Council failed to take action. Moreover, the Permanent Representative of Nigeria to the United Nations, Dr. Tijjani Bande stated that since 2009, 14.5 million people have been impacted by Boko Haram and suffered from this terrorist organization. Boko Haram has caused humanitarian crises especially in Nigeria and in neighboring countries such as Chad, Cameroon, Niger and Benin.[12] As in the case of ISIS, the United Nations Security Council has failed to intervene in these humanitarian crises.

In accordance with the above, the main question sought in this study is the question of why the United Nations Security Council cannot take action to intervene. In order to answer this, first ISIS, then Boko Haram and ultimately the steps taken by United Nations regarding ISIS and Boko Haram will be examined.

1. The Islamic State of Iraq and Syria (ISIS)

ISIS, came into prominence during the intervention of the United States (US) in Iraq. It became stronger and more prominent in Iraq between the years 2004 and 2008. Later, between the years 2007 and 2010, ISIS, which was faced with resistance from the Sahwa Militia, suffered great losses and came close to breaking up in 2010. In 2010, ISIS regained power due to reasons such as Nouri al-Maliki's ascendence to becoming Prime Minister of Iraq, the beginning of the Arab Spring and the USA's withdrawal from Iraq, which led to the organization becoming highly active in both Syria and in Iraq. In December 2017, it was announced by the then-Prime Minister of Iraq al-Abadi that ISIS had been cleared out of Iraq, thus the war was finally over.[13] Despite al-Abadi's announcement, it is perhaps not misleading to say that the organization is still pursuing its activities ideologically. ISIS' ideology, its avowed warriors and their actions still remain in many places around the globe.

1.1. History

ISIS, the foundations of which were laid in Afghanistan in 1999 by Musab al-Zarqawi, was founded in Iraq and started its activities in this country.[14] Al-Zarqawi went to Afghanistan some time before the end of the Soviet invasion and fought in a number of battles there. Al-Zarqawi, who visited Pakistan several times while he was in Afghanistan, met Abu Muhammad al-Maqdisi there and was influenced by his religious views. After staying in Afghanistan

12 The Guardian, "Nigeria says 14.8m people affected by Boko Haram", 23 May 2018, https://guardian.ng/news/nigeria-says-14-8m-people-affected-by-boko-haram/(May 31, 2018).

13 BBC Turkish, "Irak Basbakani Ibadi: ISID ile Savas Bitti", 9 December 2017, https://www.bbc.com/turkce/haberler-dunya-42293826 (May 31, 2018).

14 Necati Alkan, *El Kaide'den ISID'e Din, Siddet ve Terorizm,* Ankara: Karinca Yayin*, 2016, p. 164.*

between 1989 and 1992, al-Zarqawi returned to Jordan and tried to form his militia there. He was arrested for ordering a suicide bombing in Jordan and remained in prison from 1993 to 1999. After being released, al-Zarqawi returned to Afghanistan to meet bin Laden.[15] Bin Laden, despite not liking al-Zarqawi, gave five thousand dollars to him afterwards (upon bin Laden's assistant al-Zawahiri's insistance). With this money, al-Zarqawi found the chance to build his training camp, which laid the foundations of ISIS. With this support, al-Zarqawi founded "Jama'at al-Tawhid wal-Jihad", that is, "the Organization of Monotheism and Jihad".[16]

Al-Zarqawi and the organization he had founded were not very well-known from 1999 to the US invasion of Iraq in 2003. However, after the 2003 US invasion, al-Zarqawi became known for his attacks and cruelty against US soldiers.[17] During this time, al-Zarqawi also became known for his hatred towards the Shia. With this hatred and cruelty, al-Zarqawi unleashed an attack on the United Nations (UN) in Baghdad in August 2003 which killed 22 people including UN special delegate Sergio Vieira de Mello. Later, in February 2004, al-Zarqawi's followers performed synchronous attacks in Baghdad and Karbala, a very important city for the Shia, on the day of Ashura; 150 people lost their lives in these attacks.[18] These kinds of attacks led by the Organization of Monotheism and Jihad, as well as al-Zarqawi's declaration of allegiance to Osama bin Laden in 2004 and the change of the name of the organization to "Al-Qaeda Organization in the Land of the Two Rivers", or the better known name, "Al-Qaeda in Iraq" (AQI)[19] increased popularity of al-Zarqawi and his organization. Nevertheless, the fact that the US announced a monetary award of 25 million dollars for al-Zarqawi's capture was a sign that he had begun to cause serious problems.

By 2006, AQI, led by al-Zarqawi, had incorporated several minor jihadist groups and changed its name to "Mujahideen Shura Council". Al-Zarqawi lost his life after a US airstrike on 7 June 2006.[20] Abu Omar al-Baghdadi, who succeeded al-Zarqawi changed the name of the organization to "The Islamic State of Iraq" (ISI) in October 2006. Following this name change, Omar al-Baghdadi declared that ISI was also founded as a state. This declaration by al-Baghdadi led to an increase in conflicts in the region because al-Baghdadi, who declared

15 Gulsum Boz, *ISID Teror Orgutu ve Evrim Sureci: Irak El-Kaide'sinden Irak-Sam İslam Devleti'ne*, Ankara: Ankara Strateji Enstitusu Yayinlari, 2014, p. 7.

16 Sinan Hatahet, *Suriye'de "ISID", ORSAM*, No: 20, 2015, p. 2.

17 Elliot Friedland, *The Islamic State*, Special Report of Clarion Project, 2015, p. 4.

18 Lawrence Joffe, "Abu Musab al-Zarqawi obituary", *The Guardian*, 9 June 2006, https://www.theguardian.com/news/2006/jun/09/guardianobituaries.alqaida (May 23, 2018).

19 E. Friedland, p. 8.

20 L. Joffe.

that he had founded a state, demanded that the local and regional organizations swear allegiance to him.[21] ISI tried to force the public to obey the Sharia law, which led to resistance from the public against the organization and increasing conflict. The US, trying to benefit from the situation, started to support the Sahwa Militia, which was founded in early 2007 by 17 Sunni chieftains.

The Sahwa Militia fought effectively against ISI until 2010. In fact, between 2007 and 2011, the Sahwa Militia managed to decrease the number of ISI militants from an estimated 15 thousand to around one thousand. Similarly, there were 35 thousand casualties in ISI attacks around 2006, whereas in 2011, this number had decreased to 2700.[22] Nonetheless, the Sahwa Militia, after brutal battles with ISI, managed to draw ISI militants out of Fallujah and al-Anbar. Also, through collaboration between the US and the Sahwa Militia, out of the top 47 leaders of ISI, 34 were either killed or captured.[23] In 2010, ISI leader Omar al-Baghdadi was killed as a result of the combined operations of US and Iraqi forces.

The progress mentioned above demonstrates that the Sahwa Militia were successful. However, they were disbanded by Shia leader Nouri al-Maliki, who became the Prime Minister of Iraq in 2010. Al-Maliki saw the Sahwa Militia as a threat against the Shias. For this reason, he did not integrate the Sahwa Militia into the army. As a result of the disbanding of the Sahwa Militia, the beginning of the Arab Spring, the expansion of ISI towards Syria and the withdrawal of the US from Iraq, ISI, which was on the verge of collapse, regained power.

Meanwhile, following the killing of Omar al-Baghdadi in 2010, the ISI Shura Council had to elect Abu Bakr al-Baghdadi as a new leader. Following his election, Abu Bakr al-Baghdadi tried to rally and empower ISI. As the Arab Spring was becoming notable in Syria, al-Baghdadi sent Abu Mohammad al-Julani to Syria. Al-Julani founded the al-Nusra front in Syria. With al-Julani's efforts and organizational skills, the al-Nusra Front gained significant power in a short time. The al-Nusra Front, being flooded with foreign fighters and gaining more power day by day with the weapons confiscated from the Assad regime[24] came to be seen as a threat by al-Baghdadi. In fact, some time later, ISI demanded that al-Julani abolish the al-Nusra Front and pledge loyalty to al-Baghdadi. Al-Julani, however, refused to obey this demand. Several ISI senior leaders went to Syria to take over the al-Nusra Front. This led

21 Recep Tayyip Gurler ve Omer Behram Ozdemir, *"Tevhid ve Cihad Orgutu"nden "Islam Devleti"ne*, SETA, Issue: 60, 2014, p. 2.

22 Ibid.

23 Melek Ulagay Taylan, "Yarin: ISID Yeniden Doguyor", *Bianet*, 1 July 2015, https://m.bianet.org/bianet/siyaset/165694-irak-islam-devleti-kuruluyor (May 23, 2018).

24 Can Acun, *Neo el-Kaide: Irak ve Sam Islam Devleti (ISID),* SETA, Issue: 53, 2014, p. 3.

to battles between ISI and the al-Nusra Front. In 2013, al-Baghdadi went to Syria and declared "the Islamic State of Iraq and Syria" (ISIS).

As this conflict between ISIS and the al-Nusra Front continued, al-Qaeda leader Ayman al-Zawahiri intervened and made a decision concerning the issue. According to al-Zawahiri's decision, ISIS would maintain their activities in Iraq, while the al-Nusra Front would maintain theirs in Syria.[25] Al-Julani would remain the leader of the al-Nusra Front for at least a year and then the matter would be clarified with a Shura Council meeting. Al-Baghdadi protested this and kept battling the al-Nusra Front, which led to an announcement by al-Qaeda in February 2014 that ISIS was no longer associated with al-Qaeda. As ISIS was no longer related to al-Qaeda, they moved on to act more independently, without the necessity of informing a higher organization.

On 10 June 2014, ISIS invaded Mousul and gained further power. Following the invasion of Mousul, ISIS confiscated all banks and all weapons left by the Iraqi army in the city. This empowered ISIS, both financially and in terms of their weaponry. By the end of June, al-Baghdadi had claimed lands both in Syria and in Iraq, and thus declared that he had founded an "Islamic State" in these two countries.[26] Thereby, ISIS changed its name once more and became the "Islamic State" (IS). IS acquired significant financial and military power in 2014 and 2015. After 2015, however, with the increase of international strife, they began to lose power. IS, which suffered severe losses particularly in 2017, was the target of an airstrike in Raqqa by Russia in May. It was claimed by Russia that many top-level leaders of IS, including al-Baghdadi, were killed in this attack.[27] However, IS later broadcasted a voice recording of al-Baghdadi, attempting to demonstrate that he was not dead.[28] In the recording, al-Baghdadi threatened the US and Japan. This led to a common belief that al-Baghdadi was not dead. In early 2018, IS had lost 98% of the land they had invaded, and was weakened greatly, both in financial and military terms.[29] The salvation of the Syrian city Raqqa, which was seen as the capital of the organization and of the caliphate, and the Iraqi city Mousul, which provided important financial resources to the organization, from the IS invasion caused the organization to suffer significant losses.

25 Ibid., p. 4.

26 W. Theo Oosterveld and Willem Bloem, *The Rise And Fall Of ISIS*, Centre For Strategic Studies, The Hague, 2017, p. 8.

27 Al Jazeera, *Russia claims killing ISIL leader Baghdadi*, 7 June 2017, https://www.aljazeera.com/news/2017/06/russia-claims-killing-isil-leader-baghdadi-170616082539284.html (May 24, 2018).

28 Al Jazeera, *ISIL Posts 'Baghdadi Audio' İssuing 'Resistance' Call*, 27 Eylül 2017, https://www.aljazeera.com/news/2017/09/isil-posts-baghdadi-audio-issuing-resistance-call-170928165854930.html (May 24, 2018).

29 BBC, *The US-Led Coalition Against So-Called Islamic State (IS) Says 98% Of Territory Once Claimed By The Jihadist Group Across Iraq And Syria Has Been Recaptured*, 28 March 2018, http://www.bbc.com/news/world-middle-east-27838034 (May 24, 2018).

1.2. Purpose and Structure

Following the Soviet invasion of Afghanistan in 1979, radical Islamist militants rushed to Afghanistan. The militants, who had gathered in Afghanistan and Pakistan, engaged in armed conflicts against the USSR throughout the invasion. The militants and combatants received both military and religious/ideological training in Afghanistan and Pakistan. This training allowed their campaigns to be increasingly more systematic, ordered and organizational. Indeed, by the end of the invasion (1988-1989), the terrorist organization al-Qaeda was formed to ensure more organizational campaigns. The terrorist organization al-Qaeda became an organization that other terrorist organizations obeyed and paid homage to. Abu Musab al-Zarqawi, the founder of the terrorist organization ISIS, took al-Qaeda as a reference in his organization and paid homage to al-Qaeda in 2004.

ISIS' purpose can be understood by looking at their basic ideological view. According to ISIS' Salafi Jihadism, Islam should revert to its pure state from the era of bliss (the intial stage of Islam). ISIS refuses anything that was accepted or added into Islam after that period. According to the organization, anyone who does not obey these conditions is a heretic and has renounced the religion. The suitable penalty for heresy is death.[30] According to this worldview, the main purpose of ISIS is to build a state that is ruled by Shariah law and restore the caliphate. The organization has, aiming to accomplish these purposes, determined some short-, medium- and long-term goals, based on their activities in 2014-2015. The goals of ISIS can be listed as follows:

1-Short-term Goals: To protect their lands in Syria and Iraq and expand to larger territories. In order to succeed in this goal, the organization tried to provoke the Shia and Sunni conflict in Iraq and took advantage of it.

2-Medium-term Goals: Following the expansion in Iraq and Syria, move on to neighboring Sunni countries and invade them as well. In order to succeed in this goal, ISIS tried to make use of potentially violent youth in neighboring Sunni countries who were their symphatisers.

3-Long-term Goals: As the main purpose was to restore the caliphate, the long-term goal of ISIS is to invade all Muslim countries and fight against the West.[31]

In accordance with the above-mentioned goals, ISIS invaded Fallujah, 50 kilometres to the west of Baghdad, in January 2014. By this invasion, ISIS declared that Fallujah was now

30 E. Friedland, p. 13.

31 Ibid., p. 16.

a part of the Islamic State and announced to the people of Iraq that they were there to protect them. Also, ISIS demanded that the people fight alongside the organization.[32] In June 2014, ISIS spokesperson Abu Muhammad al-Adnani declared that they had restored the caliphate in his speech "This is the word of Allah".[33] Thereby, ISIS began to focus more on their attacks against neighboring Muslim countries as well as the West, and called their militants to jihad with promises like heaven, houris, and martyrdom.

When the structure of ISIS is analyzed, it can be seen that the organization has a structure very similar to that of a state. ISIS integrates the lands they invade into their 'provincial' system. According to the UN report in 2014, ISIS has 8 provinces. It assigns governors to these provinces and rules the provinces through these governors.[34] From a more general viewpoint into its structure, there is one leader at the top, and two representatives just below this leader, one for Syria and one for Iraq.[35] Aside from these, it has Shariah, Counseling, Security and Military Councils in order to administer its lands better. This establishment also exists in provinces and districts.[36]

ISIS plays the role of a state in this establishment. With this role, it is strictly organizational in terms of the maintenance and administration of the state in the lands it has invaded. The organization tries to gain support from the locals of the Islamic State it has declared. After invading Raqqa, they announced it as their capital and started to provide education, health and public services in the lands they had invaded, primarily in Raqqa. Aside from these, the organization has established a court which applies the rules of Shariah and a "Hisbah (Vice Squad)"[37] was also established to inspect whether or not the public obeys the rules of Shariah. As it can be deduced, ISIS, unlike most terrorist organizations, has become deeply established and has claimed state-like duties. Despite suffering great losses in terms of land, militants and finances in 2018, ISIS still maintains its activities in certain regions.

32 NY Times, *Iraq Fighters, Qaeda Allies, Claim Falluja as New State*, 3 January 2014, https://www.nytimes.com/2014/01/04/world/middleeast/fighting-in-falluja-and-ramadi.html (May 25, 2018).

33 Site Intel Group, *ISIS Spokesman Declares Caliphate, Rebrands Group as "Islamic State"*, 29 June 2014, https://news.siteintelgroup.com/Jihadist-News/isis-spokesman-declares-caliphate-rebrands-group-as-islamic-state.html (May 25, 2018).

34 United Nations, *The Islamic State In Iraq and The Levant and the Al Nusrah Front For The People Of The Levant: Report and Recommendations Submitted Pursuant to Resolution 2170*, 2014, p. 8. http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2014/815 (May 25, 2018).

35 Friedland, p. 18.

36 Semsettin Erdogan and Ergun Deligoz, "Irak Sam Islam Devleti (ISID): Gucu ve Gelecegi," *Savunma Bilimleri Dergisi*, Volume: 14, Issue: 1, 2015, p. 10.

37 Friedland, p. 19.

2. The Terrorist Organization Boko Haram

The terrorist organization Boko Haram is a radical religious organization that is significantly active in the northern states of Nigeria. Boko Haram, the official name of which is "Jamā'at Ahl as-Sunnah lid-Da'wah wa'l-Jihād ala-Manhaji's Salaf", meaning "Group of the People of Sunnah for Preaching and Jihad for Salafism", tried to gather militants by providing free education to underprivileged and unemployed youth in the Borno state of Nigeria during the leadership of its founder Mohammad Yusuf. Due to the free training opportunities which Yusuf had provided, and the fact that his views, which were rooted in the Salafi worldview, found supporters in neighboring countries such as Niger, Chad and Cameroon, the organization gained power over time.

Around a thousand people, including the founder Yusuf, were killed in the operations carried out by the Nigerian government against Boko Haram in 2009. As the organization suffered great losses and found itself on the verge of collapse, the surviving militants fled to neighboring countries. The organization began to gather power in 2010 and gained international recognition through the attacks they performed on UN buildings, the Nigerian army, schools, mosques and churches. The organization became known on a worldwide level when they kidnapped 270 female students in a school attack in 2014.

2.1. History

Although the year of foundation of the terrorist organization Boko Haram is considered to be in 2002, certain reports connect its establishment to minor radical Islamist groups which had not yet gained international notoriety and which were attempting activity in Nigeria in mid-1990s.[38] According to these reports, the terrorist organization Boko Haram was related to the "Sahabah" movement, which was a small resistence group consisting of young men and was led by Abubakar Lawan in the 1990s.[39] Mohammad Yusuf, the founder of Boko Haram, took part in this small, radical Islamist resistence group and had come to prominence by the mid-1990s. Yusuf started to have significant activity in Maidugari, the capital of Borno, a northern state of Nigeria, in the early 2000s. Consequently, around 2002-03, he started a Salafism-based movement, protesting the secular government, which was, from his perspective, corrupt and lacking Islamic values.[40]

Yusuf, who formed a sect called Yusufism in 2001, built a campus which consisted of a

38 Foard Copeland, "The Boko Haram Insurgency in Nigeria", *Civil-Military Fusion Centre Presents*, 2013, p. 1

39 James Adewunmi Falode, The Nature of Nigeria's Boko Haram War, 2010-2015: A Strategic Analysis, Perspectives on Terrorism, Volume: 10, Issue: 1, 2016, p. 43.

40 F. Copeland, p.2.

school and a mosque named Ibn Taymiyyah in Maiduguri in 2002.[41] Many people, not only from Nigeria but also from neighboring countries like Chad, Cameroon and Niger, attended this campus between 2002 and 2009. The fact that Yusuf was providing free education to underprivileged youth in this campus increased participation. Also, Yusuf tried to organize inclusive programs for underprivileged students and unemployed youth, aiming to fight poverty and unemployment in the northern states of Nigeria.[42] As a result, Yusuf soon had around 280,000 supporters in Nigeria, Niger, Cameroon and Chad. According to his teaching, it is sinful to work as a public official in Nigeria as it is not an Islamic state. Also, according to Yusuf, any activity performed in this country is sinful. In his view, the West might be idolized in this way.

Based on Salafism, Yusuf's ideology has been influential on the youth both in his country and in neighboring countries. In fact, in 2003, a group of Yusuf's students started to call themselves "the Nigerian Taliban" and began brutal attacks in Yobe state, to the west of Borno state. The Nigerian Taliban performed these attacks under the control of Yusuf and was led by Mohammad Ali. This is the reason why some consider that Boko Haram originated there.[43] However, as mentioned above, others relate the foundation of Boko Haram with the Sahabah movement, also known as "Ahl as-Sunnah v'al Jamā'at'al-Hicrah", initiated by Abubakar Lawan in 1995. Some even track the foundation of Boko Haram back to Mohammed Marwa's (known by his alias, Maitatsine) 1980 uprising.[44] Marwa was a figure who interpreted religion in extreme ways and, in fact, he claimed to be a prophet in 1979. Marwa's followers were poor, underprivileged, unemployed youth. In his 1980 uprising, he and around five thousand other people were killed.[45] There is a belief that Boko Haram originates from a branch of the Maitatsine Movement. It is claimed that the organziation used these names after 1995: Sahabah Movement, Yusufism, the Nigerian Taliban and Boko Haram. It is believed that the organization claimed the name Boko Haram in 2006. The first major action under this name was burning a traffic police officer to death in 2009.[46] In 2009, the Nigerian government carried out operations against Yusuf and his followers, which resulted in the deaths of Yusuf and around 1000 others.

41 Abdurrahim Siradag, "Sahra Alti Afrikasi'nda Terorist Gruplarin Yukselisi: Boko Haram Ve Es-Sebab", *SETA*, Issue: 125, 2015, p. 9.

42 Ibid. P. 10.

43 Emrah Kekilli, Hayri Ömer and İ. Bachir Abdoulaye, "Bir Örgütün Anatomisi: Boko Haram", *SETA*, Issue: 214, 2017, p. 12.

44 For more information see: Aydin Erdogan, *El Kaide, ISID ve Boko Haram (Dini Motifli Terorizm ve Finansal Kaynaklari),* Ankara: Berikan Yayincilik, 2018, pp. 87-103.

45 Siradag, p.11.

46 Izzettin Artokca, "Boko Haram Ve Es Sebab Teror Orgutlerinin Yapisal Bakimdan Karsilastirilmasi", *TASAM*, 2012, p. 11.

The organization had suffered great losses and almost came to an end. The militants who survived the operations fled to countries which share borders with Borno state such as Chad, Niger and Cameroon, in an attempt to regain power. In 2010, Boko Haram attacked Nigerian prisons and set their imprisoned members free. Thereby, they entered a period of rebuilding the organization. Abubakar Shekau, who became the leader in 2010, acted with a vengeful attitude. Consequently, the organization performed much more brutal attacks from this date on.

If the current state of the organization is analyzed, it can be observed that their choice of target is widening. Since 2010, they have attacked churches, UN offices, mosques and schools. The organization became known to the international public after an attack they made on a school. In fact, after the attack, Michelle Obama, spouse of the then-president of the USA, Barack Obama, started a social media campaign to persuade Boko Haram to release the girls they had kidnapped.[47] In 2015 and 2016, the organization engaged in intense battles with the Nigerian army, and they have been pursuing their suicide bombings and other attacks since early 2017. The organization was still performing their attacks in 2018 and they continue targeting schools and kidnapping female students.[48]

2.2 Purpose and Structure

The purpose of the terrorist organization Boko Haram was constructed upon the Salafist view. Similar to al-Qaeda and ISIS, Boko Haram aims to found an Islamic State governed by the rules of Shariah. To achieve this purpose, they intend to found an Islamic State firstly in Nigeria and then integrate all Muslim countries into it. According to the organization, in order to achieve this purpose, it is necessary to fight against the West and Western values. Semantically, the organization's name indicates this obligation.

In Hausa, the local language of the region where the organization is active, "boko" means "book". What it denotes in this context is that a Western education is sinful (haram).[49] Despite this discourse considering the name of the organization, Mallam Sanni Umaru, who temporarily led the organization after the killing of Yusuf in 2009, declared that these discourses are constructed by the heretical media and the organization does not accept such a definiton. According to Umaru, Boko Haram does not mean "Western Education is Sinful",

47 Kekilli et al., p.17.

48 The Guardian, *Boko Haram Returns More Than 100 Schoolgirls Kidnapped Last Month*, 21 March 2018, https://www.theguardian.com/world/2018/mar/21/boko-haram-returns-some-of-the-girls-it-kidnapped-last-month (May 27, 2018).

49 Freedom Onuoha, "Boko Haram And The Evolving Salafi Jihadist Threat In Nigeria," *Boko Haram: Islamism, Politics, Security And The State in Nigeria*, African Studies Centre, Volume: 2, 2014, p. 160.

it means "Western Civilization is Sinful".[50] Umaru emphasizes the difference between these two definitions and explains it as follows: "The former definition causes the impression that we are against a Western-style education, which is not true; the latter definition expresses our belief in the superiority of Islamic culture. The concept of culture is much wider and it includes education as well." However, this education is not defined by Western education.[51]

During the period of Yusuf's leadership, the organization was already against Western-style education and Western values; they are against the Western culture because, as they have declared, Muslims in the northern regions of Nigeria are becoming more and more influenced by Western values and the secular policies of the Nigerian government is causing the loss of Muslim identity in the North.[52] The organization, which is against Western culture and is actively trying to emphasize the superiority of Islamic culture, prefers to be called "Jamā'at Ahl as-Sunnah lid-Da'wah wa'l-Jihād ala-Manhaji's Salaf" (the group of people who have devoted themselves to preaching and jihad based on the Salafi method) instead of Boko Haram. At this point, Salafism, which is the basis of the central ideology of the organization, consists of returning to the first days of Islam and protecting Islam from external factors. Yusuf, who had this ideology, aimed to build an Islamic State in the northern region of Nigeria, based on the government model the Taliban once built in Afghanistan. Yusuf worked towards this goal and wanted to establish the Islamic State, not only in Northern Nigeria, but, if possible, all around the world with a pure faith.[53]

When the mindset behind Yusuf's and Boko Haram's main ideology, hence their purpose, is analyzed, it can be seen that it is to build an Islamic State that is governed by Salafi ideology and established all around the world, primarily in Nigeria. It must be noted that Yusuf, who continuously called for Jihad to achieve their purpose, put jihad before the five pillars of Islam. According to him, the reason why Iraq, Palestine, Afghanistan and other Muslim countries are invaded is that Muslims are in a state of laziness and lack spirituality. According to Yusuf, to solve this problem and to reclaim the Muslim lands under invasion, jihad is a religious obligation (fardh); he called the Muslims to jihad, asking "where is jihad?" and "where is faith?". According to him, Islamic Shariah is the only acceptable way of government and way of living; jihad should be held against any other form of government. Therefore, there should

50 F. Onuoha, p. 160.

51 Ibid.

52 World Almanac of Islamism*, Boko Haram*, American Foreign Policy Council, 2015, http://almanac.afpc.org/sites/almanac.afpc.org/files/Boko%20Haram%202017%20Update.pdf (May 27, 2018).

53 Innocent Chiluwa, "The Discourse of Terror Threats: Assessing Online Written Threats by Nigerian Terrorist Groups," *Studies in Conflict & Terrorism,* Volume: 40, Issue: 4, 2017, p. 320.

be a jihad against Nigeria, which is not ruled by Islamic Shariah. These beliefs and his discourse against the Nigerian government caused the end of Yusuf. He and around one thousand of his supporters were killed in operations by the Nigerian government in 2009.[54]

When the organizational structure of the terrorist organization Boko Haram is analyzed, it can be observed that they only acquired an actual structure in 2009. Until this date, the organization acted like a denominational group; after 2009, their structure became ordered and systematic. Although they lost power after the operations of the Nigerian government, they recovered quickly and attempted to expand the regions under their influence in the northern states of the country. Abubakar Shekau (who took over leadership after the death of Yusu), in particular played an important role in the power Boko Haram acquired and was supported by the Shura Council of the organization. The Shura Council, consisting of 30 members, is where all important decisions of the terrorist organization Boko Haram are made (even though Shekau sometimes makes decisions without consulting the Shura Council).[55]

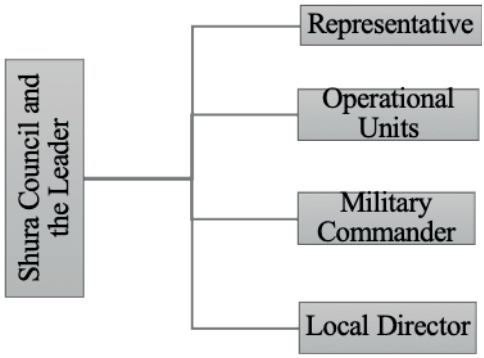


Figure 1. Organizational Structure of Boko Haram
Source: Generated by the authors using data from SETA Report, Issue: 125, Year: 2015.

As can be seen in Figure 1, Boko Haram's organizational structure consist of the Leader and Shura Council at the top, and the Local Director, Military Commander, Representative and Operational Unit located below the Shura Council. Alongside these, below the Military Commander unit is Nabin's unit, who is the Associate Military Commander, and below this is Mu'asker, who is Nabin's associate. Below the Operational Unit are the Military Education Unit, Health Committee, Public Information Unit, Financial Unit, Intelligence Unit,

54 A. Erdogan, p. 93.

55 Amy Pate, *Boko Haram: An Assessment of Strengths, Vulnerabilities, and Policy Options*, Washington: National Consortium for the Study of Terrorism and Responses to Terrorism START, 2015, p. 16.

Contraband, Weaponry and Explosives Unit.[56] Back when Yusuf was the leader, at a simpler stage, Boko Haram had one leader and his two associates below him; under Shekau's rule, they looked up to ISIS and tried to form a state-like structure. In this regard, Shekau pledged loyalty to ISIS in 2015. After this act, the organization change its name to "the Western Africa State of the Islamic State". In 2016, due to intra-organizational conflicts, ISIS leader Abubakar al-Baghdadi intervened, removed Sheau from his position and declared that he chose Abu Musab al-Barnawi as the governor of Western Africa and as the new leader of the organization. After this, Shekau left the Western Africa State of the Islamic State and restored Boko Haram.[57]

3. UNITED NATIONS' (NON) INTERVENTION IN ISIS

Twenty years after the genocides in Rwanda (1994) and in Bosnia (1995), the former United Nations Secretary-General Ban Ki-Moon, at the commemoration ceremony at the Kigali Holocaust Memorial, said that the international community must remember its commitment to the idea of "never again"[58]. In fact, after the Second World War, 147 countries were obliged to prevent the crime of genocide by signing the Convention on the Prevention and Punishment of the Crime of Genocide (1951). However, after Rwanda, Bosnia and Darfur, the United Nations, which has promised to never let that happen again, has failed to intervene after a number of attacks were committed by ISIS against Muslims, Christians, Yazidis and other religious and ethnic minorities.

3.1. An analysis of resolutions of the United Nations on Syria

The founding fathers of the UN Charter believed that due to their key role in the establishment of the UN, five countries – China, France, the URSS (the Russian Federation since 1990), the United States and the United Kingdom – would play an important role in ensuring international peace and security. Therefore, these countries, together with the Permanent Member status in the Security Council, also had a special right known as the "veto right". Those who prepared the UN Charter agreed that the 15-membered Security Council would not approve a resolution if one of the five permanent members were to cast a negative vote.[59]

Although the veto power is not explicitly stated in the UN Charter, the fact that the *substantial* decisions to be taken by the Security Council require permanent members'

56 A. Siradag, p. 12.

57 American Foreign Policy Council, *Boko Haram*, World Almanac Of Islam, http://almanac.afpc.org/sites/almanac.afpc.org/files/Boko%20Haram%202017%20Update.pdf (August 20, 2018).

58 BBC, "Rwanda genocide: UN ashamed, says Ban Ki-moon", 7 April 2014, http://www.bbc.com/news/world-africa-26917419 (May 24, 2018).

59 United Nations Security Council, "Voting System and Records", http://www.un.org/en/sc/meetings/voting.shtml (May 2, 2018).

unanimity voting provides an authority to permanent members to prevent such decisions. Therefore, sometimes the veto power is also referred to as the "great power of unanimity" or the authority itself is called the "great power veto".[60]

This veto power is often used by five permanent members for various interests. Countries do not hesitate in using these powers to intervene in ISIS or elsewhere. Since ISIS is carrying out some of its activities in Syria and the Syrian issue has been transformed into an international security problem, the interests of the five permanent members do not always coincide. In order to better understand the relationship between ISIS and the UN, it will be useful to examine the accepted and non-accepted resolutions. In this manner, first, non-accepted resolutions and then accepted resolutions will be discussed.

When we speak of non-accepted resolutions, it was Russia and sometimes China who prevented resolutions by using their veto power. Since the start of the Syrian civil war in 2011, twelve draft resolutions have been vetoed. The first was presented to the Security Council on 4 October 2011 and the draft expressed serious concerns about the situation in Syria. At the same time, it was emphasized that the only solution to crisis in Syria would be possible by an inclusive formula, taking into account the demands and needs of the people. This resolution was vetoed by China and Russia. Vitaly Churkin, representative of the Russian Federation, opposed warnings against Damascus and sanctions for peaceful conflict resolution. China's representative Li Baodong stated that the UN had to respect Syria's sovereignty and territorial integrity while promoting the objectives set out in the draft.[61]

Four months later, on 4 February 2012, Russia and China re-used the veto right. In this way, they prevented the draft resolution which stated that all acts of violence in Syria had to end immediately and that there were great concerns about the deaths of thousands of people. China, stressed that Syria's sovereignty should be respected. Russia criticized the draft for lacking any proposals to eradicate radical armed groups in Syria.[62]

Also, in 2012, Russia and China rejected the resolution which condemned the Syrian authorities' increased use of heavy weapons and all armed violence including armed opposition groups. Russia refused to accept this resolution claiming that no suggestion was

60 United Nations, "Security Council", https://www.norway.no/en/missions/un/norway-and-the-un/un-bodies2/security-council/ (May 24, 2018).

61 United Nations Security Council, "Security Council Fails to Adopt Draft Resolution Condemning Syria's Crackdown on Anti-Government Protestors, Owing to Veto by Russian Federation, China", 4 October 2011, https://www.un.org/press/en/2011/sc10403.doc.htm (May 24, 2018).

62 United Nations Security Council, "Security Council Fails to Adopt Draft Resolution on Syria as Russian Federation, China Veto Text Supporting Arab League's Proposed Peace Plan", 4 February 2012, https://www.un.org/press/en/2012/sc10536.doc.htm (May 24, 2018).

made to end the terrorist organizations in Syria.[63] On 22 May 2014, a draft resolution condemning human rights violations caused by the Syrian government and counter-armed groups and demanding the referral of Syria to the International Criminal Court was vetoed such as others before it. The Chinese representative used his veto power, saying that China had always had reservations about bringing events to court.[64] More than two years later, the UN Security Council opposed the increased civilian casualties and violence caused by Assad regime forces in Aleppo which was in the hands of opposing groups. While China abstained, Russia vetoed this bill alone.[65]

When the humanitarian crisis was worsened in besieged Aleppo, a draft resolution called for the suspension of all attacks for seven days to transfer humanitarian equipment to the region. But both China and Russia used veto power against this. Delegates rejecting this draft called for intensive political activity to end the crisis in Syria.[66] Then, in spite of a resolution calling for the destruction of Syria's chemical weapons stock, China and Russia blocked a draft resolution calling for sanctions on related parties in February 2017. With this draft, members called for sanctions on the institutions and persons involved in the production and/or use of chemical weapons in Syria.[67] The final draft, which was not accepted because of Russia's veto, was presented in the wake of the sarin gas attack at Khan Shaykhun in Idlib. The draft resolution condemned the attacks and called for international investigation of their perpetrators. While Russia used the veto power, China abstained.[68]

In terms of adopted resolutions, the first resolution adopted on 14 April 2012 concerned sending a team of 30 unarmed military observers to Syria to monitor the implementation of

63 United Nations Security Council, "Security Council Fails to Adopt Draft Resolution on Syria That Would Have Threatened Sanctions, Due to Negative Votes of China, Russian Federation", 19 July 2012, https://www.un.org/press/en/2012/sc10714.doc.htm (May 24, 2018).

64 United Nations Security Council, "Referral of Syria to International Criminal Court Fails as Negative Votes Prevent Security Council from Adopting Draft Resolution", 22 May 2014, https://www.un.org/press/en/2014/sc11407.doc.htm (May 25, 2018).

65 United Nations Security Council, "Security Council Fails to Adopt Two Draft Resolutions on Syria, Despite Appeals for Action Preventing Impending Humanitarian Catastrophe in Aleppo", 8 October 2016, https://www.un.org/press/en/2016/sc12545.doc.htm (May 25, 2018).

66 United Nations Security Council, "Security Council Fails to Adopt Two Draft Resolutions on Syria, Despite Appeals for Action Preventing Impending Humanitarian Catastrophe in Aleppo", 8 October 2016, https://www.un.org/press/en/2016/sc12545.doc.htm (May 25, 2018).

67 United Nations Security Council, "Double Veto Prevents Security Council from Adopting Draft Resolution Intended to Impose Sanctions for Use of Chemical Weapons in Syria", 28 February 2017, https://www.un.org/press/en/2017/sc12737.doc.htm (May 25, 2018).

68 United Nations Security Council, "Security Council Fails to Adopt Resolution Condemning Chemical Weapons Use in Syria, Following Veto by Russian Federation", 12 April 2017, https://www.un.org/press/en/2017/sc12791.doc.htm (May 25, 2018).

the ceasefire.[69] Following this, on April 21, the UN Syria Supervision Mission was established to observe the implementation of the Syrian peace plan.[70] The head of the UNSMIS Major General Robert Mood explained in 2014 that this mission was actually unable to fulfill the goals settled in the UN Council and furthermore despite an atmosphere of increasing violence because of the Islamic State terrorist organization and other groups, the mission suspended its activites in June 2012. The deployment was unarmed and had to follow passive rules of engagement. In the end, the mission was unsuccessful and the UN's attempt to organize a ceasefire in Syria and to establish peace within the country failed.[71]

In September 2013, the resolution to confirm the existence and to demand destruction of Syria's chemical weapons stocks was adopted unanimously. In this way, a call was issued to begin peace talks in Geneva and to establish of a temporary administrative body with all the executive powers in Syria.[72] The subsequent resolution demanded that all parties, particularly the Syrian authorities, allow access of humanitarian assistance to the lines of conflict and the besieged areas.[73] However there were difficulties in applying this. For example, since mid-2013, when ISIS fighters arrived in areas where Médecins Sans Frontières (MSF) were running most of its hospitals, ISIS have abducted lots of MSF staff members which has prevented humanitarian assistance from reaching civilians. Hence this resolution has failed to help the populations in need.

The first UN Security Council resolution referring to ISIS was adopted on 15 August 2014. This resolution condemns the inclusion of Al-Nusra 's foreign fighters in the ranks of ISIS and lists the names of six people linked to these groups.[74] However, there is no article related to any intervention against these terrorist groups. The following resolution expanded the framework of the fight against terrorism by introducing various obligations to member states against the threat of foreign terrorist fighters.[75] Here, we cannot speak of a UN

69 United Nations Security Council, "Resolution 2042", 14 April 2012, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Syria%20SRES%202042.pdf (May 25, 2018).

70 United Nations Security Council, "Resolution 2043", 21 April 2012, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Syria%20SRES%202043.pdf (May 25, 2018).

71 Robert Mood, "My experiences as Head of the UN Mission in Syria", Carneige Middle East Center, 21 January 2014, https://carnegie-mec.org/diwan/54238 (January 23, 2019).

72 United Nations Security Council, "Resolution 2118", 27 September 2013, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2118.pdf (May 25, 2018).

73 United Nations Security Council, "Resolution 2139", 22 February 2014, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2139.pdf (May 25, 2018).

74 United Nations Security Council, "Resolution 2170", 15 August 2014, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2170.pdf (May 25, 2018).

75 United Nations Security Council, "Resolution 2178", 24 September 2014, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2178.pdf (May 25, 2018).

intervention against ISIS because this resolution aims to combat terrorism within the member states' territories and to increase international cooperation.

Later, there was a resolution concerning ISIS prepared by Russia. Resolution 2199 emphasizes many fiscal measures such as freezing and preventing all financial resources of terrorism, including the elimination of illegal drugs and of mining natural resources in the context of the fight against terrorism. The resolution underlines the need to combat terrorism by all possible means in accordance with the UN Charter and international law to ensure peace and security.[76] However, this resolution seems to be a catalogue of solely already existing sanctions. Indeed, the resolution gives more details about the sanctions imposed by the Security Council against ISIS. These sanctions have already been applied to the Al-Qaeda terrorist organizations and to its followers for many years. The implementation of this resolution also seems difficult because ISIS works with many intermediaries to provide financial resources. As a result, according to the statement of one diplomat, this decision merely declares that thed Security Council is concerned with the matter, and no beneficial results are expected in the short term.[77]

Following the Paris attacks on 13 November 2015, the UN Security Council adopted Resolution 2249 on 20 November 2015.[78] With this resolution, the Security Council called on member states to take necessary measures in accordance with international law to prevent and suppress terrorist attacks, in particular the ones that were perpetrated by ISIS.[79] After this, even though some resolutions adopted contained a few articles concerned with fighting against ISIS, there are no responses or resolutions to intervene in ISIS in Syria or Iraq.

As understood from these unaccepted resolutions, China and Russia (which openly support the Syrian government), argued that these resolutions posed a threat to Syria's territorial integrity and sovereignty. In this case, they did not hesitate to use their veto powers. An examination of these decisions reveals that the UN Security Council perceives the Syrian government as a more dangerous force than a terrorist organization like ISIS. Russia has often suggested this as the rationale for vetoing.

76 United Nations Security Council, "Resolution 2199", 12 February 2015, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2199.pdf (May 25, 2018).

77 Le Temps, "L'ONU adopte une résolution pour bloquer le financement de l'Etat islamique", 12 February 2015, https://www.letemps.ch/monde/lonu-adopte-une-resolution-bloquer-financement-letat-islamique (May 26, 2018).

78 Aljazeera Türk, "BM'den IŞİD'le Mücadele Kararı", 21 November 2015, http://www.aljazeera.com.tr/haber/bmden-isidle-mucadele-karari (May 28, 2018).

79 United Nations Security Council, "Resolution 2249", 20 November 2015, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2249.pdf (May 28, 2018).

In spite of having the authority to take all necessary measures given in Resolution 2249 (which is generally accepted as allowing use of force), while adopting this resolution, the UN Security Council did not act according to the UN Charter's 7th Section which is a pre-condition for the use of force. This also contradicts the reaction of the Security Council after Al Qaeda's attacks in the United States: in resolution 1373 adopted in 2001, the Security Council specifically stated that it had acted in accordance with the 7th Section.[80] Neither the United Kingdom[81] nor Germany[82] have requested an open permit from the UN Security Council when interfering with ISIS forces in Syria.

4. United Nations' Actions Concerning Boko-Haram

In order to be able to intervene in Nigeria within the framework of the responsibility to protect, the UN should give authority to the state to intervene and bring legitimacy in. This requirement was put in place to prevent the responsibility to protect principle from being used as a political tool. The UN may only grant such authorization in accordance with the aforementioned offences. According to the International Criminal Court, a crime against humanity is defined as murder, extermination, enslavement, torture, forcible transfers of populations, imprisonment, rape, persecution, enforced disappearance, and apartheid committed as part of a widespread or systematic attack directed against any civil population.[83]

In fact, Boko Haram has committed crimes against humanity in Nigeria through large-scale murders and other inhumane acts. In view of these massacres and the exponential loss of Nigerian civilians, we see that Nigeria cannot fulfil its responsibility to protect civilians. The responsibility to protect principle supports the exhaustion of all peaceful intervention methods before the use of force. It is therefore unclear what will be the scope of the authority, even if it is given. In fact, regardless of the intervention method, a responsibility to protect authority would provide various countries legitimate field to help those who are exposed to large-scale tragedy in Nigeria, even for a military intervention. However, this has not yet been achieved.

80 Patrick Terry, "Germany Joins the Campaign Against ISIS in Syria: A Case of Collective Self-Defense or Rather the Unlawful Use of Force?", *Russian Law Journal*, 4(1), 2016.

81 House of Commons Library, "Legal Basis for UK Military Action in Syria", 1 December 2015, https://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-7404. (28.05.2018).

82 Deutscher Bundestag, "Antrag der Bundesregierung vom 01.12.2015", 1 December 2015, http://dip21.bundestag.de/dip21/btd/18/068/1806866.pdf. (May 28, 2018).

83 United Nations Office on Genocide Prevention and the Responsibility to Protect, "Crime Against Humanity", http://www.un.org/en/genocideprevention/crimes-against-humanity.html , (June 4, 2018).

The UN Security Council responded to the various terrorist attacks of Boko Haram, including the kidnapping of 276 girls, with non-formal press releases. The first officially registered statement was Security Council Presidential Statements. These Presidential Statements come second after the Security Council resolutions. They are often created when the United Nations Security Council cannot reach consensus or are prevented from passing a resolution by a permanent member's veto, or threat thereof. Such statements are similar in content, format, and tone to resolutions, but are not legally binding.[84] On 10 December 2014, the Security Council expressed concern over the dissemination of Boko Haram.[85] In a second statement, approved by all 15 members, the Security Council reported their deep concerns about Boko Haram's activities which undermined peace and stability in Central and West Africa. The Security Council demanded that Boko Haram must immediately stop all hostilities and disarm. In addition, the Council asked all persons who had been detained by the group, including the 276 girls who had been kidnapped in April, to be released immediately. The Council stressed that some of Boko Haram's actions could be considered as "crimes against humanity" and the terrorist organization could be held responsible for international human rights violations.[86] In the following years, there have been various Presidential Statements, however, the effects remained very limited.

The most important resolution adopted by the Security Council on Boko Haram is the resolution directly condemning the terrorist attacks and other violations of rights that took place in the Chad Basin Region on 31 March 2017. In its resolution, the Council declared its full support to the people affected by the conflict. The Council encouraged the governments in the region to increase military cooperation and coordination. In the same way, the Council emphasized the importance of strengthening cross-border judicial cooperation in order to identify and prosecute human rights violations and perpetrators. Most importantly, the member states have been reminded once again of their responsibility to protect the civilian populations living in their territory.[87]

84 M. J. Farrall, *United Nations Sanctions and the Rule of Law*, Cambridge, Cambridge University Press, 2007, p. 21.

85 United Nations Security Council, "Statement by the President of the Security Council", 10 December 2014, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_prst_2014_25.pdf (June 4, 2018).

86 United Nations Security Council, "Statement by the President of the Security Council", 19 January 2015, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_prst_2015_4.pdf (June 4, 2018).

87 United Nations Security Council, "Resolution 2349", 31 March 2017, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S_RES_2349.pdf (June 4, 2018).

CONCLUSION

In 2011, Arab societies rebelled against their oppressive leaders and experienced the Arab spring. In Libya, Muammar Gaddafi, the then president, responded quickly and ruthlessly to the attack against his rule, saying that he would clean Libya house by house.[88] The UN took action: The Security Council allowed military intervention[89] and NATO-led forces carried out airstrikes that overthrew Gaddafi. Today, the effects of this intervention are still felt in the Middle East and many other crises are taking places in many locations.

Libya was the first state to experience intervention on the basis of the responsibility to protect, a relatively new norm adopted by the UN member states in 2005. As is known, the responsibility to protect is an attempt to prevent mass persecution, genocide, war crimes and crimes against humanity. The responsibility to protect norm is based on three pillars, each of which requires a separate responsibility. First, governments must protect their communities against genocide, war crimes and crimes against humanity. Second, the international community is obliged to assist governments in fulfilling this responsibility. Finally, the international community has the responsibility to use diplomatic, humanitarian and other means to protect the population from such crimes. If a government is "clearly failing" to protect its people, the international community must be prepared to undertake collective action, including military action, under the UN Charter.

The doctrine of responsibility to protect is now universally accepted; however, its effectiveness and application is still being questioned as it is understood from the case studies discussed above. Although the responsibility to protect framework is the basis of both successful and disappointing actions in the past, observers and various researchers have argued that it is not sufficient to take necessary action in the crises that are currently occurring.

Indeed, several questions can be asked when considering the examples examined above: Why did the intervention take place in certain countries only after reaching a certain level, not before events deteriorated? When should the UN intervene? Are the responses to the conflicts sufficient? Considering geopolitical challenges between actors, how realistic is the concept of international cooperation? How should the responsibility to protect be realized today?

88 BBC News, "Libya protests: Defiant Gaddafi refuses to quit", 22 February 2011, https://www.bbc.com/news/world-middle-east-12544624 (June 4, 2018).

89 United Nations Security Council, "Resolution 1973", 17 March 2011, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Libya%20S%20RES%201973.pdf (04.06.2018).

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CHAPTER 7

THE UN ROLE IN RESTORING PEACE IN THE MIDDLE EAST: THE CASE OF YEMEN

Sahar Ben YOUNES*

*Department of Political Science And International Relations, Istanbul University, Istanbul, Turkey
e-mail: sahar.benyounes@gmail.com

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INTRODUCTION

As the Arab world's poorest country, bordering the Saudi Kingdom and occupying much of the southwestern tip of the Arabian Peninsula, Yemen, has become one of the areas where Iranian interests appear to collide with those of the Saudis. Away from their regional battlefield in Syria and Iraq, Yemen turned to be another key frontline for their dominance contest.[1] In fact, Saudi Arabia and Iran are both located in a region witnessing a power vacuum with no super authority to control it. They both look to gain more power in order to secure their interests against each other's continuous threats. Iran's geography, population and economy alongside its efforts to acquire nuclear weapons and technologies make it a rising power that intimidates Saudi Arabian interests in the region. Thus, Saudi Arabia tends to counterbalance Iranian influence and tries to preserve the status quo guaranteeing its national interests in neighboring countries. Due to this constant insecurity, Saudi Arabia and Iran have become more and more involved in a proxy war in Yemen as the collapse of political order in the region has provided the opportunity for these two powers to compete for influence.

Despite ongoing efforts of both the UN and the international community towards creating a peace pact in Yemen since the beginning of the chaos in 2011, the country continues to

1 Heffron, Daniel. *How the Iran Deal will re-shape the balance of power in the Middle East*, London: Centre for Geopolitics & Security in Realism Studies (CGSRS), 2015, p. 1-17.

suffer from a humanitarian crisis - described by the UN as the worst in the world - as a result of the incessant hostility between the Saudi-supported Yemeni government and the Iranian-backed Houthi opposition forces.[2] The war in Yemen doesn't seem to be narrowing. It caused the death of thousands of Yemenis, including combatants and civilians, and severely destroyed the country's infrastructure. According to the United Nations High Commissioner for Human Rights, since the beginning of the conflict between the GCC coalition and the Houthis in March 2015 until August 2018, the United Nations has documented a total of 17,062 civilian casualties.[3]

Since being established in 2011, the Office of the Special Envoy for Yemen, has made great efforts with concerned stakeholders in Yemen and the region, to stop the violence and to guide the country towards a peaceful and orderly political process. The office took the necessary actions in support of the implementation of the Gulf Cooperation Council Initiative, the outcomes of the National Dialogue, and relevant Security Council resolutions.[4]

This chapter will cover the UN efforts to restore peace and stability in Yemen and the steps taken so far to resolve the ongoing conflict. It will draw the timeline of main events highlighting the Yemeni conflict and in parallel will underline the resolutions adopted by the United Nations Security Council. Furthermore, it will focus the spotlight on the Iranian-Saudi geostrategic rivalry as a main cause of the war in Yemen and will reflect on the UN disregard of this rivalry while dealing with the crisis. Additionally, this chapter will address the constraints holding the UN back from delivering conclusive resolutions. It will discuss the restricted role of the Responsibility to Protect principle and highlight the effect the P5 veto right has on decision making with respect to the Yemeni conflict.

This chapter attempts to answer the questions: How far are the UN member states willing to go while seeking peace in Yemen? What are the efforts implemented so far and why has it been so hard to take the practical and tough political steps that might put an end to the Yemeni conflict?

The aim is to highlight the UN's short term solutions addressing the domestic factors spurring the Yemeni crisis and the lack of concern towards more practical responses to the regional conflict fueling the chaos in Yemen, namely the Saudi-Iranian proxy war in the country.

2 United Nations in Yemen, *UN Strategic Framework for Yemen (2017-2019).* http://ye.one.un.org/content/unct/yemen/en/home/publications.html

3 M. Sharp, Jeremy. (August 24, 2018). *Yemen: Civil War and Regional Intervention*, Congressional Research Service. 7-5700, www.crs.gov. R43960.

4 United Nations in Yemen. *The Special Envoy to the Secretary-General on Yemen (SESG).* http://ye.one.un.org/content/unct/yemen/en/home/about-us/SESG.html

1. Timeline of UN Peace Efforts in Yemen

After twin revolutions in Northern and Southern Yemen, and the Islamic revolution in Iran, the northern Yemen Arab Republic (YAR) maintained good relations with Saudi Arabia due to their mutual opposition to Iran. At the same time, the People's Democratic Republic of Yemen (PDRY), a socialist state that succeeded British rule in the south, became close to Tehran because of their common opposition to Western colonialism and the rule of the Gulf monarchies. After the union, relations with Yemen were established through president Ali Abdullah Saleh who was generally open to maintaining ties with any state that could serve his own interests and who played regional powers off against one another in order to consolidate his own position. Salisbury writes that the real Yemeni Crisis began when the Arab Spring wave hit the country in 2011 ending Saleh's 33 years rule. In fact, Saleh was under Saudi-US pressure to sign an agreement that would cede authority to the Vice President Abed Rabbuh Mansur Hadi.[5]

In May 2011, the main figures of the Yemeni opposition and members of Saleh's General People's Congress party accepted the peace transition process. However, Saleh did not accept being overthrown in this manner and carried on fighting his opposition. In September 2011, the UN Secretary-General issued a statement condemning the violence committed by the Yemeni security forces against its own people and called for the government to protect its unarmed civilians and respect the international law.[6]

On 21 October 2011, a first resolution was made by the UN regarding the situation in Yemen as the Security Council called for implementing a political settlement based upon the GCC initiative for the peaceful transition of political power in Yemen and requested the Secretary-General to continue his good offices under Resolution 2014.[7]

Accordingly, in November 2011, Saleh signed the GCC initiative, thus, handing over power to his deputy, Mansour Hadi who convened a National Dialogue Conference and began the constitution-drafting process. However, the newly assigned president had a hard time in uniting the fractious political landscape of the country and failed to defy threats from both Al-Qaeda in the Arabian Peninsula and Houthi militants that had been waging a

5 Salisbury, Peter. (2015). *Yemen and the Saudi–Iranian 'Cold War'*, Chatham House, The Royal Institute of International Affairs, London, p.1-15.

6 Genser, Jared. (2018). '*The United Nations Security Council's Implementation of the Responsibility to Protect: A Review of Past Interventions and Recommendations for Improvement'. The U.N. Security Council's Implementation of the Responsibility to Protect*. Chicago Journal of International Law. Vol. 18, No. 2, p.449-482.

7 UN Security Council, *Security Council resolution 2014 (2011) [on the situation in Yemen]*, 21 October 2011, S/RES/2014(2011), available at: https://www.refworld.org/docid/4ec4e9742.html [accessed 19 February 2019].

protracted insurgency in the north for years.[8]

On 26 February 2014, two years after the first resolution and as a result of the ongoing Houthi rebellion against Hadi's government, the UN passed Resolution 2140 to support the implementation of the National Dialogue outcomes, insisting on the need for the implementation of political transition, and establishing a sanctions regime under Chapter VII of the United Nations Charter.[9]

The Houthis movement has succeeded in transforming itself into a strong militia and expanded its reach to the Yemeni capital in early 2015. The movement took power over Sana'a after pressuring the transitional president Mansour Hadi into submitting his resignation.[10] Within the following months, the Houthis declared themselves in control of the government, dissolved Parliament and installed an interim Revolutionary Committee led by Mohammed Ali al-Houthi. President Hadi had to flee to Aden, where he declared himself the only legitimate president and called upon his loyal government officials and members of the military to rally to him.[11]

On 15 February 2015**,** the Security Council condemned the unilateral Houthi decisions to dissolve the Yemeni parliament and take over the government institutions, expressing serious concern over reports of the use of child soldiers, and urged all parties to continue the political transition under Resolution 2201.[12] Additionally, on 24th February, the UN extended the mandate of the Sanctions Panel of Experts to March 2016 under Resolution 2204.[13]

As the Houthi forces advanced from the capital all the way to Aden, President Hadi, who had fled to Saudi Arabia, appealed for international intervention. On 27 March 2015, Saudi Arabia assembled an international coalition and launched military operations with the aim of restoring Hadi's rule and wiping out the Houthi fighters from the capital and other main Yemeni cities.[14]

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8 Salisbury, Peter. (2015). *Yemen and the Saudi–Iranian 'Cold War'*, Chatham House, The Royal Institute of International Affairs, London, p.1-15.

9 UN Security Council, *Security Council resolution 2140 (2014) [on the Middle East]*, 26 February 2014, S/RES/2140 (2014), available at: https://www.refworld.org/docid/530ef1fe4.html [accessed 19 February 2019].

10 Salisbury, Peter. (2015).

11 Roland, Popp. (2015). *War in Yemen: Revolution and Saudi Intervention*. CSS Analyses in Security Policy. ETH Zurich. No.175, p. 2,4.

12 UN Security Council, *Security Council resolution 2201 (2015) [on the situation in Yemen]*, 15 February 2015, S/RES/2201 (2015), available at: https://www.refworld.org/docid/54eb58a84.html [accessed 19 February 2019].

13 UN Security Council, *Security Council resolution 2204 (2015) [on the situation in Yemen]*, 24 February 2015, S/RES/2204 (2015), available at: https://www.refworld.org/docid/550aaf834.html [accessed 19 February 2019]

14 Roland, Popp. (2015), p. 2,4.

In April 2015, the council passed Resolution 2216 demanding that the Yemeni parties fully implement resolution 2201, urging for a peaceful political solution to the conflict and calling for the Houthis to withdraw forces from seized areas and surrender all arms. It also imposed an arms embargo on selected individuals, and redemanded that the Secretary-General intensify his good offices role in order to enable the resumption of the political process.[15] In 2016, on 24th of February, the UNSC passed Resolution 2266 to extend the assets freeze and travel ban imposed by resolution 2140 and to help lessen the crisis in Yemen.[16] Resolution 2342, released a year later on 23 February 2017, renewed and extended an arms embargo, travel ban and assets freeze against individuals and entities designated by the Committee established pursuant to resolution 2140 (2014), until 26 February 2018.[17]

In December 2017, the alliance between Saleh and the Houthis fell apart leading to the death of former President and giving an advantage for the Saudi coalition to proceed in military gains. Nevertheless, the Houthi forces still remain in control in the North of Yemen and regardless of the multiple attempts taken by the UN to fulfill a peace agreement, the opposing parties seem to be caught in an endless conflict.[18]

Furthermore, the UN attempted to condemn the Iranian support of the Houthi movement in Yemen, as in January 2018, the United Nations Panel of Experts on Yemen concluded that Iran was in noncompliance with UNSCR 2216 for failing to avert the transfer of Iranian-made short-range ballistic missiles to Houthi forces. However, on February 26, 2018, Russia intervened to back its Iranian ally and vetoed the U.N. Security Council resolution draft which would have expressed U.N. concern that Iran was in noncompliance with the international arms embargo.[19] Thus, the Security Council issued Resolution 2402 to merely renew a travel ban and insist on the assets freeze and arms embargo against those threatening peace and security in Yemen.[20]

15 UN Security Council, *Security Council resolution 2216 (2015) [on cessation of violence in Yemen and the reinforcement of sanctions imposed by resolution 2104 (2014)]*, 14 April 2015, S/RES/2216 (2015), available at: https://www.refworld.org/docid/553deebc4.html [accessed 19 February 2019]

16 UN Security Council, *Security Council resolution 2266 (2016) [on the situation in Yemen]*, 24 February 2016, S/RES/2266 (2016), available at: https://www.refworld.org/docid/56d549164.html [accessed 19 February 2019].

17 UN Security Council, *Security Council resolution 2342 (2017) [on the situation in the Middle East]*, 23 February 2017, S/RES/2342 (2017), available at: https://www.refworld.org/docid/58b40d9c4.html [accessed 19 February 2019].

18 Genser, Jared. (2018). '*The United Nations Security Council's Implementation of the Responsibility to Protect: A Review of Past Interventions and Recommendations for Improvement'. The U.N. Security Council's Implementation of the Responsibility to Protect*. Chicago Journal of International Law. Vol. 18, No. 2, p.449-482.

19 M. Sharp, Jeremy. (August 24, 2018). *Yemen: Civil War and Regional Intervention*, Congressional Research Service. 7-5700, www.crs.gov. R43960.

20 UN Security Council Report. UN documents for Yemen : Security Council Resolutions, available at : http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2402.pdf. [accessed February 2019]

In June 2018, a multinational coalition of armed forces led by Saudi Arabia and the United Arab Emirates (UAE) launched Operation Golden Victory with the aim of regaining the Red Sea port city of Hodeida and continued using air strikes against Yemeni territories in a desperate move to eliminate the Houthi threat. As the different regional groups within Yemen seek to control territory, having the upper hand in the Hodeida is crucial in rebalancing power in the conflict. In fact, Hodeida port is the country's second largest port after Aden and gives the main land-locked northern Houthi-controlled areas access to the Red Sea. Having power over this port is vital for supplying the Houthi-controlled national capital of Sanaa. Adding to that, the port is north of the Bab al Mandab strait; one of the world's maritime chokepoints. Perhaps most importantly, the Houthis use this port a as source of revenue as they demand taxes for imports and control food distribution and fuel leaving the port.[21]

On 04 November 2018, The Special Envoy of the Secretary General for Yemen, Martin Griffiths, organized a consultative meeting with a group of independent Yemeni figures in order to discuss the current situation in Yemen, and to recommence the political process. Convened in Amman, this meeting represented the second of its kind that brought independent Yemeni figures and the Special Envoy to the same table of negotiations, as the first meeting took place in Wilton Park-London, in August 2018.[22]

Both the Yemeni government and the Houthis have agreed to start talks in Sweden as a result of the UK initiative. In fact, the UK circulated a UN draft resolution to the 10 elected members of the Security Council, after being negotiated by the five permanent members. The draft resolution called for an immediate cessation of hostilities for areas around the port of Hodeida, a cessation of all attacks on populated civilian areas across Yemen, and to cease all missile and UAV attacks against regional countries and maritime areas. It set a two-week deadline for the combatant sides to eliminate blockades against humanitarian aid.[23] However, Saudi Arabia was not happy about the draft resolution as it had fought for months to retake the key port from the Houthi rebels, therefore, along with their ally, the United Arab Emirates, the Saudis attempted to lobby the UN Security Council members to stall a ceasefire resolution.[24]

21 M. Sharp, Jeremy. (August 24, 2018).

22 UN Department of Political Affairs, The Office of the Special Envoy of the Secretary-General For Yemen (2018). *Martin Griffiths Convenes a Consultative Meeting With Independent Yemeni Figures. https://osesgy.unmissions.org/martin-griffiths-convenes-consultative-meeting-independent-yemeni-figures.*

23 The StraitsTime. (2018). *UN draft resolution calls for Yemen truce, two weeks to unblock aid.* https://www.straitstimes.com/world/europe/un-draft-resolution-calls-for-yemen-truce-two-weeks-to-unblock-aid

24 Borger, Julian.(2018).*Yemen ceasefire resolution blocked at UN after Saudi and UAE 'blackmail'*.The Guardian,https://www.theguardian.com/world/2018/nov/29/un-yemen-ceasefire-resolution-blocked-saudi-uae-blackmail.

Despite the opposition, Martin Griffiths proceeded the consultations between the two rival parties and stressed the importance of the full implementation of the Hodeida Agreement. The Houthis wanted Hodeida to be declared a neutral zone. However, the head of Hadi's government delegation and the Yemeni Foreign Minister Khaled al-Yamani rejected this idea. The concept of peacekeeping, any sort of permanent UN presence or making the city neutral was not acceptable. The latter saw that the city should be placed under the control of the interior ministry's police forces as a matter of sovereignty. However, his government was willing to accept the deployment of monitors from the UN Verification and Inspection Mechanism (UNVIM) in the port, the entry point for most of Yemen's commercial goods and aid supplies.[25]

On 21 December 2018, Resolution 2451 authorized the Stockholm agreement in which all parties had to fully respect the ceasefire in Hodeida. The resolution permitted the Secretary General to create and deploy an advance monitoring team to facilitate the implementation of the Stockholm agreement, for an initial period of 30 days.[26] Consequently, under Resolution 2452, on 16 January 2019, the Security Council finally established a Political Mission to support the Hodeida Agreement in Yemen.[27]

Griffiths believes that the parties can see that a military solution is not available, and that they should consider a political solution as the only priority. For him, the importance of ongoing Track II efforts is complementary to official negotiations in Yemen. Griffiths underlines that it is decisive to work on peace-building in Yemen in parallel to official diplomatic efforts, known as Track I, to end the war.[28]

Along with the UN agreement on a ceasefire in Hodeida, other measures such as re-opening Sanaa airport and prisoner swaps have been discussed. On 17 Jan 2019, the supervisory committee on implementing the prisoner exchange agreement concluded its meetings in Amman. The committee included representatives of the Government of Yemen

25 France 24. (2018). *Yemen's Saudi-backed government rejects UN troops in Hodeida*. France 24 Report, Available at: https://www.france24.com/en/20181210-yemen-saudi-backed-government-rejects-un-troops-hodeida-houthis-khashoggi.

26 UN Security Council, *Security Council resolution 2451 (2018) [on the situation in the Middle East]*, 21 December 2018, S/RES/2451 (2018), Available at: https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3 CF6E4FF96FF9%7D/s_res_2451.pdf, [accessed 19 February 2019].

27 UN Security Council, *Security Council resolution 2452 (2019) [on the situation in the Middle East]*, 16 January 2019, S/RES/2452 (2019), Available at: https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2452.pdf . [accessed 19 February 2019].

28 Office of the Special Envoy of the Secretary-General for Yemen, News. (2018). *Martin Griffiths: Track II efforts complement official negotiations, and lay the foundation for peace building in Yemen.* https://reliefweb.int/report/yemen/martin-griffiths-track-ii-efforts-complement-official-negotiations-and-lay-foundation.

and Ansar Allah as well as the Office of the Special Envoy and the International Committee of the Red Cross and discussed the steps to be taken for maintaining progress in fulfilling the provisions of the agreement. It is worth stating that the prisoners deal was the first agreement that had been signed between the two parties since the eruption of the war in Yemen. Therefore, the implementation of this agreement is considered as a first step towards building confidence between the two parties.[29]

Exceptionally, both sides have largely adhered to the ceasefire in the Hodeida governorate and have significantly decreased hostilities since then. Nevertheless, the violence has not completely ceased. Griffiths believes that this relative calm illustrates the commitment of both parties to making their agreements work. To him, it was unfortunate that they couldn't reach a consensus over the Central Bank of Yemen and over the opening of Sana'a airport during the Sweden consultations. However, the Special Envoy expressed hopes for a new round of talks in order to go beyond humanitarian issues and to begin dealing with the essential elements of a political solution to the war.[30] Generally, the Sweden peace talks are regarded by many, and the UN Secretary-General Antonio Guterres, as a breakthrough that could be a starting point for peace and for ending the humanitarian crisis in Yemen.[31]

2. Limitations of the UN peace efforts in Yemen

2.1. The Saudi-Iranian Proxy war in Yemen

The conflict between Iran and Saudi Arabia is a multi-faceted struggle for influence and power in the region. This struggle has been ongoing since the Iranian revolution and has seen both sides adding to a long list of historical grudges after each defeat and victory between the two sides. The relationship between Saudi Arabia and Iran worsened as each of them supported opposing sides when dealing with the Arab Spring domino effect.[32]

Saudi Arabia's sensitivity towards Iran sparking protests in neighboring countries reached Yemen where Iran supported the Houthis protests against Ali Abdallah Saleh in 2011. Saudi

29 Office of the Special Envoy of the Secretary-General for Yemen, News. (2019). *The supervisory follow up committee on implementing the prisoner exchange agreement concluded its meeting in Amman*. https://osesgy.unmissions.org/supervisory-follow-committee-implementing-prisoner-exchange-agreement-concludes-its-meetings-amman.

30 Office of the Special Envoy of the Secretary-General for Yemen. Report. (2019). *Briefing of the Special Envoy for Yemen to the Security Council*. https://osesgy.unmissions.org/briefing-special-envoy-yemen-security-council.

31 United Nations Secretary-General. (2018). Secretary-General's remarks at closing of the Intra-Yemeni Consultations [as delivered]. Rimbo, Sweden. https://www.un.org/sg/en/content/sg/statement/2018-12-13/secretary-generals-remarks-closing-of-the-intra-yemeni-consultations-delivered.

32 Beauchamp, Zack. (2015). Iran and Saudi Arabia's cold war is making the Middle East even more dangerous, Vox World, http://www.vox.com/2015/3/30/8314513/saudi-arabia-iran.

Arabia saw that it was necessary to repress any attempt at spreading the revolution near its southern borders. As a first, Saudi Arabia left its relative passivity in foreign policy to lead an inter-Arab alignment to counter-oppose the perceived Iranian threat in Yemen.[33] For Iran, Yemen was not much of a core security interest; however, Yemen's instability was perceived as an opportunity to acquire additional control against Saudi Arabia.[34] Tensions between the two rivals kept escalating in Yemen as it was unclear in whose hands the leadership of the region would fall considering the power vacuum that the revolts had formed.[35]

In order to answer the question, how can the UN effectively end war in Yemen? It is necessary to address the question, what are the main geostrategic interests of Iran and Saudi Arabia in Yemen that keep fueling the conflict?

Iran's Winning Card In Yemen

Reardon writes that while it is uncertain as to what extent Iran is involved during the succession of these events and in supporting the Houthi uprisings, the unexpected turn of events on the ground was certainly in its favor. In fact, Iran has a long-term strategic interest in Yemen. Located on the southwestern tip of the Gulf peninsula, Yemen is a poorly governed fractious country neighboring Saudi Arabia's southern border, which can be linked to ancient smuggling routes used by those wanting to covertly enter the kingdom. Moreover, the 35% Shiites in Yemen could serve Tehran as a potentially friendly base of operations in its rivalry against Saudi Arabia. Reardon points out that by playing the Houthi card, Iran would also seek to pressure the Saudis in matters concerning Iraq and Syria or further its efforts to undermine the Kingdom from its southern border.[36]

Kronenfeld et al. write that Iran's involvement in Yemen is not a new development and that it dates back to Saleh's regime. The latter believe that, while in the past, this involvement was perceived as a minor phenomenon that entailed shipping weapons to insurgents in Yemen, today it seems more of strategic significance that keeps expanding as the central government weakens. Since, 2012, the U.S. security forces have increased their cooperation with the Yemeni government for blocking Iranian weapon shipments to Yemen and in July, 2012, Yemen's Interior Ministry revealed the discovery of an Iranian spy group based in Sana'a and arrested an officer from the Iranian Revolutionary Guards on suspicion of having

33 Friedman, George. (2015). *The Middle Eastern Balance of Power Matures*, Stratfor.

34 Katzman, Kenneth. (2015). Iran's Foreign Policy, Congressional Research Service, p. 8-10.

35 Jahner, Ariel. (2012). *Saudi Arabia and Iran: The Struggle for Power and Influence in the Gulf,* International Affairs Review, Vol. XX, No.3, p.37-48.

36 Reardon, Martin. (2015). *Saudi Arabia, Iran and the 'Great Game' in Yemen*. Opinion/ Iran, Al-Jazeera. https://www.aljazeera.com/indepth/opinion/2014/09/saudi-arabia-iran-great-game-ye-201492984846324440.html

been its leader. In addition, a Yemeni court sentenced crew members of a ship that was delivering arms from Iran; after being caught by the Yemeni Coast Guard and the US Navy in a joint operation in January 2013 and charged with collaborating with Iran and weapons smuggling. For Iran, its involvement in Yemen allows it to demonstrate its regional strength and the reach of its military influence. Iranian arms shipments intended for the Houthis; assault rifles, explosives, anti-tank weapons, and large amounts of cash, usually transferred by sea, are insignificant compared to the weapons already flooding in to Yemen, especially from the north, but they do allow Tehran to buy influence in Yemen and challenge Saudi Arabia's hegemony in the peninsula. Not only does Iran assist the Houthis, but it also tries to strengthen its influence over other Yemeni factions, including the southern separatist movement. The Yemeni government claims that Iran has even tried to undermine the National Dialogue Conference; meant to bring a national consensus and solve the Yemeni crisis. In 2013, the Iranian ambassador to Sana'a met with the head of the political branch of the Houthi movement several times to persuade the Houthis to withdraw from the conference.[37]

For the Saudis, the porous 1,770km southern border it shares with Yemen makes Riyadh's stakes there very high. Saudi Arabia became easy prey for Tehran to penetrate and manipulate. For these reasons, the Saudis have been providing important financial and military support to Yemen's central government and conducting their own ground and air strikes against the Houthis. The Saudis see that the south of their border is under a grave national security threat, particularly now that the future of Yemen is in question. Instability in Yemen would mean giving Iran a solid foothold on the peninsula, a situation that the Saudis cannot afford to happen.[38] In fact, as Friedman writes, the possibility of the Houthi's victory in establishing a pro-Iranian Shiite state means the possibility of an Iranian encirclement. However, Saudi financial support combined with its military operations designed to cut off Iranian supplies in Yemen is not to be underestimated either.[39]

Saudi Arabia's Geopolitical Concerns

Saudi Arabia's geopolitical concerns increased as the Houthis continued gaining control of the Yemeni coast and the surrounding maritime corridor that gives access to the Red Sea. Heffron reveals that, with 4% of global oil, much of it from Saudi Arabia passing through the strait of Bab al-Mandab, the ports located along the strait are of great strategic significance

37 Kronenfeld, Sami and Guzansky, Yoel. (2014).*Yemen: A Mirror to the Future of the Arab Spring.* Military and Strategic Affairs, Vol 6, No: 3, p. 79-99.

38 Martin Reardon. (2015).

39 Friedman, George. (2015).*The Middle Eastern Balance of Power Matures*, Stratfor.

to the Saudis. Whereas it is not as important as the Strait of Hormuz, the Bab al-Mandab strait is vital for Saudi Arabia's ability to reach global energy markets.[40] Kronenfeld et al. explain that for Riyadh, the Houthis grip on Yemen's western coast means giving Iran access to the Red Sea, a fact that could help it continue its regular arms supply to its local allies, maintain a contiguous presence near the Bab el-Mandeb Straits and get access to the Suez Canal and the Mediterranean.[41] Bruno points out that the massive Saudi bombing attack launched on Yemen was proof that Al-Saud would do everything to control the city overlooking the Strait of Bab el-Mandeb, the strait being among the most strategically important waterways in the world.[42]

Viewing the Houthis as mainly Iranian proxies, Saudi Arabia directed all its efforts to isolate them diplomatically, strangle them economically and, now, weaken them militarily. In turn, the Houthis refused to accept the Saudi-set president Hadi. They have conducted military exercises on the Saudi border and will likely harden their stance in response to any Saudi military intervention. They are less dependent on Tehran than Hadi and his allies are on Riyadh, but the country's situation and their relative self-sufficiency have pushed them to solicit Iranian financial and political support.[43]

Whilst Saudi Arabia justifies its intervention in Yemen for the sake of security, it is clear that the top priority of the alliance is about creating a balance of power between the two adversarial camps in the Yemeni conflict; the Shiite Houthi rebels, who have joined together with former Yemeni President Ali Abdullah Saleh, and the Saudi-backed government troops.[44]

McInnis writes that as the war is escalating in Yemen, Iranian rhetoric towards Saudi Arabia and other GCC members has only become more heated. The Brigadier General Gholam Reza Jalali, a leading IRGC strategist said that the Islamic Republic has to be prepared for a new type of conflict with Riyadh which evolved from being a regional rival to a proxy threat.[45]

40 Heffron, Daniel. *How the Iran Deal will re-shape the balance of power in the Middle East*, London: Centre for Geopolitics & Security in Realism Studies (CGSRS), 2015, p. 1-17.

41 Kronenfeld, Sami and Guzansky, Yoel. (2014).Yemen: A Mirror to the Future of the Arab Spring. Military and Strategic Affairs, Vol.6, No. 3, p.79-99.

42 Bruno, Alessandro. (2015). *A New Balance of Power in the Middle East*, Geopolitical Monitor,http://www.geopoliticalmonitor.com/a-new-balance-of-power-in-the-middle-east/

43 Yemen at War. (2015). *Crisis Group Middle East Briefing No.45*, Sanaa, Brussels.

44 Dieter Bednarz, Reuter Christoph and Zand Bernhard. (2015). *Proxy War in Yemen: Saudi Arabia and Iran Vie for Regional Supremacy*. DER SPIEGEL, http://www.spiegel.de/international/world/saudi-arabia-and-iran-fighting-proxy-war-in-yemen-a-1027056.html.

45 Salisbury, Peter. (2015). *Yemen and the Saudi–Iranian 'Cold War'*, Chatham House, The Royal Institute of International Affairs, London, p. 1-15.

Iranian Military Threat and Maritime Expansion

Iran poses a serious threat to Saudi Arabia because it has an army that surpasses that of all the GCC states put together, with 600,000 troops, 1,700 tanks, around 300 fighter and ground-attack planes, hundreds of surface-to-air and ballistic missile launchers, and a bevy of small, rapid boats that could wreak havoc in the narrow Persian Gulf. Cordesman writes that, after the nuclear deal, regional military confrontation with Iran has been eased, however it did not eliminate the major military risks in terms of Iran's influence over the region. Iran's growing naval to air missile threat to maritime passage and petroleum exports in the gulf still persists. Likewise, Tehran's emergent conventional missile force's objective of having a precise strike ability is a threat for its gulf neighbors. This has, thus, generated an arms race within the region, and a de-facto military alliance between the U.S. and Saudi Arabia that is critical to deterring Iran. In order to support its proxies in Arab states, Iran has, hence, tried to compensate for its limited conventional capabilities by developing its asymmetric warfare, threatening maritime traffic near the Gulf, and posing a ballistic and cruise missile threat to its Gulf neighbors.[46]

In November 2016, the Chief of Staff of the Iranian armed forces announced a plan to build naval bases in Syria and Yemen, a project that could be ten times more efficient than nuclear power. Iran struggles to be a leading regional power and it tries to reach that aim through naval outposts. In fact, this announcement was the first time Tehran officially declared its will to construct bases beyond its own borders.[47]

Iran's maritime project seeks to expand its reach across the region in order to support its proxies, namely in Yemen and Syria. The Islamic Republic of Iran Navy, IRIN, has attempted to expand Iran's regional maritime locations in order to be able to close the Strait of Hormuz and attack shipping in the Persian Gulf and the Gulf of Aden in the case of any conflict with the United States or its Arab rivals. Iranians regard the Straits of Hormuz and Bab-el-Mandeb as having a strategic importance because it could be used to exert pressure on the global energy supplies. Any blockade of the straits, limited military disruption or the presence of naval mines could cause major interruption to oil shipments and severely inflate oil prices. Simultaneously, it can politically destabilize the Persian Gulf region.[48]

46 Cordesman, Anthony H. (2016). Iran and the Gulf Military Balance. Center for Strategic and International Studies, CSIS. https://www.csis.org/analysis/iran-and-gulf-military-balance-1

47 Guzansky, Yoel. (2017). *Iran's Growing Naval Ambitions, Why It Wants Naval Bases in Syria and Yemen,* Foreign Affairs. https://www.foreignaffairs.com/articles/iran/2017-01-01/irans-growing-naval-ambitions.

48 Fargher, James.A. (2017). *This Presence Will Continue Forever: An Assessment Of Iranian Naval Capabilities In The Red Sea,* Center for International Marime Security CIMSEC. http://cimsec.org/presence-continue-forever-assessment-iranian-naval-capabilities-red-sea/31593.

In fact, the Strait of Hormuz alone is the world's most important chokepoint that allows the passage to an oil flow that reached 17 million barrels per day in 2013, about 30% of all seaborne-traded oil, and 30% of the world's exports of liquid natural gas. Additionally, 85% of the crude oil transferred through this strait is delivered to Asian markets whose exports are critical to the global economy.[49]

The Iranian naval doctrine focus was to close the Straits of Hormuz using asymmetric forces; nevertheless, since 2011, Iran has regularly deployed naval forces in the Red Sea and the Gulf of Aden and it has been using the Red Sea as a key route to smuggle weapons to militants in Syria. In February 2011, Iran sent a small flotilla of Iranian warships on a mission to Syria, entering the Red Sea, passing through the Suez Canal for the first time since the 1979 Revolution. In July of the same year, Tehran announced its intention to deploy one of its submarines on a patrol route in the Red Sea. At present, Iran does not possess the same level of naval capability in the Red Sea and the Gulf as it does in its coastal waters in the Strait of Hormuz, however it remains highly important for Iran. Tehran has conducted several naval exercises in the Arabian Sea, with units deployed in the Gulf of Aden near Bab-el-Mandeb Strait in order to show its military prowess and defense capabilities in international waters and to test the newest military equipment. In January 2013, Iran deployed units to the Red Sea once more and announced that it would be sending its 24th Fleet on a three-month patrol of the Gulf of Aden and the Red Sea before passing through the Suez Canal for the Mediterranean. Fargher sees that the Red Sea and the Gulf of Aden are strategically very crucial to Tehran's role in the Yemeni war.[50]

However, it was hard for Iran to access Yemen's shores due to the Saudi-led blockade and the U.S. warships intercepting their shipments of weaponry to the Houthis. To back its Yemeni allies, Iran had to find other smuggling operations routes through Oman. For this reason an Iranian base in Yemen would resolve the problem of reaching its Yemeni allies.[51]

The commander of the Iran Navy, Rear Admiral Habibollah Sayyari, announced in 2016 that Iran's Navy had been deployed in the North of the Indian Ocean and the Gulf of Aden and this presence in this strategic area would continue with the aim of establishing lasting security.[52]

49 Cordesman, Anthony H. (2016).

50 Fargher, James.A. (2017).

51 Guzansky, Yoel. (2017).

52 PressTV. (2016). *Iran Navy fleet enters Atlantic Ocean for first time.* http://www.presstv.ir/Detail/2016/11/21/494550/Iran-Habibollah-Sayyari-Navy-Atlantic-Ocean-fleet.

The American intelligence firm Stratfor reports that Iran's navy power is not strong enough to control key shipping ways, but its presence near Bab-el-Mandeb is a means of disrupting global trade and a key position for negotiations in the future. The Syrian base would also provide Iran with a strategic position to send support to Hezbolllah and Bashar in Lebanon and Syria without having to go through Iraq or Turkey. This base would also stop Iran's dependence on Sudan, which turned its back on Tehran previously to support the Saudi Arabia diplomatic cut with Iran after the Embassy attack. Sudan has long been a port for the entry of Iranian weapons to the Mediterranean, but once the base is built, Iran will not need it anymore. In addition to using Sudan to supply weapons to its proxies, Iran has also been trying to establish good relations with Eritrea**,** which controls the two remaining large ports in the Red Sea.[53] However, Saudi Arabia is one step ahead in the regional conflict over the control of the Red Sea through maritime bases in Eretria and Djibouti. Through building a base in Yemen and thus Syria, Iran could also reshape this power balance.[54]

UN Passivity towards Saudi-Iranian Rivalry

While dealing with the Yemeni crisis, the UN does recognize the role that Iran and Saudi Arabia play in supporting and even deploying their allies in Yemen and how important this role is to define the outcomes of the conflict. However, the UN restricted the Stockholm negotiations table to Yemeni counterparts, excluding the two major operators in the conflict. Martin Griffiths himself expressed that the conflict is strategic and that resolving the crisis in Yemen is not only important for Yemenis but for everyone else who has interests in the region, which is not shocking because the shipping lanes and the trade routes come through the red sea. Member states in the region and beyond the region are obviously concerned with stability in Yemen. While the UN must take these interests and concerns into consideration, Griffith believes that his role is to solely involve Yemenis at the negotiation table. Griffith sees that foreigners should not be involved in the decision making. The latter contradicts his own words as he admits to the role played by regional states in fueling the conflict in Yemen, but he sees the need to exclude them from the decision-making table.[55]

Prior to the UK draft resolution, on 19 November, the UK Foreign Secretary Jeremy Hunt paid a visit to Saudi Arabia, the UAE and Iran where he encouraged all parties to accelerate efforts to resolve the Yemen crisis. Hunt asked Tehran to push the Houthis to the negotiating

53 Fargher, James.A. (2017).

54 Guzansky, Yoel. (2017).

55 Hassan, Mehdi. (2018). [interview with Martin Griffiths, UN special envoy for Yemen]. Up Front, *Yemen: 'Parties decide to resolve a conflict, not UN'*. Retrieved from Al Jazeera-English Al https://www.aljazeera.com/programmes/upfront/

table. As a response, the Iranian Foreign Minister, Mohammad Javad Zarif, expressed that all the Yemenis were prepared to come to the negotiating table if the coalition led by Saudi Arabia enabled them to do so.[56] This reflects the extent into which the UN sees the war in Yemen as a clear conflict between proxies, however, the UN still deals with it as mere civil war.

On November 2018, the UN High Commissioner for Human Rights in Geneva, Michelle Bachelet urged all states with power and influence to end conflict in Yemen and showed indignation at the escalation of hostilities. Bachelet asked the Saudi-led Coalition, the Houthi forces and all sides supplying arms to the parties of the conflict to immediately end the suffering of the Yemeni civilians, pointing out that violations by one party to the conflict do not give carte blanche to the others to fight back at all costs.[57] Again, another UN official underlined that the cause of the suffering of the Yemeni people wass mainly due to opposing sides fueling the civil war from within and outside Yemen.

At this point, it is necessary to highlight that unless this rivalry is addressed, the proxy war in Yemen will persist. For the UN to restore peace in Yemen, it has first to restore peace between Iran and Saudi Arabia in Yemen.

2.2. The Restraints of the Responsibility to Protect Principle

According to the UN office for Genocide Prevention and the Responsibility to Protect, the principle represents a political obligation to end violence and persecution in their worst forms. It seeks to reduce the gap between state obligations under international humanitarian and human rights law and the reality faced by populations facing the risk of genocide, war crimes, ethnic cleansing and crimes against humanity. It supports states' sovereignty by guiding them to see their responsibilities. Likewise, it allows the United Nations system to assist states in preventing listed crimes and violations and in protecting affected populations through capacity building, early warning, and other preventive and protective procedures, instead of merely responding after the damage is done.[58]

The 2015 military coalition of the Gulf States led by Saudi Arabia was launched mainly to intervene in Yemen's civil war under the pretext of fulfilling its responsibility to defend the Yemeni people and the legitimate transitional government. Hitherto, the intervention engaged

56 Ensor, Josie. (2018).Britain draws up draft UN resolution on Yemen ceasefire. The Telegraph. https://www.telegraph.co.uk/news/2018/11/19/britain-draws-draft-un-resolution-yemen-ceasefire/

57 UN News. (2018). Human Rights. *States with power and influence to end suffering of Yemenis must take action 'immediately' – UN rights chief*. https://news.un.org/en/story/2018/11/1025431.

58 United Nation Office on Genocide Prevention and the Responsibility to Protect:Responsibility to Protect. http://www.un.org/en/genocideprevention/about-responsibility-to-protect.html

against the Houthis not only failed to protect civilians, but also, over a third of the coalition's airstrikes were launched on civilian sites. The Responsibility to Protect principle was invoked to justify a military intervention with further purposes. It goes without saying that the Saudi-led intervention was not a Responsibility to Protect operation in the first place, since it was not concluded or assigned by a formal authorization of the Security Council. This highlights a deep lacuna in the way the United Nations has implemented this principle as it does not prevent distrustful invocations nor evoke the possibility that interventions could possibly do more harm than good.[59]

Bearing that in mind, the P5 veto is another constraining condition that has prohibited the Security Council from effectively implementing its responsibility to protect mission, since all practical resolutions presented to the Council could be vetoed and canceled by any of the P5 member states. The Security Council thus remains paralyzed when it comes to proceeding in its decisions fully.[60]

Furthermore, the Security Council has failed to completely engage with the principle as while appealing for resolutions, the Council has presented the conflict in Yemen as merely a civil war regardless of the brutality of the mass crimes committed against Yemeni citizens. The Security Council called for the respect of international human rights and humanitarian laws but did not appeal Pillar II or Pillar III of the principle since any further step to implement it would be vetoed by the P5 countries involved in the Saudi-led military operations. In fact, despite the increasing UN reports of violent attacks against civilians in Yemen, the US and UK back the Saudi-led coalition and numerous weapons used by coalition forces can be traced back to the U.S and U.K. Realizing that two P5 members are thus aligned with the forces responsible for theses violent acts against civilians, it is unsurprising that the Security Council's only action to implement the Responsibility to Protect program in Yemen since 2015 has been to renew already existing sanctions.[61]

During the Stockholm negotiations, the U.S threatened to veto the British resolution if the humanitarian language was not pruned and if it did not condemn Iran's role in backing the

59 Thompson, Drew. (2017). *Responsibility While Protecting (RwP) and the Intervention in Yemen*. EIA Ethics and International Affairs. Carnergie Coucil. https://www.ethicsandinternationalaffairs.org/2017/responsibility-protecting-intervention-yemen.

60 UN Security Council Report. (2015). Security Council Working Methods: *The Veto*. available at: https://www.securitycouncilreport.org/un-security-council-working-methods/the-veto.php

61 Genser, Jared. (2018). '*The United Nations Security Council's Implementation of the Responsibility to Protect: A Review of Past Interventions and Recommendations for Improvement'. The U.N. Security Council's Implementation of the Responsibility to Protect*. Chicago Journal of International Law. Vol. 18, No. 2, p.449-482.

Houthi rebels.[62] As mentioned earlier, this insertion was blocked in return by Russia to protect its Iranian ally. This reflects the divide between the P5 states and shows that their conflicting regional interests and biased support of different allies would definitely not solve the crisis, and potentially make it worse. Thus, the Responsibility to Protect principle serves the political interests of its executers rather than responding to righteous decisions concerning the severity of a conflict.

CONCLUSION

The UN's latest distinguished achievement was the Stockholm resolution as it succeeded in bringing the Yemeni rival groups to the negotiation table and to implement the necessary steps towards cessation of violence, trust building and humanitarian aids to the Yemeni people. However, it is important to stress that these steps alone are not enough for a sustainable peace in Yemen. A constant ceasefire and political stability remain intangible to our current day.

The UN have to reconsider the conflict on two levels: domestic and regional. Locally, there is no clear strong Yemeni rival to challenge Houthi rule in northern Yemen which keeps the prospects of a unified Yemen blurry and unattainable in the long run. So, unless a firm political resolution is taken beyond mere sanctions and travel bans, the civil war will not be solved in the near future. Yemen has become a weak state, if not a failed one. None of the rivals will accept sacrificing their leadership of this country to fall under the control of the other. In view of that, strengthening local government and enforcing democracy in its institutions would likely decrease foreign intervention and include all domestic parties in power. Stability and a strong grip on power in Yemen would also mean that neither Iran nor Saudi Arabia would have to fear losing their allies and to feel insecure about their borders.

Additionally, the UN needs to take measures to reassure both Iran and Saudi Arabia of the improbable intervention of the rival party, thus, reducing the likelihood of offenses and diminishing the prevailing security dilemma.

As a regional power that has shared interests with both states, Turkey can play a mediator role in easing the conflict. Likewise, U.S policies in the region too play a crucial role in addressing the divergence. Adopting a biased policy with one state against the other will only provoke more resistance from the left out state. America's continual promises for future defense capabilities and security agreements with Saudi Arabia does certainly provoke an

62 Borger, Julian.(2018). *UN agrees Yemen ceasefire resolution after fraught talks and US veto threat.* The Guardian. https://www.theguardian.com/world/2018/dec/21/un-yemen-ceasfire-stockholm-resolution-us

Iranian need for a defensive regional policy and vice versa. Significantly, a firm condemnation to both states for their regional interventions is needed. This is no small task, but the first step is taking a neutral stance towards both Iran and the Saudi-led coalition.

Due to constraints limiting the Responsibility to Protect principle discussed earlier, the Stockholm agreement does not go far enough in challenging violations committed against international humanitarian law. Last but not least, as long as the Security Council fails to act heedless of the political interests of its permanent members and in accordance with the predefined principles, the UN protective and preventive actions will remain on hold and under the double-standards of its members.

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CHAPTER 8

THE BOSNIA-HERZEGOVINA CRISIS AND THE UN'S DISPUTE RESOLUTION

İbrahim KAMİL*

*Department of International Relations, Trakya University, Edirne, Turkey
e-mail: ibrahimkamil@trakya.edu.tr

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INTRODUCTION:
The Dissolution of Yugoslavia

During the Cold War years, the Socialist Federal Republic of Yugoslavia stayed away from the Eastern and Western blocks because of the independence-based policy of President Josip Broz Tito called "The New Path in Socialism".[1] By the end of the Second World War, although he had become closer to the Soviet Union, Tito was disturbed by Stalin's ruling attitudes. Belgrade joined the Non-Aligned Movement[2], which has become a rising international force while not having close relations with the United States. However, due to the ineffectiveness of the movement, Tito directed his quest towards Yugoslavian domestic politics, wanting to reinforce the idea that each country should follow a specific path using the political system he called *Self-Management Socialism*.[3]

Tito died in May 1980 and since then, the growth of independence movements has accelerated in the republics of Serbia, Bosnia and Herzegovina, Slovenia, Croatia, Macedonia

1 İrfan Kaya Ülger, *Yugoslavya Neden Parçalandı, Balkan Dramının Perde Arkası,* Kocaeli: Umuttepe Yayınları, 2016, p. 99.

2 İbrahim Kamil, "Soğuk Savaş Sırasında Balkan Devletleri (1945-1990)", *Soğuk Savaş Sonrasında Balkanlar (1990-2015),* edited by İbrahim Kamil, Ankara: Nobel Yayınları, 2017, pp. 30-32.

3 Josip Broz Tito, *Özyönetimli Sosyalizm,* translated by İlhami Emin, İstanbul: Koza Yayınları, 1978, pp. 27-30.

and Montenegro, as well as in the autonomous regions of Vojvodina and Kosovo.[4] The process ended in 1990 with the dissolution of the Soviet Union and the Eastern Bloc, which was the other pole of the adversary international system during the cold war, and this affected Yugoslavia. In this Republic, the independence of Slovenia, Croatia and then of Macedonia, Bosnia and Herzegovina led to the collapse of Yugoslavia.[5]

Through this process, the Republic of Bosnia and Herzegovina followed a moderate policy against Slovenia and Croatia's efforts to leave the Republic.[6] It mediated between the two countries and asked for the establishment of a soft confederation rather than the disintegration of Yugoslavia. Serbia and Croatia signed a secret agreement against Bosnia and Herzegovina.[7] Slobodan Milosevic and Franyo Tucman shared the Republic of Bosnia and Herzegovina with the Karacorcevo Agreement in 1991, leaving the Bosnians a small buffer zone between Serbia and Croatia.[8]

Following this agreement, representatives of the Bosnian Serb and Croat communities met in Graz, Austria to continue negotiations. Mate Boban, leader of the Croatian Democratic Community in Bosnia and Herzegovina and Radovan Karadzic, President of the Srpska Republic, attended a secret meeting in February 1992 in Graz, Austria.[9] In this meeting, they decided to split the territory of Bosnia and Herzegovina 3 ways: 60% to Serbs, 30% to Croats and 10% to Muslims.[10] Franyo Tucman and Yugoslav President Chosic also held a confidential meeting where they agreed to share Bosnia and Herzegovina. Finally, despite a boycott by the Serbs, on 15 October 1991 after the participation of Muslim and Croat deputies in parliament, two resolutions were adopted to ensure Bosnia and Herzegovina's sovereignty and separation from the Yugoslavian Federation in the near future.[11] Alongside these two resolutions, it was also emphasized that if other parts of Yugoslavia accepted the continuation of the federal union of Yugoslavia, Bosnia would join the issues, too.[12]

4 Müzehher Yamaç, "Multi cultural Ethnic Composition in The Balkans, Minority Rights and Bulgaria", *International Balkan and Near Eastern Social Sciences Conference Series* IBANESS Conference Series-Plovdiv/ Bulgaria, edited by Dimitır Kirilov Dimitrov, Rasim Yılmaz, Günther Loschnıgg, March 12-13, 2016, p. 715.

5 Nesrin Kenar, *Yugoslavya, Yugoslavya Sorununun Ulusal ve Uluslararası Boyutu,* Ankara: Palme Yayıncılık, 2005, p. 1.

6 Mişa Gleni, *Balkanite (1804-1999),* translated by Svetlana Lekova, İzdatelstvo Riva, Sofya, 2004, p. 584.

7 *Türkiye Gazetesi*, 3 October 1991; "Müslümanlara Komplo", *Günaydın Gazetesi*, 23 July 1991.

8 Tanıl Bora, *Milliyetçiliğin Provokasyonu*, İstanbul: Birikim Yayınları, 1991, p. 215.

9 İlker Alp, "Soğuk Savaş Sonrası Bosna-Hersek ve Srebrenitsa Mezâlimi", *Soğuk Savaş Sonrasında Balkanlar (1990-2015),* edited by İbrahim Kamil, Ankara: Nobel Yayınları, 2017, p. 116.

10 Nesrin Kenar, "Bosna-Hersek Savaşı", *Balkanlar El Kitabı, Çağdaş Balkanlar,* Volume: II, Ankara, 2017, p. 179.

11 İlker Alp, "Balkanlar ve Yugoslavya Olayları", The Journal Of Armed Forces, Year. 111, No: 332, April, 1992, p. 23.

12 Zekeriya Yıldız, *Geçmişten Günümüze Bosna Hersek*, İstanbul 1993, p. 140; *Türkiye Gazetesi* 23 October 1991; *Cumhuriyet Gazetesi*, 16 October 1991.

1. The Establishment of the Republic of Bosnia and Herzegovina

The biggest reaction to Bosnia and Herzegovina's decision to leave Yugoslavia came from Serbia and the Bosnian Serbs. Serbia has, to some extent, accepted the separation of Slovenia, Croatia and even Macedonia from the union. However, due to the geopolitical and geostrategic importance of this country, it has resisted efforts to prevent the separation of Bosnia and Herzegovina. Serbia's administrators have included this republic in the New-Third Yugoslavia project, which consists of Montenegro, Sandžak, Kosovo and Vojvodina. According to Serbs, if Bosnia and Herzegovina did not participate in the formation of the new Yugoslavia, the Sandžak[13] would also be lost. This meant that Serbia's physical contact with Montenegro and its exit from the Adriatic Sea were cut off. It would also cause Serbia to lose control of the Western Balkans. In addition to these geopolitical and geostrategic issues, Serbia did not want to lose any of its rich mineral deposits in Bosnia, and it aimed to incorporate the Serb minority in Bosnia and Herzegovina. Serbia, therefore, began to exert intense pressure on Bosnia by amassing 100,000 Federal Army Units. At the same time, the Serbian minority, with the guidance of Serbia, announced the establishment of the Northern Bosnian Autonomous Serb District on November 4, 1991 in the north of the republic.[14] On 21 December 1991, the Bosnian Serb Parliament declared the establishment of the Republic of Srpska and declared the independence of the Serbs.[15] The Parliament also announced that Republic of Srpska would be directly linked to "New Yugoslavia", not Bosnia, but Serbia and Montenegro.

The US did not choose to intervene directly in the crisis in Bosnia and Herzegovina. Rather, it was content to support the measures taken by the UN and the EU its own initiative. On 25 September 1991, the UNSC decided to stop the shipment of weapons and equipment to all the former Yugoslavia[16] to prevent a crisis and possible war by passing Resolution 713, which was the decision to enforce an embargo.[17] Again, on 27 November 1991, the UNSC decided to establish a Peacekeeping Force as soon as possible through decision 721 and meticulously implemented the embargo.[18]

13 For more information about Sandžak see: İlker Alp, "Soğuk Savaş Sonrasında Sancak'taki Gelişmelere Dair Bir Değerlendirme", *Trakya University Journal Of Balkan Research Institute*, Volume: 6, p. 2, December 2017, pp. 227-260.

14 "Bosna Hersek'te Yedinci Sırp Özerk Bölgesi Kuruldu", *AFP*, 4 November, 1991.

15 İsmail Soysal, Şule Kut*, Dağılan Yugoslavya ve Bosna-Hersek Sorunu: Olaylar-Belgeler 1990-1996*, İstanbul: Ortadoğu ve Balkan İnceleme Vakfı, 1997, pp. 12–13; "Sırplar, Bosna'da Cumhuriyet Kurdu", *Tercüman Gazetesi*,

16 UN-DOC.S/RES/713 (1991); Mustafa Selver, *Balkanlara Stratejik Yaklaşım ve Bosna,* İstanbul: IQ Kültür-Sanat Yayıncılık, 2003, p. 143.

17 Hüseyin Emiroğlu, "Soğuk Savaş Sonrası Birleşmiş Milletler: İşlevi-Sorunları", *Cumhuriyet University Journal of Economics and Administrative Sciences,* Volume: 7, No: 2, 2006, p. 69.

18 Emiroğlu, p. 69.

Similarly, in February 1992, a UN Protection Force – UNPROFOR - was sent to Bosnia and Herzegovina to prevent the war from spreading throughout the region. At the same time, an arms embargo was placed on Bosnians, Serbs and Croats. However, this embargo only affected the Muslim Bosnians. Serbia was armed with Bosnian Serbs from the Federal Army of Yugoslavia. While Austria, Germany and Croatia secretly provided all kinds of military supplies to the Croats,[19] there was no neighbor or large state to support the Muslim Bosnians.[20]

The Banditry Commission was established to examine the applications of the republics that left Yugoslavia to be recognized by the EC and to decide the matter. The Banditry Commission examined the application for recognition of the existence of the Republic of Bosnia and Herzegovina as an independent state.[21] However, the Commission stated that the Serbs had the right to determine their own future because of their opposition to the independence of Bosnia and Herzegovina and that the matter would be decided on the basis of the result of a referendum with the participation of all Muslim, Serb and Croat citizens in the country.[22] For this reason, the Republic of Bosnia and Herzegovina went to a referendum on independence between 28 February and 1 March 1992,[23] in accordance with the provisions of the Federal Constitution, to comply with the EC requirement for recognition. The question in the public vote was: "Are you in favor of a state structure where all citizens belonging to Muslims, Serbs, Croats and other nations living in the country would have equal rights?"[24] Despite the boycott of the Serbs, many Bosnians and Croats went to the polls, with 64.14% participation and 2,067,969 valid citizen votes. Of these, 99.44% or 2,061,932 persons voted yes for independence[25]. In reality, Bosnian Croats did not want the creation of an independent Bosnia-Herzegovina state because they wanted to conjoin Croatia. For this reason their real plan and goals were in two stages. The first phase, was to ensure that the Republic of Bosnia and Herzegovina, where they would also be included, was separated from the Yugoslavian union. The second stage was to leave Bosnia and join with Croatia. Thus, they would be able

19 İlker Alp, "Balkan Yarımadasındaki Gelişmeler", *Askerî Tarih Bülteni*, Year: 23, No: 4, February 1998, p. 15.

20 Kader Özlem, "Soğuk Savaş Sonrası Dönemde ABD'nin ve Türkiye'nin Balkan Politikalarının Bosna Hersek, Kosova ve Makedonya Krizleri Örneğinde İncelenmesi", Edirne: *Trakya University Journal Of Balkan Research Institute,* Volume: 1, No: 1, December 2012, p. 27.

21 Hari Papasotiriu, "Bosnenskata Voyna (1992-1995), Strategiçeski Analiz", *Novite Balkani,* edited by Djordj A. Kurvetris vd., translated by Valeri Yotov, Sofya: Hermes Publishing, 2006, p. 168.

22 Omer İbrahimagiç, *Drjavnost i nezavisnost Bosne i Hertsegovine, Viyeçe Kongresa boşnyaçkih intelektualatsa,* Sarayevo 1997, pp. 60-61; Edin Mehanoviç, "Kutilyero v mirovni plan za Bosnu i Herstsegovinu", *Pregled*, Y. 54, p. 1, Sarayevski Univerzitet, Sarayevo January-April 2013, pp. 72-73.

23 İlker Alp, "1990'larda Yugoslavya ve Bosna Hersek", Edirne: Trakya *Unıversıty Journal Of The Faculty Of Letters,* Volume: 1, No:1, 2011, p.14.

24 Mark Mazower, *The War in Bosnia: An Analysis, Action for Bosnia*, London, 1992, p. 7.

25 Mark Thomson*, A Paper House: The Ending of Yugoslavia*, London, Vintage 1992, p. 318.

to revive the Independent Croatian State (Hırvatska Nezavisna Drjava) that they had established with the help of the Germans in the years of World War II. Bosnian Serbs who opposed independence by boycotting the Referendum and proclaiming it to be a cause of war had similar goals. The Bosnian Serbs primarily aimed to ensure that Bosnia and Herzegovina remained within Yugoslavia, while in the second phase, they aimed to establish the Greater Serbia by ensuring that Bosnia and Herzegovina was united with Serbia.[26]

On 3 March 1992, the administration of Bosnia and Herzegovina, which relied on support from the European states and, to a greater degree, the US, declared its independence.[27] Meanwhile, the citizens of Bosnia and Herzegovina were divided into three groups. Only the Bosnians defended the existence of an independent, sovereign State of Bosnia and Herzegovina by preserving the integrity of the country. In contrast, Bosnian Serbs in the Republic of Srpska regarded Serbia as their homeland.[28] The Croats of Bosnia also recognized Croatia as their homeland. Bosnia and Herzegovina's independence decision was therefore a source of motivation for Serbs and Croats who wanted to join their homeland.[29]

The independence of the Republic of Bosnia and Herzegovina was recognized by the EC on 6 April 1992 and by the United States on 7 April 1992.[30] On February 6, 1992, earlier than the EC and the US, Turkey announced its recognition of the independence of the Republic of Bosnia and the republics of Slovenia, Croatia and Macedonia separated from Yugoslavia unity in 1991.

2. The War of Bosnia and Herzegovina

In 1990, the Muslim Bosnians in eastern Bosnia, especially those along the Drina River, constituted most of the population.[31] For example, according to the official records of the 1991 Yugoslavian census, 7,000 people lived in the town of Srebrenica. The population of Srebrenica, together with its environs, reached 36,666.[32] This population was made up of:

26 Osman Karatay, "Bosna-Hersek Federasyonu", *Balkanlar El Kitabı, Çağdaş Balkanlar,* Volume*: II,* edited by Bilgehan A. Gökdağ, Osman Karatay, Karam, Ankara: Vadi Yayınları, 2007, p. 203.

27 Faruk Sönmezoğlu, *Son On yıllarda Türk Dış Politikası (1991-2015),* İstanbul: DER Yayınları, 2016, p. 216; Selver, p. 143; Bora, p. 84

28 Miryana Kasapoviç, *Podiyelyeno druştvo i nestabilna drjava*, Zagreb: Politiçka Kultura, 2005, p. 15.

29 M. Hakan Keskin, Ulviyye Aydın, "Bosna-Hersek", *Çağdaş Balkan Siyaseti, Devletler, Halklar, Parçalanma ve Bütünleşme,* edited by Murat Necip Arman, Nazif Mandacı, 2nd Edition, Ankara: Seçkin Yayınları, 2014, p. 186.

30 Naim Demirel, *BM Güvenlik Konseyi ve Uluslararası Barışın Korunması,* İstanbul: Derin Yayınları, 2nd Edition, 2015, p. 260; Mehanoviç, p. 72; Alp, *1990'larda Yugoslavya ve Bosna Hersek*, p. 15.

31 Smail Çekiç, "Genotsid nad Boşnyatsima Srebrenitse; Sigurnezone UN-a, yula 1995", *Novi Muallim*, No: 30, Udrujenye İlmiye İslamske Zayednitse BiH, Sarayevo 29 June 2007, p. 10.

32 Alp, *Soğuk Savaş Sonrası Bosna-Hersek*, p. 122.

75% Muslim Bosnians, 23% Serbs, and those who registered themselves as Yugoslav along with the remainder accounted for 2%.[33]

Eastern Bosnia, within the geopolitical-geostrategic context, was within the borders of "Velika Serbia" (Great Serbia). However, the Serbian administration aimed to purify the "Great Serbia" from other nations, making it a country where Serbs would live. For this reason, before the start of the Bosnian War, Serbs had planned to conduct ethnic cleansing throughout the country, especially in Eastern Bosnia, where Muslims were in the majority.[34] For this reason, Bosnia and Herzegovina was attacked by Serbian militia forces on the day it declared its independence.[35]

In addition, after the events of 1992, the Bosnian Serbs and the Yugoslav Army attacked Srebrenica and occupied many settlements of Eastern Bosnia and ejected 100,000 Bosnians from their homes. Serbs also used their aircraft in these attacks and bombed the Bosnian cities. To stop the shelling, the UNSC adopted Resolution 781 on 9 October 1992. With this decision, a flight ban was introduced on Serbian aircraft flying in Bosnia-Herzegovina airspace.[36] Moreover, as of 16 November 1992, the UNSC imposed a naval blockade on Serbia and Montenegro.[37]

The Bosnians who escaped the persecution of the Serbs sought refuge in Srebrenica. For this reason, the town's population increased to 60,000. Serbian forces surrounded Srebrenica and cut off contact with the Muslims.[38] As of 11 December 1992, the Serbs blocked humanitarian aid to Srebrenica and closed water and electricity supplies. In this way, the Bosnians, which were kept under siege, were depleted of basic foods, medicines and medical supplies.[39] Therefore, the UN decided to provide food aid to the Bosnians on 1 March 1993

33 Jan Willem Honig, Norbert Both, *Srebrenica Record of a War Crime*, New York: Penguin Book, 1997, p. XVIII; *Zloçini nad Boşnyatsima u Srebrenitsi za vriyeme agresiye na Republiku Bosnu i Hertsegovinu 1991-1995, Dokumenti i svedoçenya*, compiled by Smail Çekiç vd.,İnstitut za istrajivanye zloçina protiv çovyeçnosti i mecunarodnog prava Univerziteta u Sarayevu, Sarayevo 1999, pp. 25-26.

34 http://www.circassiancanada.com/tr/arastirma/almanyadaki-turk-diasporasi%C4% B1. htm, p. 2, 22. October 2009.

35 İbrahim Kamil, "Dayton Sonrası Bosna Hersek: İdari-Siyasi Yapı, Ekonomik Durum ve Dış Politika (1995-2017), *Soğuk Savaş Sonrasında Balkanlar (1990-2015),* edited by İbrahim Kamil, Ankara: Nobel Yayınları, 2017, p. 165.

36 UN-DOC.S/RES/781 (1992); Selver, p. 144.

37 Selver, p. 144.

38 Tilman Zülch, "Zloçin Genotsida u Srebrenitsi: u Sigurnosnoy Zoni Srebrenitsa 1995", *Zbornik Radova Zloçini nad Boşnatsima u Srebrenitsi za Vriyeme Agresiyena Republiku Bosnu i Hertsegovinu 1991-1995, İnstitut za istrajivanye zloçina protiv çovyeçnosti i mecunarodnog prava u Sarayevu*, Sarayevo 1998, p. 27.

39 Beçir Matsiç, "Genotsid u Srebrenitsi do 1995. godine", *Genotsid u Bosni i Hertsegovini – Poslyeditse presude Mecunarodnog Suda Pravde, Zbornik rado vamecunarodne nauçne konferentsiye odrjane 10. i 11. yula 2009. godine u Potoçarima (Srebrenitsa)*, K: 2, Sarayevo 2011, p. 913.

and US aircraft began to give air support to the Bosnian cities under siege.[40] In addition, the UN Security Council declared Srebrenica and its environs as a safe zone with decision 819 on 16 April 1993[41] and declared that it would be protected against all kinds of attacks and other hostile activities and urged Serbs to stop all attacks immediately and withdraw from Srebrenica.[42] The UN Security Council also declared 6 regions as being part of the Safe Zone; namely, Sarajevo, Tuzla, Bihac, Srebrenitsa, Jepa and Gorajde.[43]

The civilian Bosnians in Srebrenica (declared as a Safe Zone on April 16, 1993), were apparently taken under the protection and assurance of the UN Protection Force.[44] But the major states with most influence in the UN were not able to effectively protect these areas in the face of the brutal attacks by Serbs.[45] UN General Secretary Boutros Ghali and UN Special Representative Akashi prevented the intervention of NATO aircraft and forbade any attack on the Serbs' aircraft.[46]

But UN Security Force Commander General Wahlgren forced Bosnians to sign a Srebrenica District Abolition Agreement with Serbs on 18 April 1993, contrary to Security Council resolution 819.[47] The arms of the Bosnians were collected by the UN Protection Force on the basis of the establishment of safe zones.[48] The Serbs were not disarmed, however, and so the Bosnians were left totally defenseless against the Serbs and Croats who were already superior in military terms.[49]

Tens of thousands of Bosnian civilians sought refuge in Srebrenica to save their lives from the neighboring areas occupied by Serbs. The UNHCR - The UN High Commissioner

40 Selver, p. 144.

41 UN-DOC.S/RES/819 (1993).

42 *Agresiyana Republiku Bosnu i Hertsgovinu genotsid nad Boşnyatsima, Spetsiyalno izdanye yuli 2011, U povodu obilyejavanya 16.godişnyitse genotsida nad Boşnyatsima u sigurnoyzoni Uyedinyenih Natsiya Srebrenitsi yula 1995. godine*, Hazırlayan: Smail Çekiç, Universitetzki İnformativni Glasnik İnfo, Sarayevo 2011, p. 29; Smail Çekiç, "Genotsid nad Boşnyatsima...", p. 11.

43 Gleni, *Balkanite (1804-1999),* p. 587; Demirel, *BM Güvenlik Konseyi,* p. 260; http://www.balgoc.org.tr./2004srebrenitsa.html, p. 3, 10 February 2006; Mesud Şadinliya, *Teritoriyalna Odbrana Bosne i Hertsegovine 1986-1992*, Sarayevo 2014, p. 95.

44 http://www.circassiancanada.com/tr/arastirma/almanyadaki-turk-diasporasi%C4%B1.htm, p.2, 22 October 2009.

45 Honig and Both, p. XIX.

46 Ali Dikici, "Bosna Savaşı'nda Srebrenitsa Savunmasının Komutanı Naser Oriç'in Hikâyesi", *Avrasya Etütleri Balkanlar Özel Sayısı*, Year: 22, No: 50, 2016/2, pp. 201-203.

47 *Agresiyana Republiku*, p. 30.

48 Karatay, p. 8; Dikici, p. 198.

49 Zilha Mastaliç-Koşuta, "Genotsid nad dyecom u Srebrenitsi-Sigurnoy Zoni UN-a yula 1995", *Genotsid u Bosni i Hertsegovini – Poslyeditse Presude Mecunarodnog Suda Pravde, Zbornik radova mecunarodne naučne konferentsiye odrjane 10. i 11. yula 2009. godine u Potoçarima (Srebrenitsa)*, K: 2, (İnstitut za istrajivanye zloçina protiv çovyeçnosti i mecunarodnog prava Univerziteta u Sarayevu), Sarayevo 2011, p. 1035.

for Refugees transferred some of the refugees to Tuzla. Nonetheless, 42,000 civilians, mostly women and children, remained in the Srebrenica safe zone.[50] Upon the massacre of Muslim Bosnians by Serbian attacks, the UNSC adopted Decision No. 820 on 27 April 1993. With this decision;

1. Except for humanitarian aid, all goods were prohibited from entering Yugoslavia.
2. The financial assistance received from foreign countries by Yugoslav authorities was stopped.
3. An area of 12 miles of territorial waters belonging to Yugoslavia in the Adriatic Sea was inspected.
4. The operation of Serbian ships outside the waters of the Danube River was prohibited.
5. Any ships, aircraft and trains which did not comply with these prohibitions were confiscated.[51]

The Serbs, however, did not comply with the UN's decisions on the provision of humanitarian aid and the agreement they signed.[52] From the early days of 1992 until the occupation in July 1995, the Serbs hardly allowed entry of any medical supplies, food and basic substances required for the survival of the public due to the blockade they were implementing.

Serbian and Bosnian Serbs decided to expand the areas of occupation to gain more profit in the 1995 peace talks. To that end, the President of the Bosnian Republic of Srpska, Radovan Karacic, gave written and verbal orders to the Serbian Army on 8 March 1995 in a directive entitled No. 7 Operational Directive on the occupation of Srebrenica and Srebrenica and Srebrenica and all of Eastern Bosnia with the security zones of the UN.[53] The armies of the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Srpska Krajina, the Bosnian Republic of Srpska and the gangs they founded participated in the offensive.[54]

The Serbs started their attacks - known as Operation Krivaya 95 - on 31 May 1995, seized control points held by the Dutch on 2 June 1995, and on 6 July 1995 the safe zone bombed Srebrenica with cannon and tank fire. Upon the launch of the Serbian attacks, the Bosnians

50 Zülch, p. 27; Koşuta, p. 1035.

51 UN-DOC.S/RES/820 (1993).

52 Şadinliya, p. 95.

53 Velid Şabiç, "Genotsid u Srednyem Podrinyu 1992-1995", Genotsid u Bosni i Hertsegovini – Poslyeditse presude Mecunarodnog Suda Pravde, Zbornik radova mecunarodne naućne konferentsiye odrjane 10. i 11. yula 2009. godine u Potoçarima (Srebrenitsa), K: 2, (İnstitut za istrajivanye zloçina protiv çovyeçnosti i mecunarodnog prava Univerziteta u Sarayevu), Sarayevo 2011, pp. 897-898.

54 http://www.circassioncanada.com/tr/arastirma/almanyadaki-turk-diasporasi%C4%Bl.htm, p. 2, 22 October 2009.

asked for the return of their weapons, which they had delivered in 1993, in accordance with the demilitarization agreement. However, this request was rejected by UN officials.[55] On July 8, the Serbian armies captured the Bilyek and Lyubisavic military facilities and captured the Dutch UN Guardian soldiers.[56] On July 9, Radovan Karadzic ordered Serbian commanders, "You must kill everyone, as in the case of Western Slavonia. Kill everyone you can!"[57]

On 11 July 1995, the Serbian Army invaded Srebrenica, the center of the UN's safe haven.[58] The speech of the Bosnian Serb Army commander, General Ratko Mladic, in Srebrenica square was broadcast on Serbian television. Referring to the Turkish government and Bosnians in the Ottoman period, he said it was time to get his historical revenge on the Turks and he presented the city of Srebrenica as a gift to the Serbian nation.[59]

While Serb attacks continued, thousands of Bosnians wanted to flee from Srebrenitsa and go to the UN Dutch military camp in Potachari Village.[60] However, only a few thousand Bosnians were able to enter. Around 25,000 Muslim Bosnians, especially the elderly, women and children, who had accumulated around the camp until the evening of July 11, tried to hide in the factories in the surrounding forest areas.[61] General Radislav Kırstic ordered the Serbian soldiers and their gangs (who had been following those Muslims who had fled Srebrenica in their rush to save themselves), on the radio to kill everyone and leave no one alive.[62]

The Bosnians, who had accumulated in Srebrenica and Potachari or tried to escape to Tuzla, became easy targets for the Serbs. Taking advantage of this, between the date of 11 and 23 July 1995, the Serbs killed[63] 8.000-12.000 Bosnian men, whose ages were between 14 and 65 years.[64] In addition, they raped girls and children of all ages.[65] Serbs committed this brutality in front of the UN officials and Dutch troops who were obliged to protect the safe

55 *Agresiya na Republiku*, p. 30; Matsiç, p. 908.

56 Smail Çekiç, *Genotsid nad Boşnyatsima*, pp. 11-13; Koşuta, p. 1040.

57 Koşuta, p. 1040; *Agresiyana Republiku*, p. 30; Şabiç, p. 899.

58 Papasotiriu, *Bosnenskata Voyna* (1992-1995), p. 176; Şabiç, p. 899.

59 Lara J. Nettel field, Courting Democracy in Bosnia and Herzegovina, New Yok: Cambridge University Press, 2010, p. 80; "Srebrenitsa Katliamı"; "The report of IHH (İnsani Yardım Vakfı-The Foundation for Human Rights and Freedoms and Humanitarian Relief) ", http://www.ihh.org/modules.php?name= sections&op= printpage&artid=58, p. 1, 25 March 2005.

60 http//www.diplomatikgözlem.com/haber_oku.asp?id=137, p. 1, 16 February 2004; http//www.balgoc.org.tr. /2004srebrenitsa. html, pp. 6-7, 10 February 2006; Çekiç, *Genotsid nad Boşnyatsima*, pp. 12-13.

61 Koşuta, p. 1041; Çekiç, *Genotsid nad Boşnyatsima*, pp. 12-13; Şabiç, p. 899.

62 Dikici, p. 206.

63 İlker Alp, "Srebrenitsa Soykırımı (Temmuz 1995)", *Avrasya Etüdleri,* 52/2017-2, p. 156.

64 Smail Çekiç, Meldiyana Arnaut-Haselyiç, Beçir Matciç, *Masovne Grobnitse u Bosni i Hertsegovini- Sigurna Zona Uyedinyenih Natsiya Srebrenitsa,* Sarayevo, 2010, pp. 174-175.

65 Emiroğlu, p. 68.

areas. With the order of the Dutch Colonel Karremans, the Dutch UN soldiers handed over the Bosnians, who had taken refuge in the camp, to the Serbs.[66]

It was understood from the excavations that the massacres against the Muslim Bosnians had continued for four years and their bodies were buried in mass graves. It was estimated that the Serbs buried the Muslim Bosnians in many mass graves, of which 133 were found,[67] and that the number of those who had not yet been found was 200,000.[68] The Srebrenica massacre was recognized as a genocide by the International Court of Justice on 26 January 2007,[69] and the European Parliament and the United Nations also recognized it.[70]

3. UN Plans to Solve the Crisis

Because of the arms embargo imposed, the Bosnians had difficulty defending their countries against the armed attacks of Serbs and Croats. For this reason, the Bosnians only stayed in the Bihac region in the northwest end of the country, in Goraj, besieged in Eastern Bosnia, Srebrenica and Jepa and Central Bosnia.[71] As a result, 60% of the country was seized by Serbs, some parts were occupied by Croats and Muslim Bosnians were squeezed into a small area of 15-20%.[72]

Western states have made many attempts through the international platform to resolve the issue of Bosnia and Herzegovina for their own interest. The basis of these was the Yugoslav Conference in London in 1991, but it was not successful. The efforts of EU mediator José Cutileiro before the war also failed.

Between February and March 1992, representatives of the Muslim, Serbian and Croatian parties met in Lisbon to discuss a cantonal confederation model. According to this plan, which was prepared under the Lisbon Agreement or "Cutileiro's Plan", it was intended that the State of Bosnia and Herzegovina be formed from three separate cantonal republics that would be connected flexibly to the center and transformed into a group of states. On March 18, 1992, three leaders, Aliya Izetbegovic, Radovan Karadzic and Mate Boban, signed a blueprint of assigning 44% of the country's territory to Muslims, 44% to Serbs and 12% to

66 http://www.balgoc.org.tr/2004/srebrenitsa.html, pp. 6-7, 10 February 2006; http://www.diplomatikgozlem.com/haberoku.asp?id=137, p. 1, 16 February 2004.

67 Smail Çekiç, Meldiyana Arnaut, *Masovne Grobnitse,* p. 655; Alp, *Soğuk Savaş Sonrası Bosna-Hersek,* pp. 131-132.

68 Alp, *Soğuk Savaş Sonrası Bosna-Hersek,* p. 132.

69 Dikici, p. 183.

70 *Suçunu Kısmen Kabul Etti*, Milli Gazete, 27 June 2017, p. 1.

71 Karatay, p. 5.

72 Alp, *1990'larda Yugoslavya*, p. 17.

Croats.[73] This EC plan was not prepared to protect the interests of all parties and the integrity of the country. In addition, population rates were taken into consideration. For this reason, aggressive Serbs were rewarded and Muslims and partly Croats were victimized. For example, 44% of the geopolitical-geostrategic and industrially important places was given to Serbs, whose population was 32% of Bosnia and Herzegovina. 12% of the country with a very important position in terms of geopolitical-geostrategy and suitable for merging with Croatia was given to Croats with a population of 17%. On the other hand, unregistered and non-industrial regions - 44% of the country - were given to the largest group of Muslims, who were 49% of the population. In this case, a large part of the territory of the Republic of Bosnia and Herzegovina would be in the hands of Serbia and Croatia. Under the current circumstances, Muslim Bosnians would not be able to survive in an independent political establishment. For this reason, Bosnians and Croats did not accept the plan. Nevertheless, the peacekeeping efforts of the UN Secretary-General, EU, US and international organizations continued, and Vance-Owen, Safe Zones and Three-Entity Plans were raised.

3.1. Vance-Owen Peace Plan

The "International Conference on the Former Yugoslavia" was organized in London on 26/27 August 1992 under the leadership of the EU and the UN.[74] At this conference, the British diplomat Lord Owen (on behalf of the EC) and the American diplomat Cyrus Vance (on behalf of the UN) were tasked with preparing a joint plan for the solution of the Bosnia-Herzegovina crisis.[75] After the conferences held in Geneva and New York, the UN and the EC supported a solution plan to protect the so-called peace,

1. Bosnia and Herzegovina would have a decentralized state structure in which the executive power would be concentrated mainly in the States,
2. Bosnia and Herzegovina would be divided into 10 provinces, three of which would be controlled by Serbs, three by Croats, three by Muslims, and Sarajevo would have a neutral and bi-communal status,
3. States would have independent judicial organs and their own parliaments, but they would not have the rights of representation in the international arena,

73 Svein Monnesland, *For Yugoslavya, og etter,* Oslo: Sypress Forlag 1999, pp. 289-290; "İzetbegoviçpotpisao, paodbacioKutiljerov plan, *Novosti*, http:// www.nezavisne.com// novosti/ bih/ izetbegovic.potpisao-pa-odbacio-kutiljerov-plan/290287, 20 June 2017; David Binder, "U.S. Policy makers on Bosnia Admit Error in Opposing Patition in 1992", *The New York Times*, 29 August 1993,http://www.nytimes.com/1993/08/29/world/us-policymakers-on-bosnia-admit-errors-in-opposing -patition-in-1992.html?pagewnted:a//, 2 June 2017.

74 Nedime Aslı Şirin Öner, *Dram Sonrası Bosna, Mültecilerin Geri Dönüşü Üzerine Bir Alan Araştırması,* IQ Kültür Sanat Yayıncılık, İstanbul, 2013, p. 59.

75 Alp, *1990'larda Yugoslavya ve Bosna Hersek*, p. 17.

4. Bosnia and Herzegovina would be represented in the international platform by a central parliament, which would be based on elections
5. Free movement rights would be for everyone in all Bosnia and Herzegovina territories
6. The three main Ethnic Societies and other societies would be guaranteed by the constitution of Bosnia and Herzegovina
7. The presidency would be formed by the representatives of the legislative bodies of the three provinces,
8. The first elections would be supervised by the UN, the EC and the OSCE,
9. Disarming under Bosnia and Herzegovina, EC and UN control.[76]

According to this plan, the proportion of nations left in the land was as follows; 43% for Serbs, 15% for Croatians, 27% for Muslims, 11% for Croats and Muslims jointly and 4% for Sarajevo, which was considered as the international region.[77] Thus, the borders of the Republic of Bosnia and Herzegovina would be seemingly maintained. In fact, Bosnia and Herzegovina would no longer be a state, and there would be no state dominance over the whole country and population.[78] In summary, Bosnia and Herzegovina would lose its status as a state.

After the interviews, the plan was modified. Izetbegovic accepted and signed this plan after the number of states held by Muslims decreased to four and the states of the Croats were reduced to two. The Serbs did not agree with the reduction of 70% of their land to 43%, and they did not adopt this plan because they wanted to connect to Serbia. After the Serbs rejected the plan, the UNSC adopted decision no. 816 of 1 April 1993 and wanted to reduce the Serbian planes that did not comply with the flight ban under certain conditions. The implementation of this decision was initiated by NATO aircraft on 12 April 1993.[79]

Under pressure, Radovan Karadzic was obliged to sign the Vance-Owen Plan in Athens on May 2, 1993, provided it was approved by the Bosnian Serb Parliament.[80] The Bosnian Serb Parliament did not accept the plan after a two-day meeting on 5-6 May 1993 and decided to go to a referendum. On 16 May 1993, 96% of the participants in the Republic of Srpska (Bosnian Serbs Republic) refused the plan and voted for the independence of the republic. Thus, the Vance-Owen Plan lost its validity.[81]

76 *Bosna-Hersek Krizinde*, p. 39; Bora, p. 112.

77 Oya Akgönenç -Mughisuddin, "Bosna-Hersek, Kosova, Sancak ve Makedonya"*, Journal of Armed Forces,* Year: 112, No: 336, 15 April 1993, pp. 57-58; Alp, "1990'larda Yugoslavya ve Bosna Hersek", p. 18.

78 Alp, *1990'larda Yugoslavya ve Bosna Hersek*, p. 18.

79 UN-DOC.S/RES/816 (1993); Selver, p. 144.

80 Emel G. Osman Çavuşoğlu, *The Wars of Yugoslav Dissoltution and Britain's Role in Shaping Western Policy 1991-1995*, Ankara, 2000, pp. 135, 137.

81 Soysal and Kut, p. 41; *Bosna-Hersek Krizinde*, p. 41.

3.2. Safe Zones Plan

Upon the rejection of the Vance-Owen Plan by the Bosnian Serb Parliament,[82] the UN Security Council was urgently convened on 7 May 1993. At the end of the meeting, the UN Security Council adopted the Safe Zone Plan as a temporary interim solution.[83] On March 12, 1993, the UN peacekeeping commander, French General Philippe Morillon, announced that the town was a safe area by erecting a UN flag on Srebrenica.[84] In addition, the UNSCR declared on April 16, 1993 through resolution no. 819, [85]that Srebrenica had been taken under protection against all kinds of attacks and the Serbs were asked to stop the armed attacks immediately and withdraw.[86] Thus, from April 16 to May 6, 1993, the UN resolutions 819 and 924 made it possible for critical Muslim regions to be placed under UN protection and declared safe zones to be made available.[87] Considering the areas where refugees were gathered, the regions in question were determined as Sarajevo, Tuzla, Jepa, Gorajde, Bihac and Srebrenica.[88]

On 22 May 1993, representatives of the United States, the Russian Federation, the United Kingdom, France and Spain adopted the Joint Action Plan. Based on this action plan, the implementation of the Safe Zones Plan was started on 4 June 1994. Officials from Serbia and the Bosnian Republic of Srpska considered the Safe Zones Plan as an achievement for themselves. Radovan Karadzic stated that this decision meant that the great powers had given up the option to engage in military intervention.[89]

The Bosnians were not supported by the Safe Zones Plan because this plan would eliminate the Vance-Owen Plan and lead to the establishment of ethnic colonies within the country. It would also provide a basis for the Serbs who had conquered almost 70% of the country to do so. Since it did not foresee the application of military sanctions against Serbia and Bosnian Serbs, this plan would not ensure that the Serbs withdrew from the occupied territories and would not be able to stop the Serb attacks. On the contrary, it would facilitate

82 Suzan Udvırd, *Balkanskata Tragediya, Haosıt i Razruhata Sled Studenata Voyna,* İzdatelstvo "Siela", Sofya, 2002, p. 511.

83 Alp, *1990'larda Yugoslavya ve Bosna Hersek*, p. 19; *Bosna Hersek Krizinde*, p. 43.

84 Smail Çekiç, *Genotsid i istina o genotsidu*, (İnstitut za istrajivanye zloçina protiv çovyeçnosti i mecunarodnog prava Univerziteta u Sarayevu), Sarayevo, 2012, p. 86.

85 UN-DOC.S/RES/819 (1993).

86 *Agresiya na Republiku,* p. 29.

87 UN-DOC.S/RES/836 (1993); Selver, p. 145.

88 Robert M. Donia, *Sarajevo: A Biography*, University of Michigan, 2006, pp. 25-27; Kenar, *Yugoslavya Sorununun*, p. 183.

89 Kenar, *Bosna-Hersek Savaşı*, p. 186.

the ethnic cleansing of Serbs. Therefore, UN and NATO circles stated that they regarded the Safe Zone Plan as a temporary solution, not a permanent one.[90]

3.3. Three Entities of Bosnia and Herzegovina

With the efforts of the international mediator Lord Owen and former Norwegian foreign minister Thornvald Stoltenberg, the peace negotiations resumed on June 15-16, 1993 with the participation of Izetbegovic, Milosevic and Tucman in Geneva to resolve the issue of Bosnia and Herzegovina. This new plan, called the Geneva Plan, proposed by Lord Owen and approved by Tucman and Milosevic, foresaw the division of Bosnia and Herzegovina into three nationally-based national states.[91] According to the first plan, a flexible confederation would be established and 52.08% of the lands would belong to Serbs, 28.29% would be Bosniak and 16.59% would be owned by the Croatian State. The cities of Sarajevo and Mostar would be included with a special status.[92] However, while the status of Sarajevo remained unclear, the Bosniak State would consist of two separate parts from the geographical area, namely the Sarajevo-Tuzla-Zenitsa triangle in the center of Bosnia and Herzegovina and the Bihac region in the Northwest.[93]

The Three-Entity Bosnia-Herzegovina Plan brought forward by the Croats and Serbs was defended in June 1993. Vance-Owen also supported the creators of the 10-District Cantonal Plan.[94] Lord Owen stated that this solution was more realistic in EC meetings and that the old plan had lost its validity. The Muslim Bosnians did not support this new plan. According to the Bosnians, the plan would lead to serious border issues and disputes because determining the boundaries of the three regions would be extremely difficult in many parts of the country since people from three different ethnic backgrounds and different religions and sects live there. Likewise, the population would cause new population exchanges and it would make it hard for Muslims to risk going overseas.[95]

The Geneva negotiations in the Three-Entity Bosnia-Herzegovina Plan continued despite intermittent interruptions. [96]Muslims were obliged to discuss this plan, even if they were reluctant to oppose extinction and were against the oppression of the great states. In the

90 *Bosna Hersek Krizinde*, p. 44.

91 *Kenar, Bosna-Hersek Savaşı*, p. 183; Bora, p. 125.

92 Mirko Peyanoviç, "İstoriysko oblikovanye regiya i moguçnosti uspostave regionalne strüktüre Bosne i Hertsegovine u post deytonskom periodu", *Godişnyak 2007*, Fakultet politiçkih nauka Sarayevo 2007, p. 74.

93 Bora, p. 125.

94 Alp, *1990'larda Yugoslavya ve Bosna Hersek*, p. 20.

95 *Bosna-Hersek Krizinde*, p. 45.

96 Alp, *1990'larda Yugoslavya ve Bosna Hersek*, p. 21.

meantime, to ensure that the Bosnians were included in the Geneva talks and to discourage the Serbs from the attacks, the NATO Permanent Council committed to taking hard measures on August 4, 1993, if the Serbian siege around Sarajevo and other Muslim regions continued.[97]

As part of the negotiations in Geneva, a new map outlining the division of Bosnia and Herzegovina was prepared which gave Serbs 52%, Muslims 31% and Croats 17% .[98] Considering the population rates, which had partially changed, the territorial distribution plan against the Muslims was reiterated because of the pressures of Westerners. According to this plan it was envisaged that the Republic of Serbia would have 49.2%, the Republic of Croatia 17.5%, the Bosnian Republic 33.3% land and the Bosnian Republic would be leased for 99 years with the permission of Croats to the Adriatic Sea. In the same way, it was decided to give the Republic of Srpska a port and a corridor that would enable access to the Adriatic.[99] Such reconciliation schemes to the detriment of the Bosnians meant that Westerners were determined to divide the country into three and took the last steps on the Bosnia and Herzegovina question.

4. Security Institutions Established in the Framework of the UNSC Decisions

4.1. United Nations Protection Force

The United Nations Security Council (UNSC) established a UN Protection Force (UNPROFOR) on 21 February 1992, with decision 743,[100] to prevent the crisis in the former Yugoslavia and to stop the conflicts between the Serbs, Croats and Bosnians.[101] The operational competence of UNPROFOR included Croatia, Bosnia and Herzegovina, Macedonia, Montenegro, Serbia and Slovenia.[102]

The mission of UNPROFOR was to ensure the security and humanitarian assistance of the Sarajevo airport and to receive assistance from the parties for the realization of peace.[103] As the area of conflict in the region gradually increased, UNPROFOR's mandate extended to include additional tasks such as assistance to the International Red Cross Committee, control of non-flight areas, prohibition of military flights on Bosnia and Herzegovina and the

97 İbid.

98 Bora, p. 134.

99 Bora, p. 137

100 UN-DOC.S/RES/743 (1992).

101 Kenar, *Yugoslavya Sorununun,* p. 303; Burak Tangör, *Avrupa Güvenlik Yönetişimi*, *Bosna, Kosova ve Makedonya Krizleri,* Seçkin Yayınları, Ankara, 2008, p. 102.

102 Tangör, *Avrupa Güvenlik Yönetişimi*, p. 103.

103 Kenar, *Yugoslavya Sorununun,* p. 304.

monitoring of cities declared as safe zones by the UNSC.[104] In February 1994 UNPROFOR also signed as a cease-fire[105] between the Bosnian Croat government and the Bosnian Croatian forces and the cease-fire that was regulated on 1 January 1995, between the Bosnian government and the Serbian forces.[106]

UNPROFOR performed the demilitarization of Mostar[107] and sent 40 military observers to the area.[108] UNPROFOR also observed the ceasefire that allowed negotiations to continue the Dayton Peace Treaty. Together with the ceasefire, the parties decided to end the UNPROFOR's mission and take the place of IFOR under the control of NATO.[109] On December 19, right after the Dayton Agreement was signed, IFOR took over the role of UNPROFOR.[110]

In the process of discussing the Dayton Treaty, a Peace Implementation Conference was held in London on 8 December 1995. The purpose of this conference was to provide international support for Dayton Peace. At the conference in London, the Peace Implementation Council was established with UNSC resolution 1995/1029. The Peace Implementation Council was composed of 55 countries and aimed to support the peace process in Bosnia and Herzegovina. The Peace Implementation Council implemented the military part of the peace process in Bosnia and Herzegovina and gathered military strength from NATO-led countries. The Council met six times at the ministerial level after the conference in London. On December 9, 1997, the Peace Implementation Council, in the meeting in Bonn, Germany, decided to establish the Office of the High Representative (OHR) and expanded the Council's powers.[111] The Board of the Peace Implementation Council was also established and was made up of Canada, France, Germany, Italy, Japan, Russia, UK, USA, the European Commission and Turkey as a representative of the Organization of the Islamic Conference.[112]

104 Suzan Uduırd, *Balkanskata Tragediya, Haosıt i Razruhata Sled Kraya na Studenata Voyna,*İzdatelstvo Ciela, Sofya, 2002, p. 491.

105 Tangör, *Avrupa Güvenlik Yönetişimi,* p. 111.

106 Kenar, *Yugoslavya, Bir Dönemin Perde Arkası,* p. 305.

107 Tangör, *Avrupa Güvenlik Yönetişimi,* p. 111.

108 Tangör, *Avrupa Güvenlik Yönetişimi,* p. 103.

109 Necmettin Alkan, "Dayton Sonrasında Bosna-Hersek", *Çağdaş Balkanlar*, edited by Bilgehan A. Gökdağ, Osman Karatay, Ankara: Akçağ Yayınları, 2017, p. 206.

110 Pınar Yürür, "Balkanlarda Uluslararası Himaye Yönetimleri: Bosna-Hersek Örneği", *Avrasya Dosyası, Balkanlar Özel, journal of the institute for international relations and strategic research,* Volume: 14, No: 1, 2008, p. 164.

111 Selver, p. 159.

112 Amin Numanoviç, *Dayton Sonrası Bosna Hersek ve Avrupa-Atlantik Entegrasyonu,* Unpublished master's thesis, Ankara University, 2011, p. 30.

4.2. Office of the High Representative

The United Nations (UN) High Representative Office (OHR) was established within the framework of the Dayton Peace Treaty[113] signed on 14 December 1995.[114]The office was in Sarajevo. There was also a representative office in Brussels.[115]The OHR was the most competent authority to oversee the implementation of the Dayton Peace Treaty.[116] In 1997, its powers were further increased, and it became the appointed dictator of Bosnia and Herzegovina.[117] The task of this office was to contact international organizations outside of Bosnia and Herzegovina.[118]The Peace Implementation Council (PIC), founded on 8-9 December 1995 appointed the High Representative In order to ensure the implementation of the London Peace Treaty, including Turkey, the United States, France, Britain, Germany, Italian, Canadian, the EU Presidency, the European Commission and the Organization of Islamic Conference (OIC).[119] The High Representative, which was approved by the UN Security Council (GK), started to use the title of EU Special Representative in Bosnia and Herzegovina as of February 2002.[120]

The duties and responsibilities of the High Representative are defined in annex 10 of the Dayton Treaty. According to the text of the treaty, Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, the Republic of Srpska, Croatia and Yugoslavia agreed to make the civilian implementation of the peace by the High Representative. According to the first paragraph of Annex 10 of the Treaty, the High Representative was assigned to continue the humanitarian aid, to repair infrastructure, to make economic reforms, to establish the constitutional and political institutions of Bosnia and Herzegovina, to ensure the return of refugees, to respect human rights, to organize the elections and to call the international institutions.[121]

113 Gülten Haliloğlu, "Bosna-Hersek'in İdari-Siyasi Yapısı ve Kimlik Sorunu", Atlas İnternational Refereed Journal On Social Sciences, Volume. 4/12, September/2018, p. 973.

114 Nurcan Özgür Baklacıoğlu, "Savaş Sonrasında Uluslararası Yönetim Altında Dış Politika: Bosna-Hersek Örneği", *Dış Politika, Karşılaştırmalı Bir Bakış,* compiled by Faruk Sönmezoğlu, Özgün Erler Bayır, İstanbul: DER Yayınları, 2014, p. 354; Tangör, *Avrupa Güvenlik Yönetişimi*, p. 111.

115 Numanoviç, p. 30.

116 Yürür, *Balkanlar'da Uluslararası Himaye Yönetimleri*, p. 165.

117 Mustafa Türkeş, "Türkiye'nin Balkan Politikasında Devamlılık ve Değişim", *Avrasya Dosyası, Balkanlar Özel, journal of the institute for international relations and strategic research,* Volume: 14, No: 1, 2008, p. 262.

118 Peace Implementation Council, availableonline: http://www.ohr.int/pic, 10 February 2011.

119 Tangör, *Avrupa Güvenlik Yönetişimi,* p. 111.

120 Keskin and Aydın, *Bosna-Hersek*, p. 190.

121 Osman Karatay, *Bosna Hersek Barış Süreci, Dayton Barış Antlaşması Eki İle,* Ankara: Karam Yayınları, 2002, p. 179; Tangör, *Avrupa Güvenlik Yönetişimi,* p. 111.

In the second paragraph of Annex 10 of this treaty, it was proposed that a representative be appointed to bring together the parties to coordinate the activities for the civilian front of peace and to encourage and support those who try to protect the peace in a way that was not contrary to the issues stated in the UNSC bulletins.[122] In this context, as the High Representative, Carl Bildt of Sweden was appointed as the EU mediator. German Michael Steiner was appointed as assistant.[123]

In the third paragraph of Annex 10 of the Dayton Peace Treaty, the duties of the High Representative were determined. Some of these tasks as follows; observing the implementation of peace, organizing non-governmental organizations, assisting in the restoration of Bosnia and Herzegovina, and informing the relevant parties about the developments in the UN, EU, USA and Russia.[124]In addition, the High Representative was responsible for issuing the required laws and monitoring whether political parties are acting within the framework of the provisions of the treaty. It also has the authority to remove politicians who are acting in contradictory acts.[125]

The decisions of the Office of the High Representative are prohibited by the judicial bodies of Bosnia and Herzegovina and against these decisions. The office does not have to make any statement to any independent body on decisions taken by politicians or political parties.[126] The Representative also has the authority to remove the President. For example, on March 7, 2001, the High Representative dismissed former Croatian Democratic Union President Ante Yelavic as the President of Bosnia and Herzegovina on the grounds that he was striving to form a third Croatian unit in Bosnia and Herzegovina.[127]

The Office of the High Representative was, in the first instance, a means of communication between local political actors and international actors, and in the next stage, it ensured the interaction of the international community with the national authorities in Bosnia. In 2003, the EU appointed the Special Representative for Bosnia and Herzegovina. The High Representative in Bosnia and Herzegovina also started to serve as the EU's Special Representative for Bosnia and Herzegovina.[128]

122 Karatay, *Bosna-Hersek Barış Süreci*, p. 179.

123 Numanoviç, p. 32; Karatay, *Bosna-Hersek Barış Süreci,* pp. 179-181; Tangör, *Avrupa Güvenlik Yönetişimi,* p. 112.

124 İbid.

125 Tangör, *Avrupa Güvenlik Yönetişimi,* pp. 111-112.

126 Numanoviç, pp. 31-32.

127 Murat Necip Arman, "Batı Balkanlarda Kırılgan Bir Fay Hattı: Republica Srpska ve Milorad Dodik'in Siyasal Retoriği", *Yeni Türkiye, Rumeli-Balkanlar Özel Sayısı,* Year: 21, No: 70, March-June 2015, p. 5341; Tangör, *Avrupa Güvenlik Yönetişimi,* p. 102.

128 Numanoviç, p. 31.

4.3. United Nations Mission of Bosnia and Herzegovina

To observe the proper implementation of the Dayton Peace Treaty, the UNSC adopted Resolution 1035[129] on 21 December 1995. According to this decision, the UN International Police Force (IPTF)[130] and the UN Office for Civil Aviation (UNCF) were established in the territory of Bosnia and Herzegovina and these two units were called the Mission of BiH (UNMIBH).[131]

The need for the IPTF by the UNSC was due to the lack of police reform in Bosnia and Herzegovina to address the current complex situation. At that time, the Federation of Bosnia and Herzegovina and the Republic of Srpska had their own police units. Since the police could not enter the boundaries of the other sub-state when a crime was committed, it was easy for criminals to flee from one to the other. They could not be arrested. The police force of the two sub-states could not interfere in their affairs. The UNSC had called for the establishment or reform of a police force in two different places and not under the influence of politics.[132] The Federation of Bosnia and Herzegovina accepted this proposal, while the Republic of Srpska refused to lose their police force. It also prevented the emergence of police reform law. In April 2008, however, the two sub-states came together and aimed to unite the police forces under one roof. [133]The International Police Force was not authorized to carry weapons, arrest or interrogate. It was only responsible for supervising the local police. During its tenure, the IPTF has assisted in reorganizing, training and reducing the number of police units in Bosnia and Herzegovina.[134]

The staff of the Mission of Bosnia and Herzegovina (UNMIBH) consisted of 2057 civilian police and 5 military connection offices. The headquarters were in Sarajevo. They worked with IFOR and later with SFOR. Although the term of duty was defined as one year, it was extended several times for various reasons. The UN International Police Force (IPTF), the Judicial System Evaluation Program (JSAP), the Civil Relations Unit (UNCO), the Human Rights Unit, the Public Relations Office and the Administration Unit are under UNMIBB. UNMIBH undertook tasks such as the implementation of the Dayton Treaty decisions, ensuring the implementation of the legal rules by ensuring peace, monitoring human rights, making elections regularly and ensuring economic restructuring.[135]

129 UN-DOC.S/RES/1035 (1995); Kenar, *Yugoslavya Sorununun,* p. 317.

130 Tangör, *Avrupa Güvenlik Yönetişimi,* p. 112.

131 Kenar, *Yugoslavya Sorununun,* p. 317.

132 N. Aslı Şirin Öner, *Dram Sonrası Bosna, Mültecilerin Geri Dönüşü Üzerine Bir Alan Araştırması,* İstanbul: IQ Kültür Sanat Yayıncılık, 2013, p. 322.

133 Öner, *Dram Sonrası Bosna,* p. 323.

134 Tangör, *Avrupa Güvenlik Yönetişimi*, p. 112.

135 Kenar, *Yugoslavya Sorununun,* pp. 317-318.

The UNMIBH also trained police in the area of organized crime and drugs within the framework of a special education program, and carried out tasks such as weapons control, prison control, traffic and crime control. The UNSC, with its decision dated 11 December 1997 and numbered 1144, gave additional duties to UNMIBH.[136] These are;

a. Establishment of IPTF units for the prevention of problems that threaten public safety, such as the return of refugees, organized crime, drugs, bribery and terrorism.

b. Cooperation with the Council of Europe and the OSCE in legislative and judicial reform in Bosnia and Herzegovina.[137]

The task of the UNMIBH was ended on 31 December 2002[138] and the EU assumed all the responsibilities of the organization.[139] On 1 January 2003, the EU Police Force (EUPM) took over the position[140] and was quickly deployed to Mostar.[141]

CONCLUSION

The six constituent republics of the Socialist Federal Republic of Yugoslavia and the peoples in the two autonomous regions (except Vojvodina) declared their independence shortly after 1991. The Republic of Bosnia and Herzegovina went to a referendum for independence which took place in the international arena as an independent state with 99.44% of respondents.

The expansionist state Serbia, which considered that the Republic of Bosnia and Herzegovina was an obstacle on the road to Great Serbia, attacked Bosnia and Herzegovina, causing the deaths of hundreds of thousands of Bosnian Muslims. In Srebrenica, the killing of at least 8,000 people caused deeper wounds in conscience, and this was described by international law as the genocide of the Bosnians by the Serbs.

In the ongoing war between 1992 and 1995, Serbia, which could not tolerate the existence of different ethnic and religious communities other than themselves in the geography of Yugoslavia, tried to seize vast territories. Attempts were made to obstruct these expansionist aspirations of the Serbs by international organizations such as the UN, NATO, EU and the United States, Britain and France. However, the war between the Serbs, Croats and Bosnians

136 UN-DOC.S/RES/1144 (1997).

137 Kenar, *Yugoslavya Sorununun,* p. 320.

138 Kenar, *Yugoslavya Sorununun,* p. 317.

139 Tangör, *Avrupa Güvenlik Yönetişimi*, p. 112.

140 Kenar, *Yugoslavya Sorununun,* p. 322.

141 Cüneyt Yenigün, Ümit Hacıoğlu, "Bosna-Hersek: Etnik Savaş, Eksik Antlaşma", *Dünya Çatışma Bölgeleri,* edited by Kemal İnat, Burhanettin Duran, Muhittin Ataman, Ankara: Nobel Yayın Dağıtım, 2004, p. 190.

could only be stopped after many years. A series of decisions taken by the UNSC for the resolution of the conflict and the resolution of the crisis had an impact, and as a result of the negotiations of the parties, Vance-Owen, the Safe Zones and the Three-Entity Plans were accepted.

Likewise, the contributions of the security organizations formed within the framework of the UNSC resolutions to the establishment and maintenance of stability and peace after the War of Bosnia and Herzegovina have been great. Among them, the UN Protection Force fulfilled the task of delivering humanitarian aid in a timely manner, control of no-fly zones, and monitoring of cities declared as safe zones. The Office of the High Representative ensured coordination with international organizations other than Bosnia-Herzegovina, overseeing the implementation of economic reforms, constitution of constitutional and political institutions in Bosnia-Herzegovina, elections and respect for human rights.

The Bosnia and Herzegovina Task Force also sought to regulate the current complex situation in the country as a Mission to Bosnia and Herzegovina through the Police Force and the Civilian Office. The Task Force has worked in full cooperation with other organizations and has been involved in the establishment of a non-policy security organization and provision of necessary training. The mission of Bosnia and Herzegovina was also concerned with the problems of refugees, struggling with elements that threatened security, such as organized crime, drug trafficking, bribery and terror, and collaborated with international organizations in the reforms needed in Bosnia and Herzegovina. The United Nations tried to implement preventive diplomacy in the former Yugoslavia, where wars and crises were not lacking.

Within this framework, it was observed that the UN was effective in its efforts to stop the war, make the warring parties sit down at the peace table by following the resolutions of the UNSC, and to ensure and maintain tranquility in the region. The UN Protection Force, the Office of the High Representative, and the Implementation Force in Bosnia and Herzegovina also played a role in this achievement.

However, although partially accepted, the Vance-Owen, Safe Zones and Three Zonal Plans did not satisfy the warring parties, failed to meet expectations and could not achieve the desired results. The solution proposals put forward by the UN for the fair fulfillment of the interests of the parties were not successful.

The UN is expected to solve a problem before its deterioration by using preventive diplomacy much more actively at the initial signs of emergence of regional and/or international crises. It has become the expectation of the international community that the

UN should take more effective and urgent measures to prevent disagreements arising from conflicts of interests or competition from being transformed into civil wars, regional crises and genocide.

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CHAPTER 9

THE KOSOVO CRISIS AND UNITED NATIONS DEADLOCK

İbrahim KAMİL*, Osman ŞAŞKIN**

*Department of International Relations, Trakya University, Edirne, Turkey
e-mail: ibrahimkamil@trakya.edu.tr

**Department of International Relations, Trakya University, Edirne, Turkey
e-mail: osman_saskn@outlook.com

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INTRODUCTION

At the end of World War I, the Kingdom of Yugoslavia was founded, incorporating the Serbs, Croats, Bosniaks, Macedonians and Albanians. The most influential people in this kingdom, where different religions and nationalities lived together, were the Serbs. The Serbs were advantageous, both in the economic and military sense. They acquired these rights through the 1921 constitution.

Because of the major problems in the governing structure of the Kingdom of Yugoslavia, between 1918 and 1928, King Alexander abolished the 1921 constitution and took all powers in his hands. Thus began King Alexander's dictatorship, which would continue until 1934 in the Kingdom of Yugoslavia. This dictatorship would come to an end with the assassination of the king in 1934.

In the kingdom, from 1918 onwards, important arrangements were made with regard to the demographic structure of Kosovo in favor of Serbs. An attempt was made to force the Albanians living in Kosovo to expatriate. This continued in the following years. With the abolition of the kingdom and the establishment of Yugoslavia under the leadership of Tito, the situation of Kosovo Albanians improved.

Yugoslavia, which had been occupied by Germany in the Second World War, showed a great resistance against this occupation under the leadership of Tito and the partisans who gathered around him. At that time, Tito's discourses also affected Kosovo Albanians and they took sides with him. At the end of the war, Tito took over in Yugoslavia signaling one of the major changes in Yugoslavia. Kosovo and Kosovo Albanians were granted rights and these rights were secured by the prepared constitution.

In this study, preliminarily, issues such as the emergence and development of the Kosovo problem are discussed. The subsequent sections of the study address the resolutions and efforts of the UN in order to solve this problem. In the last chapter, the main arguments of China and Russia regarding the Kosovo Problem are examined.

1. Emergence And Development Of The Kosovo Crisis

With the end of the First World War, the Kingdom of Yugoslavia was formed, bringing together different ethnic groups.[1] The kingdom was founded on December 11, 1918, and Karayorgievich - of Serbian ethnic origin - was brought to power. The kingdom incorporated a large number of ethnic groups. 43% of the kingdom was Serbian, 23% was Croat, 8.5% was Slovenian and 6% was Bosniak Muslims. The rest of the kingdom was composed of ethnic groups such as Macedonians, Albanians, Germans, Hungarians, Gypsies and Vlachs.[2] Although the kingdom contained many different ethnic structures, the ones holding the power were the Serbs, the Slovenians and the Croats. The Serbian, Croatian and Slovenian Kingdoms (SHS), which came to the stage of history under the name of these three ethnic nations, did not reflect any of the other ethnic groups within it.[3] This situation made ideological, social and political integration within the kingdom difficult.

The dominant party in Serbia, Croatia and Slovenia was Serbia because the Serbs were strong militarily due to a large army in their control and the rulers of the country belonged to the Serbian family. These two important conditions allowed Serbia to have a say in the running of the kingdom.[4] In addition, the constitution - namely Vidovdan - which was prepared on 18 June 1921, was strengthening the fact that Serbs were dominant in the

1 Mustafa Türkeş, "Yugoslavya Devleti'nin Kuruluşu ve Krallık Dönemi", edited by Bilgehan A.Gökdağ,, and Osman Karatay, Ankara: Akçağ Yayınları, Volume: 2, 3rd edition, 2017, p. 16.

2 Fatma Taşdemir, Pınar Yürür," Kosova Sorunu: Tarihi ve Hukuki Bir Değerlendirme", *Gazi University The Journal Of The Faculty Of Economıcs And Admınıstratıve Scıences,* 3/99, p. 136.

3 Türkeş, p. 16.

4 Taşdemir and Yürür, p.136.

kingdom.[5] In this way the kingdom was completely controlled by Serbs after 1921.[6]

Between 1918 and 1928, problems with the governance structure of the kingdom began to emerge because the administrative structure was kept open to federative discussions while at the same time, efforts were being made to increase Serbian rule. The army and the bureaucracy were doing their utmost to maintain the power of the Serbs and make it permanent. Croatia and Slovenia, on the other hand, were reluctant to support policies that would strengthen the situation of Serbs. Furthermore the Croatians, who were mainly Catholic were more loyal to the Vatican, which supported the Catholics, rather than the kingdom. This incident also led the Croats to start illegal activities, to end the federal debates and to declare a dictatorship in the kingdom.[7]

In January 1929, King Alexander Karayorgiev took over all powers. Thus began a period of personal dictatorship, which continued until his death in 1934.[8] On January 6, 1929, Karayorgevic dissolved parliament, political parties and associations were closed and the "One king, one state, one nation" motto period started.[9]

The King then eliminated the 1921 constitution. Thus, he was the only one to have a say in the governance of the country. Not content with all this, King Alexander prepared a new constitution in October 1929 to consolidate Serbian sovereignty. With this constitution, the name of the state was changed to the Kingdom of Yugoslavia.[10] At the same time the borders of the provinces in the kingdom were changed. The country was divided into nine regions separated by the rivers and, generally speaking, according to the Serbian majority. Thus, the foundation of the Kosovo problem was laid as Kosovo was shared between Vardarska, Moravska and Zetska.[11] This led to an increase in Serbian pressure particularly in Kosovo, and the increase of unfair practices. Governors who were the rulers of Vardarska, Moracska and Zetska were given wide powers. Their rulers were often elected from within the army,

5 Selçuk Ural, "Balkanlarda Aşırı Milliyetçiliğin Gölgesinde Kosova ve Bağımsızlık", *Çankırı Karatekin University Journal of the Institute of Social Sciences,* 5/1, p. 153.

6 Abdullah Özdağ, Tekin Önal, "Kosova Sorunu Ve Kosova'nın Bağımsızlık Süreci", *Akademik Bakış Dergisi*, Sayı: 61, 2017, s. 558.

7 Türkeş, p. 16.

8 Barbara Jelavich, *Balkan Tarihi II*, Küre Yayınları, fiftheedition, 2017, p. 166.

9 Murat Ercan, Zafer Pektaş, *Balkan Siyasetinde Kosova'nın Bağımsızlık ve Egemenlik Sorunu,* Ankara: Nobel Yayınları, 2015, p. 69.

10 H. Yıldırım Ağanoğlu, *Osmanlı'dan Cumhuriyet'e Balkanların Makûs Talihi: Göç*, İstanbul: İz Yayıncılık, 2013, p. 373.

11 Taşdemir and Yürür, p. 137.

who applied strict policies and who were Serbian nationalists in particular.[12] These policies led to a change in the demographic structure in Kosovo, expressed as former Serbia.[13]

Various methods were used to change the structure. Some of them were; forcing the Kosovo Albanians to migrate, assimilating those who did not migrate and establishing Slavic Colonization. Serbs wanted to increase the Serb population in Kosovo through these three methods. Thus, a certain fraction of Kosovo Albanians emigrated to Turkey or Albania.[14]

The main reason why Serbs wanted to change the demographic structure of Kosovo was the high fertility rates of the Kosovo Albanians living there because the Serbs feared that if the high population growth in Kosovo continued, their population would soon exceed the Serb population living in the region.[15]

In 1937, Vaso Cubrilovic, a historian and statesman, raised this topic. He asked the relevant authorities to take measures. Cubrilovic, who was not satisfied with the measures already taken, also made additional suggestions for solving the problem.[16] His suggestions included the forced immigration of Albanians in Kosovo and the replacing them with Serbs.[17] In addition, Cubrilovic stated in the memorandum he presented to the government that the fact that Yugoslavia was on the bloodland should not be forgotten.[18]

According to Vaso Cubrilovic, the only solution to the problem was forcing Albanians to collectively migrate.[19] According to Cubrilovic, smugglers, forest-breakers and anyone letting their dogs run wild should be punished by the police to make it impossible for Albanians to live in Kosovo. In addition, Albanians should be dismissed from their duties and the state-owned pastures should be taken back.[20]

There were two possible destination countries for the Albanians who were forced to migrate as a result of the measures taken in line with Cubrilovic's memorandum. These countries were Albania and Turkey. No matter how much those Albanians living in Kosovo were opposed to the planned migration, as a consequence of the agreement

12 Ural, p. 154.

13 İbid.

14 M. Murat Taşar, "Kosova Arnavutlarının Bağımsızlık Mücadelesi", *Ülke Dergisi,* No: 33, 1999, p. 4.

15 Halis Ayhan, "Arnavut ve Sırp Savları Bağlamında Kosova'nın Sahipliği Sorunu", *Selcuk University Journal of Social Sciences Institute,* 23/2010, p. 81.

16 İbid.

17 İbid.

18 Taşdemir and Yürür, p. 138.

19 İbid.

20 İbid.

signed between Yugoslavia and Turkey in 1938, 40.000 Albanian and Turkish Muslim families were approved to migrate to Turkey.[21] However, because of the outbreak of World War II, this agreement could not be implemented. Over the course of the two world wars, somewhere between 90,0000 and 150,000 people migrated from Kosovo due to Serbian pressure.[22]

Germany and its ally in the Second World War, Italy, invaded Kosovo and Albania. The policies of the two allies won the support of some Kosovo Albanians. The main reason for this was the perception that Kosovo, Western Macedonia and Albania were united under Italian occupation.[23] Tito, who was elected as the secretary general of the Yugoslav Communist Party, became an important figure for Kosovo.[24] Tito, along with the partisans he had gathered during the war, showed quite an effective resistance against the German and Italian occupation.[25] Meanwhile, Kosovo Albanians were divided among themselves. While there were nationalists on one side, there were partisans on the other side and both groups had different goals. Nationalists considered the Serbs as real enemies, while the real enemy for the partisans were the Nazis. They wanted to remove the Nazis from Kosovo by acting together with the Serbs. The common aim of the two groups was to give the Kosovo Albanian territory to Albania when the war ended.[26]

Tito made great promises to Kosovan partisan fighters who fought alongside him. The most important of these promises was the right of self-determination. Thus, the people of Kosovo were convinced to fight against the occupation. However, when the Second World War ended, Tito backed out of his promises to the Kosovars.[27] Tito, who ejected the Nazis from Yugoslavian territory with the help of the Kosovo Albanians, founded the second Yugoslavia in 1945 and made Kosovo a part of it.[28] Thus, the Tito era began in the second Yugoslavia, which was established after the Second World War. Tito's coming to power was

21 Taşar, p. 5.

22 Taşdemir and Yürür, p. 138.

23 Ural, p. 155.

24 Taşdemir and Yürür, p. 139.

25 Seçil Şahin, "Kosova'nın Bağımsızlık İlanının Uluslararası Adalet Divanı Kararı ve Self Determinasyon İlkesi Çerçevesinde İncelenmesi", *Ankara Bar Review*, 3/2015, p. 521.

26 Emel G. Oktay, Jonilda Rrapaj, "Sosyal İnşacılık Açısından Kosova'nın Kimliği: Bağımsızlık Sonrasında Ortak Bir "Kosovalı" Kimliği Oluşturmak Mümkün mü?", *The Journal of International Relations*, Volume: 13, No: 49, 2016, p. 46.

27 İsmail Arslan, "Kosova Sorunu: Tarihsel Perspektiften Bir Değerlendirme", http://dergipark.gov.tr/download/article-file/12926, p. 50, (October20,2018).

28 Oktay and Rrapaj, p. 46..

a purely local movement, and it was enabled with the partisans who supported him.[29] In the period under Tito, Kosovo continued to be problematic.

In the constitution of the Republic of Yugoslavia which was founded under the leadership of Tito after the Second World War, there were 6 republics. These were Serbia, Croatia, Slovenia, Bosnia and Herzegovina, Montenegro and Macedonia.[30] They were also considered as constituent peoples of the Republic. The name of the state was the Democratic Republic of Yugoslavia.[31] Kosovo was excluded from the republics included in the constitution. Kosovo and Vojvodina were granted national status[32] and autonomy under Serbia.[33] The main reason why Kosovo was not given the status of republic was the worries that Kosovo Albanians living here might join Albania. Kosovo Albanians were therefore given national status instead of being considered as one of the founding nations.[34] In this period, four keywords were foretelling the future of the political and economic structure of Yugoslavia. These were: federal structure, self-government, socialist market economy and unconnected foreign policy.[35]

Both good and bad periods took place in Tito's time for the Kosovo Albanians. In the early days, Kosovo Albanians were accepted as a national group. In the meantime Albanian language was recognized as one of the Yugoslavian languages.[36] Tito's anti-Serb policies gave Kosovo Albanians an opportunity to live comfortably. The policies expressed as "Greater Yugoslavia, Small Serbia" reduced Serbian activity.[37] In the new constitution prepared in 1963, the autonomy status granted to Kosovo in the previous constitution was extended and expanded again.[38] Together with the new constitution, the name of Yugoslavia changed. The "Federative People's Republic of Yugoslavia" became the "Socialist Federative

29 Mark Mazower, *Bizans'ın Çöküşünden Günümüze Balkanlar,* Alfa Yayınları, 2017, p. 175.

30 Arhivyu, *Constitution of the Federative People's Republic of Yugoslavia, January 31, 1946*, http://www.arhivyu.gov.rs/active/en/home/glavna_navigacija/leksikon_jugoslavije/konstitutivni_akti_jugoslavije/ustav_fnrj.html# , (October21, 2018).

31 Oral Sander, *Siyasi Tarih, İlkçağlardan 1918'e,* Ankara: İmge Kitabevi, 2000, p. 239.

32 Andrev Baruch Wachtel, *Dünya Tarihinde Balkanlar*, Doğan Kitap, 2009, pp. 129,130.

33 Osman Karatay, "Kosova: Bağımlı Bir Bağımsızlık İle Nereye?", *Journal of Black SeaStudies*, No: 16, 2008, p. 2.

34 Arslan, p. 51.

35 Pektaş, p. 87.

36 Oktay and Rrapaj, p. 46.

37 Jülide Karakoç, " ABD'nin Soğuk Savaş Sonrası Hegemonya Çabaları Etkisinde NATO'nun Kosova Müdahalesi", *Gazi University Journal of Economics and Administrative Sciences*, 8/1, 2006, p. 228.

38 Volkan Tatar, "Kosova'nın Bağımsızlık Süreci Ve Birleşmiş Milletler" *The Journal of Academic Social Science*, Year: 5, No: 59, 2017, p. 235.

Republic of Yugoslavia".[39] The new constitution gave Kosovo an autonomous federal structure leading to more claims by Kosovo Albanians. Over time Tito did not intervene and Kosovo Albanians took over the administration of Kosovo. This partial liberation of Kosovo Albanians triggered nationalist movements. The University of Pristina, which was founded in 1968, had a great influence on the formation of this national consciousness.[40] Albanian courses were given at the university.[41] This, in particular, enabled the Albanians to learn about their history and culture

With the emergence of national consciousness, the first independence movements began to show themselves. Injustice, which started in 1960 and continued until 1968, played an important role in the emergence of these movements. In particular the pro-Serbian policies pursued after the appointment of Aleksander Radankovic - of Serbian origin - as the head of the People Protection Branch (OZN), a secret service and intelligence agency which was founded by Tito, led to the displacement of many Kosovo Albanians living in the region. In addition, the policy of intimidation pursued by Rankovic led to the revolt of Albanians living in Kosovo.[42] In 1969, Tito gave Kosovo and Vojvodina new rights in the federation.[43] He dismissed Rankovic.[44] Since Tito was mainly focused on the concept of a united Yugoslavia, he was opposed to such pro-Serbian policies, the idea of superiority of any group over other groups and the intimidation of any ethnic group by other ethnic groups. Consequently, political and social stability in Yugoslavia during the Tito period was partially achieved.[45]

Although the 1963 constitution and the additions to this constitution gave important rights to Kosovo and the Albanians living there, these rights were seen as inadequate. Kosovo Albanians also demanded the status of republic, like other peoples in Yugoslavia. Consequently, the endless constitutional changes in the country continued. The amendments to the 1963 constitution were made official by the constitution prepared in 1974.[46] In the

39 Şecaettin Koka, "Sosyalist Yugoslavya Dönemi", edited by Bilgehan A. Gökdağ ve Osman Karatay, Balkanlar El Kitabı, Ankara: Akçağ Yayınları, Volume: 2, 3rd edition, 2017, p. 28.

40 Bülent Sarper Ağır, "Kosova Cumhuriyeti", *Çağdaş Balkan Siyaseti, Devletler, Halklar, Parçalanma ve Bütünleşme,* 2nd Edition, Ankara: Seçkin Yayınları, 2014, p. 273.

41 Arslan, p. 51.

42 Erhan Türbedar, "Kosova Sorunu", edited by Bilgehan A. Gökdağ ve Osman Karatay, Balkanlar El Kitabı, Ankara: Akçağ Yayınları, Volume: 2, 3rd edition, 2017, p. 140.

43 Özdağ and Önal, p. 559.

44 Ahmet Çevikbaş, "Müttefik Güç Harekâtı İnsani Müdahalelerin Bir İstisnası Mıdır? NATO'nun Kosova'ya Yönelik Harekâtının Uluslararası Hukuk ve Askeri Bakış Açılarından Değerlendirilmesi", *The Journal of Defense Sciences,* Volume: 10, No: 2, 2011, p. 22..

45 Hasret Çomak, İrfan Kaya Ülger, "Balkanlarda Siyasi İstikrar ve Geleceği", http://www.bilgesam.org/incele/1643/-balkanlarda-siyasi-istikrar-vegelecegi/#.W9WRiNIzbIU, p. 289, (October28, 2018).

46 Taşdemir and Yürür, p. 141.

constitution, the Republics were defined as states based on the sovereignty of the peoples who formed them.[47] Kosovo and Vojvodina were defined as autonomous regions. Republics, Kosovo and Vojvodina were granted the right to make their own constitutions.[48]

With the 1974 constitution, Kosovo was given the opportunity to create its own bodies in social, political and economic terms. Kosovo gained equal voting rights in all organs of the federation, including the federal presidency. The rights provided by the Constitution to Kosovo and other republics disturbed Serbian nationalists.[49] These rights were even criticized by some Serbian writers. Critics linked the internal conflicts in the country and the country's destruction to these broad rights. Although the 1974 constitution granted Kosovo Albanians extensive rights, these rights were deemed insufficient by Albanians.

After Tito, the multinational federal structure of Yugoslavia was under fire from the nationalists.[50] For this reason, the Kosovo crisis continued until the 1990s.[51] Moreover, both the Serbs of Kosovo and Serbia reacted strongly against the constitutional regulations. They considered those regulations as penalties against themselves. As a result they started to harbor feelings of hostility towards Tito.[52]

When the Tito period is assesed, it can be seen that many ethnic groups (including the Kosovars) wanted to protect their identities and experience peace to some extent.[53] Although Tito was a Croat, he struggled against micro-nationalism in Yugoslavia, including Croatian nationalism, trying to ensure that all minorities had equal status. However, the leaders who succeeded him failed to pursue his policies.[54]

After Tito's death in 1980, Slobodan Milosevic came to power.[55] Milosevic first of all restricted the autonomy given to Kosovo and Vojvodina with the 1974 constitution prepared in the Tito period and removed them totally from the constitution in 1989.[56] Kosovo was now

47 Pektaş, p. 90.

48 Momčilo Pavlović, "Yugoslavia – the constitution of 1974 and some politicalresults", http://www.transconflict.com/2013/04/yugoslavia-the-constitution-of-1974-and-some-political-results-19, (October28, 2018).

49 Pektaş, p. 100.

50 Nesrin Kenar, *Yugoslavya Sorununun Ulusal ve Uluslararası Boyutu,* Ankara: Palme Yayıncılık, 2005, p. 239.

51 Nedim Emin "Kosova Siyasetini Anlama Kılavuzu", *SETA*, 2014, p. 17

52 Arslan, p. 52.

53 Şahin, p. 522.

54 Hasan çomak, İrfan Kaya Ülger, "Balkanlarda Siyasi İstikrar ve Geleceği", http://www.bilgesam.org/incele/1643/-balkanlarda-siyasi-istikrar-ve-gelecegi/#.W-arIdIzbIU, p. 290, (November10,2018).

55 Alan Thornett, "Slobodon Milosevic: Architect of Yugoslav break-up", 23 August 2006, http://www.internationalviewpoint.org/spip.php?article1107, (November 10, 2018).

56 Necmettin Alkan, "Yugoslavya'nın Dağılması", edited by Bilgehan A. Gökdağ ve Osman Karatay, Ankara:Akçağ Yayınları, Volume: 2, 3rd edition, 2017, p. 40.

connected to Serbia. All the rights granted to the Kosovo Albanians with the previous constitutional arrangements were taken away by Milosevic. As a result of these developments, the situation in Kosovo became worse than in 1946.[57] As a reaction to the restriction of rights, the Kosovo Albanians started to organize demonstrations, and consequently violence and protest events increased.[58] Attempts to suppress these demonstrations and protests were made by Serbian police and the army[59]

As a result of the continuation of the events, a state of emergency was declared in February 1988. Demonstrations and gathering in groups were banned[60] and police organized raids on houses in Kosovo, yet all these measures did not suffice to stop events. The incidents continued in almost all the cities of Kosovo.

In reaction against the protests and demonstrations in Kosovo, Serbs held a rally in Gazimestan on June 28, 1989 with the participation of approximately one million people commemorating the 600th anniversary of the Kosovo War. Here Milosevic gave a vehement speech. He openly stated that Serbs would be protected and if necessary weapons would be used.[61] Due to this nationalistic speech full of emotion, Milosevic became a national leader. After he was elected as President of Serbia, the future of Kosovo became a consideration for Milosevic.[62] The new leader declared that Kosovo was his new target. In one of his speeches he said "Every nation has a love that makes him feel warm in his heart forever. For Serbia this is Kosovo."[63] In fact, this revealed the nature of the events that were about to unfold.

The events in Kosovo continued until 1990. Parallel to this, Milosevic's aggressive and discriminatory policies continued to be the same.[64] Milosevic went even further in 1990 and he abolished the parliament of Kosovo. Before deciding to abolish the Assembly, he declared that Kosovo was only a region within the Socialist Federal Republic of Yugoslavia. In response, Albanians of Kosovo made a referendum of independence in 1991. As a result of the referendum, the Kosovo parliament in exile declared Kosovo a sovereign and independent

57 Hüseyin Baş, "Dünü ve Bugünüyle Kosova Sorunu II", *Cumhuriyet University Journal of Dergisi Social Sciences*, Volume: 25, No: 1, 2001, p. 104.

58 Cüneyt Yenigün, "Sırbistan ve AB Kıskacında Kosova", *Mostar,* No: 13, 2006, p. 20.

59 Zeynep Selin Acar, "Doktrinleşme Sürecindeki İnsani Müdahale: NATO'nun Kosova Müdahalesi ve Koruma Sorumluluğu Kavramı", *Ege Strategic Research Journal*, Volume: 6, No: 1, p. 119.

60 Alkan, p. 41.

61 M. Yılmaz, *Kosova Bağımsızlık Yolunda,*İstanbul: İlke Yayıncılık, 2005, p. 41.

62 Pektaş, p. 106.

63 N. Malcolm, *Kosova: A ShortHistory,* translated by Ö. Arıkan, İstanbul: Sabah Kitapları, 1999, p. 40.

64 Oktay andRrapaj, p. 48.

state.[65] When he won the presidential elections on May 24, 1992, Ibrahim Rugova became the first president of Kosovo.[66] Ibrahim Rugova was more in favor of conciliatory and passive resistance rather than conflict to solve the Kosovo issue.[67] He made efforts to resolve the problem through dialogue and reconciliation between the parties.[68]

Kosovo's declaration of independence could not attract support from the international community[69] and Kosovo Albanians were almost forgotten in peace talks following the Bosnian war. The Dayton Peace Treaty, signed at the end of the war, did not make any reference to Kosovo. As a result of this treaty, the idea that the majority of Kosovo Albanians could attract the attention of the international community only by increasing the violence began to emerge.[70] The Kosovo Liberation Army (UCK) was established in 1993.This army had extended across more than 50 villages by 1996.[71] The policy that led to the foundation of the UCK was the moderate policies of Rugova, who was the leader in Kosovo in this period.[72] As the moderate policies of Rugova failed to solve the Kosovo issue, the Albanians began to use violence as a means of legitimizing violence.[73]

The establishment of the UCK and its activities for independence further increased the existing Serbian pressures. Especially in 1998, Serbian troops launched operations to end the activities of this organization and carried out an ethnic cleansing.[74] UCK was ineffective against Serbian forces because this organization was very weak against the educated and well-equipped Serbian army. Although at first the UCK was defined as a terrorist organization by the international community, it gained political legitimacy thereafter. The massacres of civilians by Serbian forces played a major role in this legitimacy.[75] The inadequacy of the

65 Uğur Samancı, "Uluslararası Adalet Divanının Kosova'nın Bağımsızlık ilanına ilişkin Danışma Görüşü", *Dokuz Eylul University Law Review*, Volume: 11, No: 2, 2009, pp. 127-128; İlker Alp, "Balkanlar ve Yugoslavya Olayları", *Journal of Armed Forces,* Year: 111, No: 332, April 1992, p. 25.

66 Kenar, p. 241.

67 Bilgin Çelik, *Dağılan Yugoslavya Sonrası Kosova ve Makedonya Türkleri,* İkinci Basım, İstanbul: Gürer Yayınları, 2013, p. 49.

68 Oktay and Rrapaj, p. 48.

69 M. Cem Oğultürk, "Kosova'nın Bağımsızlık Süreci Kapsamında ABD Dış Politikasının Analizi"*,Journal of Security Strategies*, Year: 10 No: 19, p. 109.

70 Oğultürk, p. 109.

71 Yenigün, p. 20.

72 MişaGleni, *Balkanite (1804-1999),*translated by Svetlana Lekova, İzdatelstvo Riva, Sofya, 2004, p. 598.598.

73 İrfan Kaya Ülger, "Kosova'nın Bağımsızlığının Self Determinasyon Çerçevesinde Analizi, *KOSBED*, 2016, p. 45; Kader Özlem, *Türkiye'nin Balkan Türkleri Politikası (1991-2014),* Bursa: Dora Yayınları, 2016, pp. 288-289.

74 Samancı, p. 128.

75 Oğultürk, p. 110.

Kosovo Liberation Army and the West's remaining distant from the conflict, caused Serbs to increase their attacks and to carry out mass killings. The powerful Serb armies killed Albanians, regardless of whether they were men, women, young or old.[76]

The Serbs' assassination of 45 civilians in the village of Racak in 1999 was the last straw.[77] After this massacre, international observers widely reported the situation and presented it to the Western powers.[78] After the UN took action and made some decisions, the process of independence of Kosovo was completed with NATO's intervention.

2. United Nation's Deadlock And NATO Intervention

Clashes between Serbs and Albanians in the 1990s led to the deaths of a large number of civilians in Kosovo and drew the attention of the West to Kosovo.[79] Even in 1998, the violent attacks and mass killings by Serbian forces continued.[80] The Albanians did not show much resistance against these attacks. This disproportionate power struggle between the parties was moved by the US and European countries to the UN.

On March 31, 1998, the United Nations Security Council (UNSC) decided to implement an arms embargo on the Federal Republic of Yugoslavia (YFC) to solve the problem.[81]

The purpose of the UN was to resolve the issue through dialogue and negotiation between the parties. First of all, it was necessary to provide a cease-fire between the two sides and to stop the armed conflict. For this reason, the UN began to implement its arms embargo on the parties. The Security Council, with resolution 1160 dated 31 March 1998,[82] aimed to prevent the use of excessive force against civilians and peaceful demonstrations in Kosovo with the arms embargo.[83] This decision also brought measures to prevent the Kosovo Liberation Army and any other groups from engaging in such activities.[84]

The Kosovo Albanians' condemnation of all acts of terrorism and the peaceful pursuit of

76 Baş, p.107.

77 Emir Türkoğlu, "Kosova Arnavutlarının Milliyetçiliği", *Balkan Diplomasisi,* (Der.) Ömer E. Lütem, Birgül Demirtaş Coşkun, Ankara: Avrasya Stratejik Araştırmalar Merkezi Yayınları, 2001, p. 121.

78 Yenigün, p. 21.

79 Caner Sancaktar, "NATO'nun Kosova Müdahalesi", http://www.bilgesam.org/incele/1785/-nato%E2%80%99nun-kosova-mudahalesi/#.W08JwdIzbIU, p. 135, (November 25, 2018).

80 Baş, p. 107.

81 Sancaktar, p. 136.

82 Kenar, s. 244.

83 Pektaş,p. 125.

84 UN Security Council, Resolutıon1160, March 1998, https://undocs.org/S/RES/1160(1998), (December2, 2018).

their right to achieve are emphasized in Resolution No: 1160.[85] As it is understood from this decision, the UN tried to make a significant effort to solve the problem through dialogue and peaceful methods. Not only the Serbian side, but also the Kosovo Albanians called on the parties to resolve their requests in a peaceful way. The UN Security Council underlined in Decision No: 1160 that the road leading to an end to the acts of violence and terrorism in Kosovo was passing from provision of a real political process by the authorities in Belgrade to the Albanian community of Kosovo.[86]

The UN Security Council, made resolution No: 1199 concerning the Kosovo conflict on 23 September 1998.[87] With this decision it was determined that the Kosovo conflict continued to pose a real threat for the peace and security in the region.[88] It was also stated that a large number of civilians had been killed during the fights in Kosovo. Moreover it was framed that the Security Council was strongly worried about the considerable deterioration in the human situations all over Kosovo and measures should be taken to avoid this and to end the humanitarian calamity and catastrophe which was emerging from the situation in the region.[89]

Following decision 1160, the UNSC adopted Resolution 1199 on 23 September 1998 concerning the Kosovo issue. This decision determined that the situation in Kosovo continued to threaten peace and security in the region. Likewise, a number of civilians were injured in Kosovo due to violent clashes. In addition, it was stated that there was a great concern for the rapid worsening of the humanitarian situation in Kosovo and measures should be taken against the humanitarian catastrophe.[90]

In resolution 1199 made by the UNSC it was stated that the conflict between the parties had broken down the peace and tranquility in the region. However, it was not possible to make decisions on coercive measures in order to stop the factors threatening peace and security. The resolution also called for action to be taken on the grounds of resolution 1160, and condemned any terrorist act between the parties. This resolution allowed the people of the region to leave the area because of the conflicts in the region, and arrangements were made to provide the necessary facilities for the returnees.[91]

85 UN Security Council, Resolutıon1160, March 1998, https://undocs.org/S/RES/1160(1998), (December2, 2018).

86 UN Security Council, Resolutıon1160, March 1998, https://undocs.org/S/RES/1160(1998), 02 December 2018.

87 Şule Kut, *Balkanlar'da Kimlik ve Egemenlik,*İstanbul: İstanbul Bilgi Üniversitesi Yayınları, 2005, p. 145; Pektaş,p. 126.

88 Naim Demirel, *BM Güvenlik Konseyi ve Uluslararası Barışın Korunması,* İstanbul: Derin Yayınları, 2015, p. 296.

89 UN Security Council, Resolutıon1199, 23September 1998, https://undocs.org/S/RES/1199(1998), (December 2, 2018).

90 Çevikbaş, p. 27.

91 Taşdemir and Yürür, p. 147

For the first time, a positive development took place in the Kosovo issue, which the United States and other Western states had had on their agenda since 1998. Milosevic agreed to an agreement between the parties. Milosevic and UN representative Richard Holbrook reached an agreement on 13 October 1998.[92] In the deal it was agreed that the amount of Yugoslavian and Serbian forces would return to the numbers prior to the conflict and they would be withdrawn and a two thousand strong military unit would be deployed instead of the withdrawn units.[93] In addition to this military unit, it was also in the agreement that NATO was able to create an aerial monitoring mission in the region. 12 days after the signing of the agreement, on 24 October 1998, the UNSC adopted Resolution 1203, which stated that the agreement between the parties was welcomed and it had to be implemented as soon as possible. In addition, the implementation of resolutions 1160 and 1199 was demanded.[94]

The UNSC's decision 1203 noted that clashes in Kosovo threatened regional peace and security, and that all states should respect the territorial integrity of YFC.[95] The OSCE Kosovo Audit Mission for the implementation and follow-up of the decision began in 1998 and 1999 in the region.[96] However, in January 1999, the conflict between the parties began and the OSCE officials had to leave Kosovo.[97]

A ceasefire was reached between the parties in October 1998. Milosevic broke the ceasefire, saying that the ceasefire strengthened the Kosovo Liberation Army. The Serbs, who took action, then carried out a massacre in the village of Racak on 15 January 1999. After this event, the Contact Group stepped in, requested a conference to solve the problem[98] and Milosevic was given a serious warning. Milosevic was notified by the NATO forces if he failed to comply with the Security Council resolutions, Serbia would be subjected to aerial bombardments.[99]

At the request of the Contact Group, a series of conferences were held at Rambouillet Castle near Paris on 6-23 February and then again on 5 and 18 March 1999, and documents were submitted with the intention of coercing the Serbian side into submission.[100] During the

92 Kenar, p. 245.

93 Taşdemir and Yürür, p. 147.

94 Çevikbaş, p. 27.

95 UN Security Council, Resolutıon 1203 (1998), 24 October1998, https://undocs.org/S/RES/1199(1998), (December 2, 2018).

96 UN Security Council, Resolutıon 1203 (1998), 24 October1998, https://undocs.org/S/RES/1199(1998), (December2, 2018).

97 Çevikbaş, p. 28.

98 Oğultürk, p. 112.

99 Çevikbaş, p. 28.

100 Oğultürk, p. 112.

talks, Javier Solana, the NATO Secretary General at that time, was appointed as the mediator.[101] Hashim Thaci, who was inexperienced in diplomacy with respect to Rugova and who was the leader of IKK of the time was called upon. The main reason for making such a choice was Thaci would be easier to persuade to submit to the wishes of Allies.

Considering the decisions taken at the end of the meeting, the following important terms stood out: (a) The integrity of Yugoslavia was emphasized, (b) an immediate cease-fire between the parties was requested, (c) a comprehensive autonomy was emphasized for Kosovo, and (d), the inclusion of an important clause detailing a settlement of NATO and international organizations in the region which the Serbian side would never accept.[102]

Not only Serbs but also Kosovo Albanians accepted these decisions because the future situation of Albanians after the NATO and UN departure was not fully specified in the agreement. Therefore, the meeting, which had to end in February, increased in duration by 3 days. In this process, the establishment of a provisional administration in Kosovo for three years and the holding of a referendum and elections after three years was agreed upon. After this change, the Kosovo side agreed to the agreement. Then the parties tried to convince the Serbian side to sign the agreement but these efforts would not produce any outcome.[103] In fact, it was no surprise that the Serbian side did not accept the agreement. Given that both the American and British delegations knew very well that the military demands in the agreement would not be accepted by the Serbian side, they did not remove them from the agreement. The main aim here was to put an unacceptable term in front of the Serbian side, and let them refuse these requests and thus prepare the basis of a NATO operation.[104]

Henry Kissinger, the former US secretary of state, was perhaps the one who expressed this approach best while saying the "*Rambouillet document is an excuse to initiate a bombardment*".[105] Yet in another statement made by Kissinger, he stated that the "*Rambouillet document is a provocation to initiate a bombardment. Rambouillet is a document which even an angel Serb cannot accept. It was a terrible diplomatic document that never should be".*[106]

101 Sancaktar, p. 141.

102 Jülide Karakoç, "ABD'nin Soğuk Savaş Sonrası Hegemonya Çabaları Etkisinde NATO'nun Kosova Müdahalesi, *Gazi University Journal of Economicsand Administrative Sciences*, 8/1, 2006, pp. 232-233.

103 Karakoç, p. 233.

104 Sancaktar, p. 141.

105 Ian Bancroft , "Serbia's anniversary is a timely reminder", 24 March 2009, https://www.theguardian.com/commentisfree/2009/mar/24/serbia-kosovo, (November 25, 2018).

106 Sancaktar, p. 142.

As a last resort to stop conflicts between the parties and ensure peace and security in the region, the Rambouillet talks did not produce any result except that the Kosovo Albanians signed unilaterally.[107] During the talks, the Serb side continued its massacres in spite of all the warnings from the Western states.[108] In March 1999, when the Serbs increased their attacks on civilians, the US representative R. Holbrooke met with Milosevic to discuss the problem in a diplomatic manner. In this meeting, Milosevic was asked to stop his attacks against civilians. Milosevic was informed that if Serbs would not cease these attacks, a military intervention would be implemented. However, Milosevic continued his attacks and refused Holbrooke's demands.[109]

On 24 March 1999, NATO unilaterally launched an airstrike after the Serbian side refused to agree.[110] Canada, France, Germany, Italy, Netherlands, Spain, the UK and the USA participated in the attack.[111] Countries including Belgium, Denmark, Norway, Portugal and Turkey contributed aircrafts to the operation.[112]

While the bombardment continued, the UN continued its diplomatic and peace efforts.[113] The operation, which was estimated to last for 10 days at the beginning, lasted for 78 days, mainly as a result of resistance from the Serbian side.[114] This bombardment made Yugoslavia the first and only country which NATO had fought with.[115] This operation was different from the one in Bosnia - while the operation in Bosnia was of a limited nature, this was not the case for Kosovo. The US-led NATO troops bombed all targets in Yugoslavia, not only in areas where the problem was experienced, but in remote cities.[116] As a result, the entire infrastructure of Yugoslavia was destroyed.[117]

107 Demirel, p. 295.

108 Zeynel Levent, "Tarihi Süreçte Kosova", *Ankara Üniversitesi Türk İnkılap Tarihi Enstitüsü Atatürk Yolu Dergisi,* No: 52, 2013, p. 862.

109 Ülger, p. 49

110 Demirel, p. 261; Levent, p. 862.

111 Pektaş, p. 129.

112 H. Emiroğlu, *Soğuk Savaş Sonrası Kosova Sorunu,* Ankara: Orient Yayınları, 2006, p. 250.

113 Ural, p. 170.

114 Ali Ayata, "Kosova: Sonun Başlangıcı", *The Academic Elegance*, Volume: 2, No: 3, 2015, p. 137; Pektaş, p. 131.2015, s. 137; Ercan, Pektaş, *Balkan Siyasetinde Kosova'nın,* s. 131.

115 İlhan Uzgel, "Yeni Dünya Düzeni, Yeni Yugoslavya ve Miloseviç Döneminin Sonu", *Mülkiye Dergisi,* Volume: XXIV, No: 225, p. 115.

116 Osman Karatay, "Miloşeviç Dönemi Yugoslav Dış Siyaseti: Başarısız Bir Mirasyedilik Olayı", *Balkan Diplomasisi,* compiledby Ömer E. Lütem, Birgül Demirtaş Coşkun, Ankara: Avrasya Stratejik Araştırmalar Merkezi Yayınları, 2001, p. 135.

117 Karakoç, p. 233.

Serbs finally agreed to an agreement. As part of the agreement, an international force under the name of the Kosovo Force (KFOR), including NATO, was deployed in the region to ensure peace and security.[118] In addition, the Serbian forces withdrew from the region outside of historical and religious places. It was decided that those Albanians living in the area before the conflict would return to the area.[119]

The Kosovo Intervention was referred to as the "first war where NATO fired guns".[120] The NATO bombardment ended with the UNSC's resolution 1244.[121] In this resolution, in which the standards of Kosovo were determined[122] and accepted by Russia, the following points were particularly emphasized: First of all, the cessation of all military conflicts in Kosovo; the withdrawal all armed forces in the region and finally the security of the region would be entrusted to KFOR forces, and the administration of Kosovo would be entrusted to the UN Mission in Kosovo (UNMIK).[123] UNMIK, which was to be formed for the administration of Kosovo, was composed of four main organs, of which the UN was to be responsible for civil administration, the OSCE for institutional recover, the UN Refugees High Commission for the return of refugees and the EU for the reconstruction process.[124]

UNMIK assumed the role of a temporary government until life in Kosovo became normal.[125] The duties and powers of UNMIK were clearly disclosed in paragraph 11 of Resolution 1244.[126] The UNSC, which had worked hard to solve the problem through diplomatic means, especially before the NATO intervention, had made important decisions which prevented the resolution of conflict after NATO intervention. Yet even though the UNSC issued a resolution with respect to disarmament of the region and cessation of the conflict, it was seen that the UN was insufficient to solve the Kosovo problem.

118 Didem Ekinci, "Turkey and Kosovo: A Chronicle of Post-Cold War Bilateral Relations", Avrasya Dosyası Balkanlar Özel, Volume: 14, No: 1, 2008, p. 285.

119 Fatma Çoban, "Kosova Meselesi ve Çin'in Tutumu", BİLGESAM, Uluslararası Balkan Kongresi, Kocaeli University, 2014, p. 172.

120 Timothy Garton Ash, "Why Kosova shouldbecomethe33rdmember-andSerbia34th", *The Guardian,* 15 February 2007.

121 Burak Tangör, *Avrupa Güvenlik Yönetişimi, Bosna, Kosova ve Makedonya Krizleri,* Ankara: Seçkin Yayınları, 2008, p. 127.

122 Venelin Tsaçevski, *Balkanite, Evropeyskiyat İzbor,*İzdatelstvo "İztok-Zapad", Sofya, 2007, p. 206.

123 Hüseyin Emiroğlu, "Soğuk Savaş Sonrasında Kosova Sorunu ve Birleşmiş Milletler", *Avrasya Etüdleri,* 29-30/2006, p. 92.

124 Kader Özlem, "Soğuk Savaş Sonrası Dönemde ABD'nin ve Türkiye'nin Balkanlar Politikalarının Bosna Hersek, Kosova ve Makedonya Krizleri Örneğinde İncelenmesi", *Trakya Üniversitesi Balkan Araştırma Enstitüsü Dergisi,* C. 1, S. 1, Aralık 2012, ss. 31-32.

125 Erhan Türbedar, "Kosova'nın Bağımsızlık İlanının Sırbistan, Bosna-Hersek ve Makedonya'ya Etkileri", *Avrasya Dosyası Balkanlar Özel,* Volume: 14, No: 1, 2008, p. 25.

126 Ülger, p. 49.

UNMIK settled in the region after the bombing stopped in Kosovo with the UN resolution 1244. It was decided that the powers granted by the UNSC to UNMIK would be used as long as it did not contradict the regulations and statutory rules issued by UNMIK.[127] After that, discussions between the parties were mostly based on the status of Kosovo. Kosovo Albanians and Serbs could not agree on the status of Kosovo. While Kosovo Albanians favored full independence, the Serbs on the other hand favored a broad and democratic autonomy for Kosovo.[128] Discussions about Kosovo's status between parties continued until 2006. Negotiations on the status of Kosovo had begun in Vienna in February 2006. The talks between the Serbian and Albanian representatives were chaired by former Finnish President Marti Ahtisaari, who was authorized by the UN Secretary-General.[129] At the end of the 14-month negotiations between the parties, no result was reached and Ahtisaari was asked to prepare a report on this issue.[130]

Ahtisaari, in his report, concluded that "that Serbs and Kosovars will not be able to meet on a common point and that more talks cannot end this impasse, regardless of form." In other words, it was understood that the problem between parties could not be solved through dialogue.[131] For this reason, Ahtisaari made it clear that the only suitable option for Kosovo was independence, initially under the control of the international community. These theses proposed by Ahtisaari were important steps towards Kosovo's independence.[132] On 17 February 2008, after Kosovo became independent, it prepared a new constitution on 8 April 2008. This constitution entered into force on 15 January 2009. According to the new constitution, Kosovo was defined as: a multi-ethnic society based on the rule of law. In addition, the principle of separation of powers was included in the constitution. While the territorial integrity of the state was approved, English, Albanian and Serbian were accepted as official languages. In addition, in the constitution, it was stated that Kosovo would be able to participate in international organizations, but would not be able to unite or merge with any other country.[133]

127 Özgür Mengiler, *Birleşmiş Milletler Çerçevesinde Uluslararası Uyuşmazlıkların Barışçı Çözümü,* Ankara: Platin Yayınları, 2005, p. 333.

128 Sancaktar, p. 144..

129 Ülger, p. 50.

130 Ülger, p. 51.

131 Venelin Tsaçevski, *Balkanite, Novata Yugoiztoçna Evropa,* Vtoro Dopılneno İzdanie, İzdatelstvo "İztok-Zapad", Sofya, 2008, pp. 221-223.

132 Levent, p. 865.

133 Sibel Akgün,"Kosova'da Yeniden Yapılandırma Çalışmaları Kapsamında Bugünkü Durum", *Akademik Bakış*, Volume: 5, No: 10, 2012, p. 258.

3. United Nations Veto Deadlock: China And Russia

Clashes between the parties in Kosovo and the fact that Serbs did not have any limits in their use of violence turned the problem into an *internal armed conflict where the rules of human law must be applied*.[134] Although the Kosovo issue was recognized by the Contact Group, the issue became a fully international problem, with its inclusion into the agenda of the UNSC. The UN, which wanted to solve the problem through dialogue and peace, issued resolution 1160 and then resolution 1199. With UN Resolution 1160, a comprehensive arms embargo was imposed upon the Federal Republic of Yugoslavia. Kosovo was also included in this embargo.[135]The UN later issued resolution 1199. While this decision was made, China abstained. China stated that it saw the problem as an internal issue for Yugoslavia which is why it had abstained from the vote. China also stated that the problem should be solved through dialogue between the two sides considering the principles of sovereignty and territorial integrity. Furthermore, China stated that the Kosovo issue was not a threat to international peace.[136]China later strongly opposed UN resolution 1203. The attitude of China prevented the UN from producing solutions during the Kosovo crisis.

China, as well as Russia caused the UN to become ineffective and unable to act in the Kosovo Crisis since they both had the right of veto in UN and they both exercised this right during the Crisis. The best example for this situation was the NATO intervention in Kosovo. When the Serb massacres in Kosovo increased and all dialogue was blocked, an intervention in Serbia was brought to the agenda with a decree by the UNSC. However, when Russia and China prevented this resolution in the Security Council, other members, including the United States, moved this issue to NATO.[137] This situation left the UN inadequate to solve the problem in the Kosovo crisis. China and Russia's vetoes were not limited to these two decisions. In the process of Kosovo's independence, both countries blocked various UN resolutions.

To determine the final status of Kosovo, the UNSC launched a process on 24 October 2005. At the end of the process, the international community realized that the Serbs and Kosovo Albanians would not be able to live together any longer. Therefore, Marti Ahtisaari, the UN Special Representative of Kosovo, was asked to prepare a report on the issue. This report was submitted to the UN Secretary General. The report was supported by the European Union and the United States. The report, which evolved into a draft of a possible peace

134 Çoban, p. 173.

135 UN Security Council, Resolutıon1160, March 1998, https://undocs.org/S/RES/1160(1998), (December 2, 2018).

136 Çoban, p. 172.

137 Sancaktar, p. 140.

process, was then submitted to the Security Council. Yet here again Russia exercised its right of veto. The reason stated by Russia for its veto was that this report was contrary to decision 1244 and this report paved the way for the independence of Kosovo.[138]

With the veto of Russia, the UN was again in the background on the issue of what Kosovo's status would be in the future. The US, the EU and Russia initiated a negotiation process that was to last about 4 months. There was no result following this process since Kosovo Albanians wanted independence and the Serbians opposed the Ahtisaari Plan, which would grant independence to Kosovo.[139] Then, after the United States expressed its support for the independence of Kosovo and supported Kosovo in this, the Kosovo parliament assembled on February 17, 2008 and declared independence.[140] Despite this, Russia and China maintained their opposition against independence for Kosovo and did not recognize the independence of Kosovo. For this reason, Kosovo could not be a member of UN.[141] While the UN desired to play an active role in the Kosovo Crisis, the continuous vetoes and abstentions expressed by Russia and China, which are permanent members of the UN Security Council, tied Kosovo's hands. The right of veto power of the permanent members of the UN due to the structural nature of the UN, made the UN ineffective in solving of Kosovo crisis.

CONCLUSION

Tito's balanced policy approach which he had tried to implement within different ethnic and religious communities was altered after his death. Slobodan Milosevic, who took power after Tito's death, started to implement pro-Serbian policies. One of the first things Milosevic did was to take back the rights granted to Kosovo under the period of Tito. Milosevic also terminated the autonomy granted to Kosovo and Vojvodina during this period and tied Kosovo to Serbia. The arrangements Milosevic implemented led to riots and protests in Yugoslavia.

Albanians of Kosovo, for the main part, organized various demonstrations and protests to reclaim their rights. Those who participated in the protests were brutally dealt with by Serbian forces. Milosevic also declared a state of emergency but this was not enough to stop the demonstrations and riots.

138 Şahin, p. 525.

139 Numan BAŞ, *Kosova Sorununun Ortaya Çıkışı ve Balkanlar Üzerine Etkileri*, Süleyman Demirel University, Unpublished master's thesis, Isparta, 2009, p. 33.

140 İlker Alp, "1990'larda Yugoslavya ve Bosna Hersek" Trakya University Journal Of The Faculty Of Letters, Volume: 1, No: 1, January 2011, p. 3; Baş, p. 34.

141 Göktürk Tüysüzoğlu,"Etno-Federalizm Kosova'daki Siyasal Krizi Çözebilir mi?", *Avrasya Etüdleri*, Ankara, 2014, p. 31.

The turmoil experienced in Kosovo escalated until 1990. Milosevic, meanwhile, dispelled the assembly of Kosovo thus causing further turmoil. In response, Kosovo Albanians organized an independence referendum in 1991, and then unilaterally declared their independence. This bid for independence by Kosovo was met harshly by the Serbs and the declaration did not attract enough support in the international arena.

In the Kosovo issue, attempts were initiated to stop the clashes between the Serbs and Albanians. First, UN Resolution 1160 was issued to ensure a ceasefire and with this decision an embargo was also implemented on both sides. The UN went on to issue resolution 1199, since the conflict between Serbs and Kosovo Albanians posed a threat to regional peace and security. In addition to the various resolutions adopted by the UN, the Contact Group was also established to resolve the Kosovo issue through dialogue and negotiation.

After the attempts to establish peace between the parties failed, despite all the efforts made to resolve the Kosovo problem, NATO intervened with military means. Although the problem was moved to the UN, still a solution could not be reached. The main reasons that a solution could not be reached within the UN are:

1. Congestion of dialogue and negotiation process between the parties
2. Consideration of the Kosovo conflict by Global Powers through their national interests and evaluation of the resolutions related to Kosovo conflict by Global Powers in line with their national interests and relationships.
3. Effectiveness of the Right of Veto held by China and Russia as permanent members of the UN Security Council.

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CHAPTER 10

THE ROLE OF THE UNITED NATIONS IN CONFLICT AND PEACE IN LATIN AMERICA

Sezai ÖZÇELİK*

*Department of International Relations, Cankiri Karatekin University, Cankiri, Turkey
e-mail: sozcelik@karatekin.edu.tr

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INTRODUCTION

Relatively speaking, Latin America is one of the least conflict-ridden regions in the World and a peaceful continent. South America, especially,hasa been one of the most peaceful places in terms of the absence of direct violence and interstate wars. While there have been bilateral or trilateral conflicts between the neighbors, most conflicts in Latin America can be categorized as internal and intra-state conflicts. Since the 1935 Chaco War between Paraguay and Bolivia, inter-state conflicts have rarely occurred among the Latin America countries. Also, the longest interstate dispute in the World happened in Latin America between Ecuador and Peru, which started in 1809 and finished in 1998. War has been the exception rather than the rule since 1883 in Latin America. The last inter-state conflict in the region was the Falkland/Malvinas War between an outside power and a regional middle power, namely, Great Britain and Argentina.

The relation between peace efforts of the United Nations and international politics in Latin America today requires our attention and calls for serious reflection and study. Changes in Latin America have been remarkably rapid and widespread since the end of the Cold War. As a result, it is necessary to give scholarly attention to the explanation and understanding of conflict, peace and the role of the United Nations in Latin America. Significant continuity is also visible in the institutions, ideas,and perspectives about conflict and peace in Latin

America.[1] Much of the conflict in Latin America has been connected within poverty and the proper place of the poor in modern Latin American society and politics. If a scholar properly defines the poor and sheds light on the proper explanation of poverty, it becomes easier to find and solve the root causes of conflicts in Latin America.[2]

In the present day of globalization and Industry 4.0 (the 4th Industrial revolution), new threats and challenges generate new types of conflicts and violence. The list of current and future global threats and challenges has become longer since the end of the Cold War: Transnational terrorism, weapons of mass destruction (WMD), organized crime, global health epidemics, AIDS, population explosions, drought, climate change, regional conflicts, mass migrations, environmental degradation, energy insecurity, poverty, failed states, pollution, global economic crises, human rights abuses, crimes against humanity, genocide, war crimes, etc.[3] These new threats and challenges may have the capacity to reach every corner of the world. For example, climate change may have disastrous effects on the Caribbean Island nations because they may be wiped off the world map.[4] Peace and stability can be guaranteed in any state anywhere in the world, regardless of how remote and distant that international actor might be from the international system. The post 9/11 world has opened a Pandora's box of world affairs. International actors have moved towards more (neo)-realist and constructivist schools of thought that undermine any perception of regional peace and a stable future. States are more likely to look after their own interests, struggle for survival, and rely on a self-help system. The United Nations system has weakened because international actors perceive that no state should depend on anyone else for national and international security since security threats and challenges come from new types of enemies, most of which are more likely non-state and transnational. Even though many scholars believe that the importance of states has been diminishing in the international system, states may still search for alliances, collective security actions, and the United Nations system. Latin America as a sub-regional system has been developing as a zone of peace over the past thirty years.[5]

1 Sezai Özçelik. "Latin Amerika Çatışmaları ve Analizleri", İsmail Ermağan edited by *Dünya Siyasetinde Latin Amerika-2,* Ankara: Nobel Yayınevi, 2018, pp. 271-295.

2 Sezai Özçelik. "Latin Amerika ve Ortadoğu: Benzerlikler ve Farklılıklar", *Yeni Türkiye: Ortadoğu Özel Sayısı-I*, Issue: 82, year: 22, January-June 2016, pp. 306-315.

3 Sezai Özçelik. "Introduction", *International Security,* edited by Nejat Doğan, Eskişehir: Anadolu University Publication, 2019, p. 23.

4 Sezai Özçelik."Climate Change Negotiations Positions of the United States, the European Union, and the G-77 before and after the Kyoto Protocol: 1995-2002", *Enerji ve Diplomasi Dergisi,* vol. 1, no.1, issue 2, 2015, pp. 34-60.

5 Andrea Oelsner,*International Relations in Latin America: Peace and Security in the Southern Cone*, New York: Routledge, 2009, p. 1-2.

This chapter seeks to explain the shift in Latin America's level of conflict and internal violence relative to other regions in the world. It examines a single regional subsystem, Latin America within the framework of conflict and peace as well as the role of the United Nations. First, it aims to shed light on the main transformations and changes in terms of political, economic, social and cultural issues in Latin America. Second, the concept of the zone of peace is examined within the context of Latin America. The main activities of the United Nations in relation to conflict and peace are investigated in the third section. In conclusion, it underlines the lessons learned from conflict and peace processes in Latin America.

1. Main Transformations and Changes in Latin America

Latin America has traversed major changes, transformations, and shifts in the post-Cold War era. Structural changes in the region have moved many fault lines in the region. First, many scholars have been labeling Latin America as a "peace zone" in terms of interstate relations. Technically, there have rarely been military inter-state conflicts in the Latin America and the Caribbean region. It is effectively known as an "interstate peace zone." Latin America has also banned weapons of mass destruction (WMD) and declared itself a "denuclearized region."[6] Second, democracy, the rule of law and the respect for human rights have become the important and constant norm in Latin America in the last thirty years. All the countries in the region believed in the process of democratization and opened themselves to democratic possibilities. With the third democratic wave, Latin America democracy has built some basic democratic principles such as political parties, plurality, elections and the run-off rule (a second popular vote between the two leading candidates after the first round). Election results have been mostly recognized by all political actors in the electoral system. Nevertheless, public trust in democracy has been diminishing more and more in the region. Rising disaffection among citizens of Latin America has shown as a protracted decline in political legitimacy and a negative impact on a democratic co-existence.[7] The third major change in Latin America has been the economic transformations and economic boom. Because of global trade and the neo-liberal economy, significant economic growth in Latin America led to the reduction of extreme poverty and the growth of the middle class from 2003 to 2009. The second decade of the twenty-first century has seen an economic slowdown and the decline of regional and global trade. Since 2010, slow economic growth has caused the

6 F. Rojas Aravena. (2018). "Peace and Security in Latin America: New Challenges, New Directions", Ursula O. Spring and Serena E.S. Oswald (eds.), *Risk, Violence, Security, and Peace in Latin America: 40 Years of the Latin America Council of Peace Research (CLAIP)*, Switzerland: Springer, 2018, pp. 59-60.

7 Cynthia McClintock, *Electoral Rules and Democracy in Latin America*, Oxford: Oxford University Press, 2018, p. 2,

deterioration of income distribution and the rise of inequality and poverty. The governments in the region have implemented innovative policies in health and education that led to a variety of improvements in social economic indicators: access to doctors, school enrolments, infant mortality, birth rates, life expectancy, etc. in 2010 than any year in the past.[8]

Another transformation in Latin America is related to the highly diverse nature of regional integration initiatives. The region has seen numerous political and economic regional integration processes. For example, the Organization of American States (OAS), the first regional organization accepted by the United Nations (UN), and the oldest regional governance system in the world, has been an important actor in tackling the most pressing security and political regional issues. The Comunidad de Estados Latinoamericos y Caribenos (CELAC, Community of Latin American and the Caribbean), which includes every country in the region and consists of 33 nations, was established to provide "a common space aimed at deepening the cultural, economic, political and social integration of the region." The President of Nicaragua, Daniel Ortega, stated that "we are sentencing the Monroe Doctrine to death." Cuban President Raul Castro called CELAC "the biggest event in 200 years." Venezuelan President Hugo Chavez shouted "Viva Bolivar!" and said that this "new regional group revives Bolivar's dream."[9]

The last development concerns the overwhelming wave of transnational organized crime (narcos, cartels, paramilitaries, and street gangs), urban violence, and international migration. Although Latin America has a relative negative peace (the absence of war), transnational organized crime is today threatening the stability of many governments and causes internal conflicts and the lack of positive peace (the absence of structural and cultural violence). Transnational organized crime is also related to civilian deaths, human rights violations, human trafficking, international migration, corruption, bribery, and the collapse of social, economic and cultural structures.[10]

Because of corrupt political leaders, weak institutions, and the explosion of urban violence due to drug trafficking, Latin America has seen semi-collapsed conditions such as completely collapsed Haiti, the brink of failure of Colombia, Mexico, and Venezuela, and instability in

8 Peter Kingstone. *The Political Economy of Latin America: Reflections on Latin America: Reflections on Neoliberalism and Development*, New York: Routledge, 2011, p. 127.

9 Christopher Toothaker, "Chavez: New Regional Group Revive Bolivar's dream", *The Associate Press*, Dec 2, 2011, https://www.nytimes.com/2011/12/03/world/americas/venezuela-new-regional-group-meets.html

10 Ami C. Carpenter, "Gang Conflict and Drug Trafficking: Challenges and Opportunities for Conflict Resolution in Mexico and Central America", Kirsten Howarth and Jenny H. Peterson (eds.), *Linking Political Violence and Crime in Latin America*, Lanham, MD: Lexington Books,2016, pp. 27-51.

Guatemala, Nicaragua and the entire Andean region. The process of neo-liberal economic transformation has led to a social and cultural split in Latin American societies. As a result, drug cartels, violent rebel organizations and paramilitary groups have caused political violence and multi-faceted conflict with multiple players, widespread use of drugs, unequal economic growth, and a culture of violence.[11] Many extremist groups such as FARC in Colombia evolved from a Marxist-based social movement into a multimillion-dollar drug trafficking organization. The tri-border area (TBA) of Brazil, Argentina, and Paraguay has seen a rise in global terrorism in the post-September 11 era. For example, Hezbollah and Hamas have had "not only fundraising activities, but also arms and drug trafficking, smuggling, document and currency fraud, money laundering, and the manufacture and movement of pirated goods in this area."[12]

In recent years, Bolivia, Ecuador, and Venezuela have witnessed the problems of transparency, accountability and the ability to organize opposition. In Colombia, deep-rooted, protracted and ongoing conflicts between the government and FARC have threatened the regional stability and the integrity of democratic governance. In Mexico, the violent "war on drugs" and cartels have taken a heavy toll with more than 150,000 intentional homicides since 2006.[13] In almost all Latin America countries, corruption, bribery, nepotism, the lack of transparency, and human rights violations have remained unresolved, thus deteriorating stability and democracy. The rule of law has been weak and its application to the low-income citizens has been problematic.

2. A Hybrid Zone of Peace?

Peace cannot be limited only to the absence of conflict -it is more than that. It can be divided into negative peace and positive peace. Negative peace (zone of peace) is the absence of direct violence.[14] It aims to reduce, eliminate and end all physical violence as well as war. Positive peace means negative peace plus the absence of structural and cultural violence.

11 Tiffiany Howard, *Failed States and the Origins of Violence: A Comparative Analysis of State Failure as a Root Cause of Terrorism and Political Violence*, New York: Routledge, 2016, p. 114.

12 US State Department, Office of the Coordinator for Counterterrorism, *Country Report on Terrorism 2011*, July 2012; Matthew Levitt, "South of the Border, A Threat from Hezbollah", The Journal of International Security Affairs, https://www.washingtoninstitute.org/uploads/Documents/opeds/Levitt20130515-JISA.pdf

13 CNN, "Mexico Drug War Fast Facts", July 16, 2018. https://edition.cnn.com/2013/09/02/world/americas/mexico-drug-war-fast-facts/index.html

14 Ayşe Dilek Öğretir Özçelik. "Explanation and Understanding of Human Aggression: Freudian Psychoanalytical Analysis, Fromm's Neo-Freudian Perspectives, and Bandura's Social Learning Theory", *International Journal of Social Science and Economic Research*, vol. 2, no.1, January 2017, pp. 2151-2164. http://www.ijsser.org/uploads/ijsser_02__133.pdf; Ayşe Dilek Öğretir Özçelik."Aggression Theories Revisited: Lorenz's Instinctivism, Wilson's Socio-biology, and Skinner's Behavioral Theories, *Journal of Asian Scientific Research*, vol. 7, no.2, pp. 38-45. http://www.aessweb.com/pdf-files/JASR-2017-7(2)-38-45.pdf

Violence is traditionally understood as the infliction of bodily harm with the intent to cause harm. Direct violence involves intentionally hurting or killing people and is directed against a specific group or person. It also incorporates verbal violence.[15] Structural violence occurs when people can be killed, psychologically harmed, deprived or maldeveloped because of violent political or socioeconomic structures.[16] Cultural violence is the use of nationalism, racism, sexism, Islamophobia, xenophobia, and other forms of discrimination in the media, the arts, education, literature, films, street names, monuments, celebration of special national days and heroes, etc. to intellectually justify direct and structural violence.[17]

The relative security of Latin America results from legalistic and multilaterally institutionalized interactions between states and policy-makers in the region. The regional order is stable and the regular actors have regular patterns of interactions. It can be shaped by a unique Latin America identity, a shared understanding of peaceful conflict resolution, and an emphasis on growth and development. It aims to diminish the effects of great powers - namely the United States and the Soviet Union - in the region. Latin America's long period of peace can be explained by a number of factors: (1) after a first post-independence period, nation states were successfully consolidated when the border wars such as the Paraguayan War (1864-1870) and the War of the Pacific (1879-1883) were settled, (2) a powerful mediatory and legalistic culture has been expanded, and (3) the independent nation-states in the region have had much higher power[18] Another important factor in Latin America regional peace is the use of the tradition of peaceful resolution of disputes by the application of the principle *uti possidetis ita possideatis*[19] that helps to establish the shared vision of regional security governance.[20]

For many scholars, Latin America is categorized as a "zone of peace" in terms of the absence of interstate wars. Yet some scholars argue that it is a hybrid zone of peace because it is a violent place in terms of the presence of intra-city and inter-city violence, guerrillas,

15 Johan Galtung and Dietrich Fischer. *Johan Galtung: The Pioneer of Peace Research*, Dordrecht: Springer, 2013, p. 12.

16 Johan Galtung. "Violence, Peace, and Peace Research", *Journal of Peace Research*, vol. 6, no. 3, 1969, pp. 167-191.

17 Johan Galtung."Cultural Violence", *The Journal of Peace Research*, 27(3), 1990, pp. 291-305.

18 Arie M. Kacowicz. *Zone of Peace in the Third World: South America and West Africa in Comparative Perspective*, Albany, NY: SUNY Press, p. 39.

19 *Uti possidetis ita possideatis* means "as you possess, so may you possess." Uti possidetis de jure doctrine is defined as "old administrative boundaries will become international boundaries when a political subdivision achieves independence." Paul R. Hansel, et al. "The Colonial Legacy and Border Stability: *Uti Possidetis* and Territorial Claims in the Americas", http://paulhensel.org/Research/io05.pdf

20 Arie M. Kacowicz. *The Impact of Norms in International Society: The Latin America Experience, 1881-2001*, Notre Dame, IN: University of North Dame Press.

gang violence, youth violence, and drug traffickers that make it the highest urban violence rated region on Earth.[21] As a region, Latin America is integrated into pluralistic international society and has a regional balance of power. Second, many conflicts related to territorial issues and natural resources have been resolved; yet, positive peace has not been achieved since structural and cultural violence has continued despite being in the 21st century. Third, both old and new regional institutions, norms, and regimes may help to find a peaceful solution to disputes and conflicts. However, organized crime and urban violence have become a real threat and a challenge for regional stability and harmonized relations. Fourth, the democratic peace theory can be applied to Latin America since regional democratic countries maintain sustainable development and economic interdependence that prevent wars as well as democratic institutions and public opinion constraining the policy-makers' use of force.[22]

The idea of the zone of peace for the Latin America region has come into existence not for the states within the region but for the superpowers during the Cold War. It was also based on the rejection of the use of force to resolve inter-state conflicts and border disputes. Many Latin American politicians and statesmen have claimed that political and economic integration and federalism may cause the denial of the use of force and common security approaches in the region. For example, Simon Bolivar, who is labeled as the Ataturk of Latin America, established Gran Colombia (present-day Venezuela, Ecuador, Colombia). The Central American societies created the United Provinces of Central America after independence. Peru and Bolivia formed a confederated state.[23] Another reason why Latin America limits the use of force is related to the "hegemonic peace hypothesis" that U.S. hegemony causes interstate peace in Latin America. Since it is considered America's backyard, U.S. capabilities,and interests constrain the conflictual behaviors and attitudes of both international and regional actors. The hegemonic role of US is to promote and maintain intra-regional peace in Latin America.[24] The third reason is the long tradition of using non-violent means - namely mediation, arbitration and third-party intervention (especially the OAS) - in Latin America conflicts. The Latin Americans have made arbitration, legal institutions and

21 Federico Merke. "The Primary Institutions of the Latin American Regional Interstate Society", Paper Presented at the IDEAS Latin America Programme, LSE, London, Thursday 27 January 2011, http://repositorio.udesa.edu.ar/jspui/bitstream/10908/488/1/%5bP%5d%5bW%5d%20DT11FedericoMerke.pdf

22 Rafael D. Villa. "Security Community or Balance of Power?: Hybrid Security Governance in Latin America", Marcial A.G. Suarez et al., *Power Dynamics and Regional Security in Latin America*, New York: Palgrave MacMillan, 2017, p. 82-83.

23 David R. Mares. *Violent Peace: Militarized Interstate Bargaining in Latin America*, New York: Colombia University Press, 2001, p. 47.

24 F. E. Martin. *Militarist Peace in Latin America: Conditions for War and Peace*, New York: Palgrave, 2006, p. 79.

international law important components of *Pax Latin Americano* as well as the respect for non-intervention of foreign powers, mutual cooperation, non-interference in domestic affairs, and the peaceful settlements of disputes among the American nations.[25] The fourth reason is the lack of ethnic and religious conflict in Latin America due to the homogeneity of Latin America societies. Although Latin America has suffered from ethnic and racial inequality, ethnocentric[26] world-views, the marginalization of many indigenous people and crime-based conflicts (gang violence, drug trafficking, urban violence, and human trafficking), it still remains immune from ethnic conflicts and internal violence.

3. The United Nations in Latin America

The United Nations has given a forum to Latin America countries. They have played a far greater role in the UN than in the League of Nations. With the increase of economic, environmental and technical organizations in the post-war era, the great powers ask for the cooperation of Latin America countries. However, most of the time, Latin American states had no military and economic power to help deliver common security across the globe. Similarly, the United Nations have rarely become involved in conflicts and violence in Latin America. One reason is that the United Nations has given priorities to other more urgent and newer violent conflicts elsewhere in the world. Second, the UN has mostly subcontracted any conflicts or crises into the United States as a regional hegemon. The U.S. has urged others take care of their "own backyard." The UN has also depended on the OAS in order to have played an active role in conflict management in the region for well over seventy years.[27]

Latin America countries have played a pivotal role in peacekeeping operations all over the world. Since Simon Bolivar, who was known as the Liberator, and the Congress of Panama, Latin American countries have participated in international organizations, supported the League of Nations, and most of them were the founding members of the United Nations in 1945.[28] The first time that South American countries were involved in a security cooperation initiative was to guarantee the League of Nations mandated peace after the Chaco War (1932-35) between Bolivia and Paraguay by the establishment of the Neutral Military Commission.

25 Juan Pablo Scarfi. "In the Name of the Americas: The Pan-American ;Redefinition of the Montroe Doctine the Emerging Language of American International Law In the Western Hemisphere, 1898-1933", *Diplomatic History*, 40, April 2016, p. 206.

26 Ayşe Dilek Öğretir and Sezai Özçelik. "The Study of Ethnocentrism, Stereotype, and Prejudice: Psycho-analytical and Psycho-dynamic Theories", *Journal of Qafqaz University*, vol. 24, Fall 2008, pp. 236-244.

27 Carolyn M. Shaw. "Conflict Management in Latin America", Paul F. Diehl and Joseph Lepgold (eds.), *Regional Conflict Management*, Lanham: Rowman and Littlefield Publishers, 2003, p. 135.

28 John T. Fishel. "Latin America: Haiti and Beyond", Donald C.F. Daniel et al., *Peace Operations: Trends, Progress, and Prospects*, Washington D.C.: Georgetown University Press, 2008, p. 153.

The Latin American troops were provided by Argentina, Brazil, Chile, Peru, and Uruguay to monitor the ceasefire, to evacuate military materials and weapons, to set demarcation lines, and to supervise the exchange of prisoners of war.[29] Uruguay lists this peacekeeping operation (PKO) as the first one for more than ninety years of PKO experience. In recent years, Latin America has evolved from peacekeeping recipients to peace exporters by increasing troop contributions by region from 2.5% in 2000 to 8.9 % in 2010. Uruguay is also ranked first in Latin America and eighth in the world by troop contribution with 20,394 soldiers in 2010.[30] The first reason why Latin American countries have increased their participation in the UN PKOs is that they expect to obtain some financial gains. Second, with the rise of globalization and neo-liberalism, Latin American societies have begun to take strong positions on global peace and security issues. Third, the wave of democratization, the desire to reform the military in the post-*coup d'etat* period, respect for human rights, the validity of international law, multilateralism, non-intervention, and peaceful conflict resolution are some overwhelming principles of the majority of Latin America population, societies and governments. Fourth, major Latin American powers such as Brazil and Argentina have evolved from the realist thinking of regional power politics to the neo-functionalism and neo-liberalism that advocate supranational forms of cooperation, the accommodation of a domestic political agenda, regional integration and new activism on a global scale.[31]

The contributions of Latin American states into the UN PKOs begun when Argentine and Chilean observers were sent for the deployment in the United Nations Truce Supervision Organization (UNTSO) in 1948. The Chilean and Uruguayan observers were deployed in the United Nations Military Observer Group in India and Pakistan (UNMOGIP) in 1949.[32] Some South American states played prominent and leading roles in nearly all of the UN's PKOs during the Cold War and the post-Cold War period: Brazil and Argentina contributed military personnel to the UN Operation in Congo (ONUC) between 1960 and 1964. Brazilian generals served as chief observers in the first UN Verification Mission in Angola (UNOVEM I) between 1988 and 91 and as a force commander of the UN Operation in Mozambique (ONUMOZ)

29 D. Marcondes de Souza Neta. "Regional Defense Integration and Peacekeeping Cooperation in the Southern Cone", Kai Michael Kenkel (ed.), *South America and Peace Operations: Coming of Age*, New York: Routledge, 2013, p. 70.

30 Arturo Sotomayor. "Latin America's Experience with Peace Support Operations: From Peacekeeping Recipients to Peace Exporters", David R. Mares and Arie M. Kacowicz (eds.), *Routledge Handbook of Latin American Security*, New York: Routledge, p. 325-26.

31 Rut Diamint. "From Fear to Humanitarianism: Changing Pattern in Argentina's Involvement in Peace Operations", Kai Michael Kenkel (ed.), *South America and Peace Operations: Coming of Age*, New York: Routledge, 2013, pp. 132-150.

32 Paul Kennedy. *The Parliament of Man: The Past, Present, and Future of the United Nations,* New York: Random House, 2006, p. 258.

from February 1993 to February 1994. Both Brazil and Argentina sent troops to UNAVEM I; Argentina, Brazil, and Colombia actively involved in UNAVEM II (May 1991-February 1995); and Brazil and Uruguay contributed to UNAVEM III (February 1995-June 1997). Argentina, Brazil, and Uruguay sent troops to ONUMOZ (January 1993-December 1994).[33] Argentina has contributed two force commanders to the UN Peacekeeping Force in Cyprus (UNFICYP) and a battalion to the UN Protection Force (UNPROFOR) in Bosnia-Herzegovina.

The role of the UN in Latin America has been disappointing during the Cold War. In order to ensure regional conflict resolution, the U.S. proposed an idea to establish a permanent regional alliance that was set up in 1947 at the Pan-American Conference held in Rio de Janeiro. The Inter-American Treaty for Reciprocal Assistance - known as the Rio Treaty or Rio Pact - was heralded as the prototype of the North Atlantic Treaty Organization (NATO) in 1949. Article 3 of the Rio Treaty is similar to the famous line from the Three Musketeers, "all for themselves and none for all" that the OAS collective security mechanism[34]: "an armed attack by any State against an American state shall be considered as an attack against all the American States." In accordance with UN Charter article 52-54, the informal Pan-American system evolved into a new political institution with a permanent headquarters and staff: The Organization of American States (OAS). The Charter of the OAS confirmed the equality of its member states and a guarantee of the principle of non-intervention. The OAS is in compliance with the UN Charter that re-affirm the Monroe Doctrine and the Inter-American system.[35] The most significant and major Latin American PKO was the Inter-American Peace Force that was deployed in the Dominican Republic in 1965 under the auspices of the OAS. The unilateral U.S. intervention together with the approval of 14 other OAS members aimed to end an internal conflict between the Loyalist (provisional government) and the Constitutionalist (rebel) forces. The OAS resolution was rejected only by five OAS members. Brazil, Honduras, Nicaragua, Paraguay, Costa Rica, and El Salvador sent their troops to the mission.[36]

The UN is usually involved in the peaceful resolution of interstate rather than internal and intra-state conflicts. For the first time in UN history in January 1992, the international

33 D.M. de Souza Neta. "A Renewed Partnerhsip?: Contemporary Latin America-Africa Engagement", Dawn Nagar and Charles Mutasa (eds.), *Africa and the World: Bilateral and Multilateral International Diplomacy*, New York: Palgrave MacMillan, 2018, p. 227.

34 Alexander Orakhelashvili. *Collective Security*, Oxford: Oxford University Press, p. 76.

35 Joseph Smith. *The United States and Latin America: A History of American Diplomacy, 1776-2000*, New York: Routledge, 2005, p. 115.

36 Larman C. Wilson and David W. Dent. "The United States and the OAS", David W. Dent (ed.), *U.S.-Latin American Policymaking: A Reference Handbook*, Westport, CT: Greenwood Press, 1995, p. 31.

organization played a mediator role to end the intractable and deep-rooted conflict between the El Salvador government, led by President Alfredo Cristiani, and the guerrilla group, the Farabundo Marti National Liberation Front (FMLN). It was the first peace-building mission of the UN. The experience and involvement of UN in regional peace in Latin America has been very little and rare.[37] The result was the establishment of the United Nations Observer Group in El Salvador (ONUSAL)

It is interesting to note that the UN's first Latin American secretary general, Javier Perez de Cuellar, drew more attention from the UN into the region as soon as he came to office in 1982. The Cantadora group was created in 1985 in order to promote a political climate for peace, security and democracy in Latin America that was backed by the Organization of American States (OAS), the UN and the Central American governments. In order to start the peace process in Central America, the secretary-generals of the UN and the OAS visited five Central American countries in January 1987. Following this visit, despite the opposition of the Reagan administration, Oscar Arias proposed a revival of the peace process in Esquipulas, Guatemala in February 1987. Esquipulas II moved the process in the second stage in August 1987.[38]

The main transformation peace process, the Arias Plan, also aimed to reduce local conflicts and build regional security. It was drafted by the president of Costa Rica, Oscar Arias, who was awarded the Nobel Peace Prize in December 1987.[39] The Arias Plan was agreed following a framework to work with all conflicting parties: "regional reconciliation, political amnesty, the democratization of the region, and an end to foreign or domestic support for insurgency movements, a call for free elections, and no aggressions by one state against another."[40] After the signing of Central American peace agreements, the CIAV (International Commission of Support and Verification) was established with the participation of both UN and OAS in August 1989. In addition, the United Nations Observer Group in Central America (ONUCA) was approved by the UN Security Council in November 1989. The first deployment of UN peacekeeping in Latin America took effect on December 1989.

37 Teresa Whitfield. "The Role of the United Nations in El Salvador and Guatemala: A Preliminary Comparison", Cynthia Arnson (ed.), *Comparative Peace Processes in Latin America*, Standford, CA: Standford University Press, 1999, pp. 257-290.

38 Joseph Smith. *Historical Dictionary of United States-Latin American Relations*, Lanham, MD: The Scarecrow Press, 2007, p. 12.

39 Carlos A. Romero. "Exporting Peace by Other Means: Venezuela", Jorge I. Dominguez (ed.), *International Security and Democracy: Latin America and the Caribbean in the Post-Cold War Era*, Pittsburg, PA: University of Pittsburgy Press, 1998, p. 155.

40 Jack Child. *The Central American Peace Processes, 1983-1991: Sheathing Swords, Building Confidence*, Boulder: Lynne Rienner, 1992, p. 48.

Its primary mandate was to monitor the Honduran-Nicaraguan border. ONUCA was commanded by the Spanish general and included 255 military observers from a dozen countries and a battalion of Venezuelan para-troopers.[41]

ONUCA has faced some limitations and challenges. First, there was a lack of intelligence-gathering that affected ONUCA's monitoring activities. Second, the operation had logistical and administrative problems and started late. Third, ONUCA's mandate required only voluntary demobilization. As a result, it is unclear how many guerrilla forces gave up their weapons. Fourth, there is a lack of effective coordination among different institutions, namely ONUCA, UN agencies, and OAS. ONUCA also showed some innovations in UN peacekeeping in general. First, it is the first UN peacekeeping operation with the disarmament, demobilization, and re-integration (DDR) mandate. It is also the first example to supervise elections in the sovereign nation-state. Another innovation is to combine both naval and helicopter patrols. The fourth innovation is that it uses a general verification and confidence building mission to monitor cross-border rebels (nearly 23,000 fighters) and weapons movement among five Central American countries. In essence, ONUCA is a success story for solving the main security issues between Nicaragua and Honduras.[42]

Also, there is a conflict resolution and peacekeeping model of the involvement of two international organizations, the UN and the OAS in Latin America. The example was an election-observation mission for the February 1990 Nicaraguan election. President Ortega called for international observers to monitor the whole electoral process for free and fair elections. The UN Security Council voted to approve the UN Observer Group for the Verification of Election in Nicaragua (ONUVEN, in Spanish). The OAS General Assembly also formally approved the OAS Observer Group to monitor the electoral process in Nicaragua in November 1989 (AG/RES.993). The OAS observer team was composed of a total of 433 OAS observers that came together from the staff of the OAS General Secretariat and other agencies. In August 1989, the OAS observers were disseminated across nine voting districts in Nicaragua.[43]

Both ONUVEN and OAS have exercised common authority to guarantee fair, free and successful election processes and outcomes in Nicaragua. Also, the Carter Center has been involved in the process. In nine regions, OAS election offices staffed by two people listened

41 David W. Dent and Larman C. Wilson. *Historical Dictionary of Inter-American Organization*s, Lanham: Scarecrow Press, 2014, p. 88-89.

42 Joachim A. Koops, "United Nations Observer Group in Central America (ONUCA)", Joachim A. Koops et al., *The Oxford Handbook of United Nations Peacekeeping Operations*, Oxford: Oxford University Press, 2015, p. 311.

43 Yves Beigbeder. *International Monitoring of Plebiscites, Referanda and National Elections: Self Determination and Transition to Democracy*, Netherlands: Martinus Nijhofff Publishers, 1994, p. 234.

to complaints about the elections. Their works focused on observing the registration process and incidents of intimidation in different parts of the country. By the end of the process, several hundred complaints had been received, most of which were related to voter registration procedures, election rules, media issues, and campaign activities. One example was free and fair access to the media.[44] State-run TV created an opportunity for all political parties to air their views. However, broadcasts did not reach the whole country. Certain TV staff, who were allegedly Sandinista sympathizers, intimidated the UN staff who were working to solve the problem. After the direct intervention of Ortega and the head of the Supreme Electoral Council, the UN representatives were able to correct the TV broadcasting.[45]

LAST WORDS

The conflicts during the Cold War in Latin America are characterized by a series of overlapping conflicts. They can be explained within four interrelated issues. First, the perpetual clash over domestic arrangements and internal power structures have produced cycles of repression, resistance, and instability. Second, the U.S. power in Latin America has caused persisting tensions concerning the nature of inter-American relations. Third, the emergence of the North/South divide and the Third World has given birth to social tension and ideological split in society. Fourth, two superpowers, the U.S. and the Soviet Union, have played a zero-sum game in the global South to achieve political, strategic and ideological hegemony.[46]

It is necessary to summarize the reasons for the hybrid zone of peace in Latin America. First, the United States as a global hegemon and Brazil as a regional hegemon have played a balancer role to counter external threats towards the region. Second, two regional balance of power eras, 1883-1930 and 1970-80, have been crucial for the maintenance of regional peace. Third, the idea of Bolivarianism believes that a loose confederation among the Central and South American countries prevents external threats. In order to inhibit first the European then the U.S. threat of intervention, many Latin American countries have settled their conflicts and border disputes within the principle of non-intervention and peaceful settlement of the dispute. Fourth, a regional balance of power among Brazil, Argentina, Chile and Peru – the Pax Brasiliana or Pax Americana - is caused by the geographic isolation, the lack of interaction, economic and political irrelevance, weak military powers and underdeveloped

44 Kevin Pallister. *Election Administration and the Politics of Voter Access*, New York: Routledge, 2017, pp. 124-148.

45 Manuel Orozco. *International Norms and Mobilization for Democracy: Nicaragua in the World*, New York: Routledge, 2002.

46 Hal Brands, *Latin America's Cold War*, Cambridge, MA: Harvard University Press, 2010, p. 255.

economies. Fifth, the trend of democratization in the early 1980s and the transition from authoritarian to liberal/democratic regimes in Latin America has explained the low level of international conflicts and high level of political stability and normative consensus on stable peace. Sixth, there is an empirical link between the economic development, growth, and prosperity and neoliberal economic transformations with the *Chicago Boys* and the absence of wars. Although dependence theories may shed light on the lack of economic development in Latin America, the pursuit of economic growth with neoliberalism may have a pacifying effect in the region. Seventh, economic interdependence, the institutionalization of mutual cooperation, and regional integration such as MERCOSUR and the Andean Pact are important forces for regional peace. Eighth, the reason why the use of force is absent in Latin America's international relations is related to diplomatic culture, common historical and cultural backgrounds, distinctive regional solidarity and identity, and exceptionalism about a peaceful settlement of international disputes via arbitration, mediation, bilateral negotiations, and third party interventions. Ninth, Latin Americans are satisfied with the territorial status quo because the principle of *uti possidetis* has become a rule after regional wars during the last decades of the 19th and the first two decades of the 20th centuries.[47]

It is important to highlight the lessons learned from the peace process in Latin America. First, after prolonged negotiations and third-party interventions, the guerrillas have gone from freedom fighters or terrorists to political players in the democratic process. We have also learned that negotiating and signing a peace agreement is only the first step. The most important thing is the commitment, fulfillment, and implementation of the peace treaty, namely post-conflict peace-building, and post-conflict reconstruction not only short-term political and economic stabilization but also long-term state recovery and positive peace. Second, successful transition to peace in Latin America requires the DDR involves the elimination of post-conflict security challenges by the reintegration and the resettlement of displaced persons in order to end violent conflict. Peace in Latin America needs to have a process of reinforcing mutual confidence and financial support for the open and inclusive state. Third, Latin American countries such as Southern Cone (Argentina, Brazil, Uruguay, and Paraguay) have experienced transitions from military dictatorship to democracy as well as political, economic and social structures. Fourth, another transition in Central America (El Salvador, Guatemala, Honduras, Nicaragua, and Panama) has been to end revolutionary movements by laying down arms and building more open and democratic societies. The post-Cold War Latin America has seen an end of the following internal conflicts: The Zapatista in

47 Arie M. Kacowicz. *Zone of Peace in the Third World: South America and West Africa in Comparative Perspective*, Albany, NY: SUNY Press, p. 89-122.

Chiapas Mexico, the Shining Path (Sendero Luminoso) and the Tupac Amaru Movement in Peru, the Sandinistas in Nicaragua, the URNG (La Unidad Revolucionaria Nacional Guatemalteca) in Guatemala, and the FMLN (Farabundo Marti para la Liberacion Nacional) in El Salvador.[48] Fifth, ethnic rivalries and religious conflict are not common in Latin America unlike regions of sub-Saharan Africa, the Middle East, and Southeast Asia. Given that most of the internal conflicts were caused by proxy wars of the bipolar international system, stability and peace mostly depended on external factors and actors.[49] When the Cold War ended, international actors such as the UN played an essential role to sustain stability and support peace processes, especially in Central America. Conflict resolution and peace-building in Latin America have required bringing together conflicting parties by using neutral facilitating and mediating role of international actors such as the UN and the regional power brokers such as Costa Rican President Oscar Arias Sanchez.

Latin America has had a unique regional conflict management approach in accordance with the United Nations. Most regions in the world have not used legal peace-making approaches and institutions. But Latin America countries often resort to international arbitration to find a solution for their territorial disputes. Second, the region has mostly applied economic sanctions not as symbolic actions, such as the Arab states boycott of Israel and the Organization of African Union (OAU) sanctions against apartheid South Africa, but as the main tools to force the conflicting parties to meet at the table for negotiation and mediation.[50] Third, non-governmental organizations such as Amnesty International, International Crisis Group, the Carter Center, and the Centre for Humanitarian Dialogue in Switzerland have increasingly been used in various aspects of conflict resolution such as critical services, humanitarian relief, refugee resettlement, infrastructure development, grassroots activities, and coordinating citizen diplomacy. Also, training activities aim to direct action, assist skills transfer, and institution building. Insider partial third party intervention promotes cooperative relationships with local actors and combines with local peace-making traditions and modern conflict resolution tools.[51]

48 Nat Colletta et.al. "Toward an Architecture for Sustainable Peace and Development: Lessons from the World Bank's Experience", Andres Solimano (ed.), *Colombia: Essays on Conflict, Peace, and Development*, Washington D.C.: World Bank, 2000, pp. 159-160.

49 Sezai Özçelik. "The Cold War Re-visited: Explaining and Understanding of the End of the Cold War", *The Turkish Yearbook of International Relations*, vol. 49 (1), 2018, pp. 1-20. http://dergiler.ankara.edu.tr/dergiler/44/2259/23496.pdf

50 Paul F. Diehl. "Conclusion: Patterns and Discontinuities in Regional Conflict Management", Paul F. Diehl and Joseph Lepgold (eds.), *Regional Conflict Management*, Lanham: Rowman and Littlefield Publishers, 2003, p. 278.

51 Jacob Bercovitch and Richard Jackson. *Conflict Resolution in the Twenty-first Century: Principles, Methods, and Approaches*, An Arbor, MI: University of Michigan Press, 2009, p. 11.

If we look back the last 200 years of history in Latin America, we can conclude that the first 100 years have seen the independence of the region and relatively many inter-state conflicts and border disputes while the last 100 years have witnessed an absence of war and a relatively long period of peace. The security and conflict problems have mostly been taken care of by the inter-American regional organization, the OAS. There have been some successful and some failed attempts to address security, economic, social and cultural issues through regional and sub-regional organizations: the Community of Andean Nations (CAN), Bolivian Alternative for Our Americas (ALBA, meaning "dawn" in Spanish), Union of South American States (UNASUR), Community of Latin American and Caribbean States (CELAC), MERCOSUR (Southern Common Market), Free Trade of Areas of Americas (FTAA), Central American Common Market (CACM), etc. These new regional institutions have shown that the unipolar U.S. dominance has diminished and multi-polarity and the influence of other international actors (the EU and China) have grown in the first decade of the 21st century. Regional organizations in Latin America are everywhere and have multiplied with overlapping functions and segmenting territories. However, this does not always lead to supra-national institutions like the EU or technocratic elites like the EU technocrat. Although territorial boundary conflicts are rare in Latin America, there is still a possibility that maritime borders might become more prominent in terms of geo-economics interests and natural resources.[52]

The Latin America countries have benefited from the United Nations by reaching positive peace, namely through economic growth and transformation as well as sustainable development. With the help and support of the UN agencies such as the United Nations Development Programme (UNDP), World Food Programme (WFP), United Nations Children Fund (UNICEF), United Nations Populations Fund (UNFPA), and the United Nations Enviromental Programme (UNEP), the Latin America countries have improved their basic nutrition, primary education, preventative health care, the promotion of gender equality, and the preservation of natural environments. The UN has played a vital role in global and regional environmental problems in Latin America in the last decade. Since the Amazon region is very important for global climate change, the UN initiatives have focused on the reduction of air pollution in large Latin American cities and the promotion of the use of renewable energies. UNEP, which specifically established support for combating global environmental threats, has also implemented regional programs on land use planning, forest management, protection of fresh water and marine resources, the strengthening of public

52 Andres Malamud and Luis L. Schenoni. "Neoliberal Institutionalism and Neofunctionalism in Latin American Security Studies", David R. Mares and Arie M. Kacowicz (eds.), *Routledge Handbook of Latin American Security*, New York: Routledge, 2016, pp. 44-56.

sector capacity, the training of government officials, and the improvement of environmental regulations and laws.[53] In the long term, the UN has helped each Latin America nation to use its resources more effectively, to meet human needs, to have fewer public health problems, to raise attendance and performance of children in school and to increase the productivity and capacity of adults in the workplace.

It is necessary to emphasize that South America countries have increased their contribution and participation of collective security measures, namely the United Nations peace-keeping operations (PKOs). The first important factor regarding South America's common and shared peacekeeping culture is the strong normative elements on broad defence and foreign policy and the policy coordination of peacekeeping operations.[54] As the Cold War ended in Europe almost without any major conflicts, and superpower cooperation on conflict resolution and peacebuilding has risen to an all time high, the United Nations has effectively undertaken the peaceful resolution of regional conflicts in the Latin America region. Likewise, the UN Secretery Generals have been posted at the right place at the right time for good office missions. For example, Javier Perez de Cuellar's individual abilities were effective in the resolution of Central America's peace process. Similarly, Boutros Boutros-Ghali was involved in 75 good office and fact-finding missions and visited 23 states including some Latin America countries. In addition, special representatives of the UN Secretary General such as Jean Arnault and Alvaro de Sato have performed important roles to mediate peace settlements in Guatemala and El Salvador. In addition to UN organs such as the Security Council and the Secretary General, regional bodies and organizations such as the OAS and other Latin America regional organizations have been used within the explicit mandate the UN Charter to help their members to peacefully find resolutions to their conflicts. Also, groups of states have formed loose ad hoc groupings with the objective of providing diplomatic assistance for peaceful solutions of conflicts between or within other states under UN auspices. For example, the UN has become a peace broker via the Contadora group which was formed by the foreign ministers of a number of Central and Latin American states.[55]

In Latin America, the UN has had a mixed record of success in finding peaceful resolutions to conflicts that threatened regional peace and security. The success of the UN diplomatic

53 Francis Adams, *The United Nations in Latin America: Aiding Development*, New York: Routledge, 2010, pp. 81-92.

54 Kai Michael Kenkel. "Conclusions: Securing South America's Peace Operations acquis post-MINUSTAH", Kai Michael Kenkel (ed.), *South America and Peace Operations: Coming of Age*, New York: Routledge, 2013, pp. 188-201.

55 Gary Wilson, *The United Nations and Collective Security*, New York: Routledge, 2014, p. 81.

efforts in Latin America has mostly depended on the existence of conducive political circumstances to facilitate the dispute settlement. Under UN Charter Chapter VII, the Security Council can be effective only if the conflicting parties are willing to submit themselves fully the possibility of peaceful settlement. Moreover, the UN collective security system has evolved into more robust and creative measures especially during the 21st century in Latin America.

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